

SECOND REPORT

FROM THE

SELECT COMMITTEE

ON

C E Y L O N ;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

[COMMUNICATED FROM THE COMMONS TO THE LORDS.]

Ordered to be printed 9th May 1851.

Lunæ, 11° die Februarii, 1850.

Ordered, THAT a Select Committee be appointed to Inquire into the Grievances complained of in CEYLON, in connexion with the Administration and Government of that Colony, and to Report their Opinion whether any Measures can be adopted for the Redress of any Grievances of which there may be shown just reason to complain; and also, whether any Measures can be adopted for the better Administration and Government of that Dependency.

And a Committee was appointed of—

Mr. Baillie. Sir R. Peel. Mr. Charles Villiers. Mr. Adderley. Lord Hotham. Mr. Hume. Sir J. Hogg. Mr. Disraeli.	-	Mr. Wilson. Mr. M'Cullagh. Sir J. Walmsley. Mr. Gladstone. Mr. Hawes. Mr. S. Wortley. Major Blackall.
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Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the said Committee.

Jovis, 14° die Februarii, 1850.

Ordered, THAT the Minutes of the Evidence and Papers produced before the Select Committee on Ceylon, in the last Session of Parliament, and the Petitions presented to The House on the same subject, be referred to the present Committee.

Martis, 19° die Februarii, 1850.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them from time to time.

REPORT	-	-	-	-	-	-	-	p. iii
MINUTES OF EVIDENCE	-	-	-	-	-	-	-	p. 1
APPENDIX	-	-	-	-	-	-	-	p. 356
INDEX	-	-	-	-	-	-	-	p. 551

R E P O R T.

THE SELECT COMMITTEE appointed to Inquire into the Grievances complained of in CEYLON, in connexion with the ADMINISTRATION and GOVERNMENT of that COLONY, and to Report their Opinion whether any Measures can be adopted for the Redress of any Grievances of which there may be shown just reason to complain ; and also whether any Measures can be adopted for the better Administration and Government of that Dependency, and to whom the MINUTES OF THE EVIDENCE and PAPERS produced before the Select Committee on CEYLON in the last Session of Parliament, and the Petitions presented to The House on the same subject, were referred, and who were empowered to Report from time to time :

HAVE further considered the Matters referred to them, and have agreed to Report the MINUTES OF EVIDENCE taken before them in the last Session. and the Papers presented to them, to The House.

4 March 1850.

 LIST OF WITNESSES.

<i>Martis, 5° die Junii, 1849.</i>		<i>Jovis, 5° die Julii, 1849.</i>	
George Ackland, Esq. - p.	1	Frederick Saunders, Esq. - p.	208
<i>Veneris, 8° die Junii, 1849.</i>		Captain Henry Charles Bird - p.	217
George Ackland, Esq. - p.	28	<i>Martis, 10° die Julii, 1849.</i>	
Thomas Young M'Christie,		Henry Lewis Layard, Esq. - p.	225
Esq. - - - p.	47	Philip Edmond Wodehouse,	
<i>Martis, 12° die Junii, 1849.</i>		Esq. - - - p.	247
Sir T. Herbert Maddock - p.	49	<i>Jovis, 12° die Julii, 1849.</i>	
<i>Jovis, 14° die Junii, 1849.</i>		Philip Edmond Wodehouse,	
Sir T. Herbert Maddock - p.	76	Esq. - - - p.	255
<i>Martis, 19° die Junii, 1849.</i>		Jonathan Forbes, Esq. - p.	269
Philip Edmond Wodehouse,		<i>Martis, 17° die Julii, 1849.</i>	
Esq. - - - p.	97	Major Thomas Skinner, pp.	278. 305
<i>Jovis, 21° die Junii, 1849.</i>		George Ackland, Esq. - p.	299
Philip Edmond Wodehouse,		<i>Jovis, 19° die Julii, 1849.</i>	
Esq. - - - p.	124	Thomas Young M'Christie,	
<i>Martis, 26° die Junii, 1849.</i>		Esq. - - - p.	307
The Hon. Gerald Talbot - p.	149	<i>Veneris, 20° die Julii, 1849.</i>	
<i>Jovis, 28° die Junii, 1849.</i>		Thomas Young M'Christie,	
The Right Hon. Sir David		Esq. - - - p.	319
Dundas, M.P. - - p.	176	<i>Martis, 24° die Julii, 1849.</i>	
<i>Martis, 3° die Julii, 1849.</i>		Thomas Young M'Christie,	
Philip Edmond Wodehouse,		Esq. - - - p.	337
Esq. - - - p.	188	Philip Anstruther, Esq. - p.	343
		<i>Jovis, 26° die Julii, 1849.</i>	
		Philip Anstruther, Esq. - p.	355

MINUTES OF EVIDENCE.

Martis, 5^o die Junii, 1849.

MEMBERS PRESENT.

Mr. Hawes.
Lord Hotham.
Mr. Disraeli.
Mr. M^cCullagh.
Mr. Adderley.
Mr. Wilson.
Sir Robert Peel.

Mr. Hume.
Sir James Hogg.
Mr. Gladstone.
Major Blackall.
Mr. Stuart Wortley.
Sir Joshua Walmsley.
Mr. Villiers.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

George Ackland, Esq., called in; and Examined.

2968. Mr. *Hume.*] HAVE you been resident in Ceylon for any time?—I have been resident in Ceylon since 1827, more or less; I have paid several visits to England during that time.

G. Ackland, Esq.

5 June 1849.

2969. In what capacity did you reside there?—As a merchant.

2970. Have you been a member of the Legislative Council?—Yes, upon two occasions.

2971. When were you appointed, and for what periods?—I was appointed in 1837 by the local Government, upon the recommendation of the merchants, and again in 1847.

2972. Were you in the colony as a merchant or a planter?—As a merchant.

2973. When did you leave the colony?—In June last year I left the colony last.

2974. Did you address a letter to Lord Glenelg, when first you entered the council, respecting the affairs of the colony?—It was before I entered the council that I addressed a letter to Lord Glenelg. It was, in fact, upon Mr. Stewart Mackenzie's appointment as Governor that I received an application from Mr. Stewart Mackenzie that I would make him acquainted with those circumstances of the government of the colony upon which it was desirable he should be informed before he left this country. At his suggestion I addressed this letter to Lord Glenelg, stating the points upon which it was desirable he should be so informed.

2975. Sir *J. Hogg.*] What was the date of that letter?—It is the 18th of July 1837. I think it is in the Paper No. 8.

2976. Mr. *Hume.*] Will you state the object of your addressing the letter upon that occasion, and why you addressed Lord Glenelg?—Previously to my leaving Ceylon there had been a great deal of dissatisfaction on the part of the community in general with the existing Government, and as Mr. Stewart Mackenzie was going out, I thought it would be desirable if I placed upon record the prominent points which he would have to consider upon his arrival. It was thought that I could not do it in a better form than in a letter to Lord Glenelg, which letter I may say was written with Mr. Stewart Mackenzie's knowledge at that time.

2977. Did that letter state the principal grounds of objection which in your opinion existed?—My opinion of the principal grounds of objection to the Government.

2978. Did you receive any answer, or were any measures taken in accordance with the letter?—I received no answer to the letter, nor do I know of any measures being adopted in consequence of the letter.

(92.)

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2979. Is

2 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

G. Ackland, Esq.
5 June 1849.

2979. Is that the letter which appears in the papers before the Committee?
—Yes.

2980. That states at length the grounds of your remonstrance?—Yes.

2981. Major *Blackall*.] Had you been a member of the legislative body previously to that time?—No, I had not.

2982. Mr. *Hume*.] After writing that letter when did you return to Ceylon?
—I left England in November 1837, and arrived in Ceylon the following May.

2983. Were you a member of Mr. Stewart Mackenzie's government?—Immediately upon my arriving I was informed that during my absence Mr. Stewart Mackenzie had referred to the merchants to name an individual to fill the vacancy in the Council. They had named me, and it was offered to me by Mr. Stewart Mackenzie, on my arrival.

2984. Do you mean the Chamber of Commerce?—I think there was no chamber of commerce, as an organised body, existing then. There were but half a dozen regular mercantile firms. I think the custom of the Government then was to address the mercantile body through the oldest mercantile house. At that time Mr. Reid, of the firm of Gibson & Company, was the party.

2985. You were appointed in fact under the recommendation of the merchants?—That appears in a letter, at page 27, under the date of the 12th of January 1838. Mr. Stewart Mackenzie says there, "Mr. Ackland was selected by the merchants here, to whom I had delegated that difficult task."

2986. Sir *J. Hogg*.] Did the nomination rest absolutely with the Governor?
—Yes.

2987. And his consulting the merchants was an act of courtesy on his part?
—It was quite so.

2988. Major *Blackall*.] It had been usually done, had not it?—That was the first occasion upon which it had been done, and it has never been done since till Lord Torrington arrived, when he adopted the same course.

2989. Mr. *Hume*.] Was your appointment sanctioned by the Colonial Secretary?—Yes, by letter, under date of the 30th of October.

2990. Had you been a member of the Council ever since, till you left the colony?—I resigned my seat in the Council upon my return to England, in June 1840; my resignation may have been a month earlier.

2991. Do you recollect, or were you present when Mr. Stewart Mackenzie addressed the Legislative Council in December 1839?—I was present on that occasion.

2992. Are you able to state that part of the proceedings connected with the Buddhist religion, and the connexion which was to exist, or ought to exist, between the Government and that religion?—I have a copy of a newspaper of that day, containing Mr. Stewart Mackenzie's address to the Council; that was upon a financial statement.

2993. Mr. *Hawes*.] Is that an official paper?—No; it is the Colombo Observer of that day, which was at that time the only newspaper in the colony.

2994. It is not considered an official publication, is it?—I imagine from the circumstances, that in those days, as we had no reporters, the Government gave to the newspaper of the day a copy from the records for publication; it bears all the marks of coming from a Government office, and I know something of the custom of the time.

2995. You speak of that from your own knowledge?—Yes; I had been one of the proprietors of that newspaper at that time.

2996. Have you reason to believe therefore that that is a correct copy of Mr. Stewart Mackenzie's speech?—I have no doubt of it.

2997. Mr. *Hume*.] Will you state the substance of it as respects the religion of the Kandyans?—Mr. Stewart Mackenzie says here, "The sum involved under the next head, that of temples, is in itself so small as to merit little notice. The general principles involved in it render it however a question of considerable difficulty to me to approach, while at the same time they remind me forcibly of the necessity for affording you full explanation. The increasing jealousy with which any connexion of a British Government with idolatry is viewed, both in the mother country and in the East, in which I entirely participate, compels me, in justice to the government both of my predecessor and of myself, to state that this expenditure is incurred with the view, not of giving more effective support to heathen institutions, but of relieving this Government, as far as is consistent

G. Ackland Esq.

5 June 1849.

consistent with good faith and an honourable observance of the convention with the Kandyan nation, from any direct participation in the ceremonies of the Buddhist religion. By the 5th clause of that convention the Buddhist religion was declared inviolable, and it was declared that its rites should be maintained and protected; and by the ancient constitution of the Kandyan nation the sovereign to whose rights and obligations the British Government succeeded was bound to enforce the attendance of certain parties at and to make certain allowances out of the revenues of the royal villages for the celebration of certain festivals. The active part and direct interference which the British Government was thus compelled to take in these festivals, at all times objectionable, became doubly so after the abolition of the compulsory services formerly rendered to the King of Kandy, and which had lapsed to the British Crown. The Government also found it expedient to sell the royal villages, but it was necessary for that purpose to relieve some of them from the payment of allowances to the temples; it was with these views that Sir Robert Horton, most properly in my opinion, effected an arrangement with the chiefs and other parties interested, by which a sum of money was agreed to be annually paid by Government, which was thereby released from the former inconvenient and unseemly obligations upon it. It may perhaps be urged that the Government is bound to go further, and altogether release itself by the payment of one sum in redemption of the annual allowance. Without entering into the expediency of such a proceeding, it will be sufficient for me to state, that I am at present unable to perceive any practical method of effecting it, even at a large pecuniary sacrifice. Having entered at such length into one branch of this question, I think that it will scarcely be deemed irrelevant if I notice briefly the general subject of the ordination and patronage of the Buddhist priesthood being in a great measure under the influence of the Crown. There is one feature peculiar to the connexion of the Government of this colony with heathenism which removes many of the difficulties with which the question is beset elsewhere, and which must go far to remove any distrust of the representations of this Government respecting it; I mean the entire absence of any financial advantages resulting from the system. The Government here, so far from deriving any revenue from temples, is deprived of the ordinary revenue of lands belonging to them. In the case of the ordination and patronage of the priesthood, as in the former case, the Government simply exercises the right devolved upon it by law at the conquest of the country. It would not be without the strongest reasons and the clearest proof, and conviction of the consequent benefits to be derived therefrom, that a consent to the alteration in so very important a particular of the constitution of the Kandyan country would be justifiable. For ardently as we ought all to desire and hope for and aid, so far as in us lies, the ultimate conversion of mankind to Christianity, that all-important object will not be advanced by violent assaults upon the religious establishments of a nation, or upon those who administer in the heathen ceremonies, so long cherished amongst them. That a Buddhist priesthood would for many years exist, even if the Government in no way interfered, cannot I think be denied; nor can that species of interference be justly said to be at variance with the views which, as Christians, we profess, which tends to place in the higher offices of the priesthood men of influence, whether from wealth or general good conduct, rather than leave their choice in other hands, were that practicable, and it is to the selection of such that the interference of Government is principally restricted.

2998. Are you able to state what the convention is to which the Governor there alludes, and by which he wishes the Government to be bound?—I have before me a book of the Legislative Acts of Ceylon, published at the Government press, and delivered by authority. In that I find the convention.

2999. What is the date of the convention:—“At a convention held on the 2d day of March in the year of Christ 1815, and the Cingalese year 1736, at the palace in the city of Kandy, between his Excellency Lieutenant-general Robert Brownrigg, Governor and Commander-in-chief in and over the British settlements and territories in the island of Ceylon, acting in the name and on behalf of His Majesty George the Third, King, and His Royal Highness George Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland, on the one part, and the adigars, dessaves, and other principal chiefs of the Kandyan provinces on behalf of the inhabitants, and in presence of the mohottales, coraals, vidahns, and other subordinate headmen from the several provinces, and of the people then and there assembled, on the other part, it is agreed and established

G. Ackland, Esq.

5 June 1849.

as follows." The first recites the cruelties under the Kandyan kings; the second is as to the title of the ex-king; the third is with reference to his relations; the fourth says, "The dominion of the Kandyan provinces is vested in the Sovereign of the British Empire, and to be exercised through the Governors or Lieutenant-governors of Ceylon for the time being, and their accredited agents, saving to the adigars, dessaves, mohottales, coraals, vidahns, and all other chiefs and subordinate native headmen, lawfully appointed by authority of the British Government, the rights, privileges, and powers of their respective offices, and to all classes of the people, the safety of their persons and property, with their civil rights and immunities, according to the laws, institutions, and customs established and in force amongst them." The fifth is this: "The religion of Boodho, professed by the chiefs and inhabitants of these provinces, is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected." The sixth abolishes bodily torture. The eighth is, "Subject to these conditions, the administration of civil and criminal justice and police over the Kandyan inhabitants of the said provinces is to be exercised according to established forms, and by the ordinary authorities, saving always the inherent right of Government to redress grievances and reform abuses in all instances whatever, particular or general, where such interposition shall become necessary."

3000. Are the Committee to understand that No. 5, which you have read, is the convention to which Mr. Stewart Mackenzie refers?—Yes, according to my judgment.

3001. Did you understand at the time that he was desirous that all those privileges should be continued?—I think, from my knowledge of Mr. Stewart Mackenzie's personal feelings, he was not desirous that they should be continued, but he thought the British Government was bound in faith to continue them. I knew he was most anxious to have disconnected the Government with it if he could have done so.

3002. Was anything done under his government to affect in any way that agreement which you have now read?—Nothing that I am aware of.

3003. Sir J. Hogg.] Was there not some stipulation in the original acquisition of the island from the Dutch somewhat to the same purport as you have now read in paragraph 5?—We never had possession of the Kandyan provinces; of the maritime provinces we had.

3004. We never had Kandy till 1815; but in 1803, with respect to the rest of the island, was not there some provision similar to that which you have read?—I have before me the capitulation of Colombo, dated the 15th of February 1796, and of the articles of capitulation, by which "John Gerard Van Angelbeek, counsellor of India, Governor and Director of the Dutch possessions in the Island of Ceylon, offers to deliver up to Colonel Stuart and Captain Gardner, commanding the English troops, the fortress of Colombo, upon the following conditions."

3005. Do you find any condition in the articles of capitulation connected with the Buddhist religion?—The 18th article states, "That the clergy and other ecclesiastical servants shall continue in their functions, and receive the same pay and emoluments as they had from the Company." All civil suits depending in the Council of Justice are to be decided according to our laws. I find nothing more about religion than that which I have read.

3006. You do not find any agreement upon our part to maintain the obligation which was contracted by the Dutch?—I find a proclamation here, in 1799: "And we do hereby allow liberty of conscience and the free exercise of religious worship to all persons who inhabit and frequent the said settlements of the Island of Ceylon, provided always, that they quietly and peaceably enjoy the same without offence or scandal to Government; but we command and ordain that no new place of religious worship be established without our licence or authority first had and obtained." That is by order of the Governor.

3007. Mr. Hume.] In Article 4 it is stated that the rights, privileges, and immunities of the headmen shall continue as by law established; are you able to state how far that article has been carried out and complied with by the British Government?—I should not like to give a direct answer to that question; I do not think I am sufficiently acquainted with the subject to do so.

3008. How long did Mr. Stewart Mackenzie remain Governor in Ceylon?—I think till 1841 or 1842; he went in 1837, and came away, I think, in 1841 or 1842.

3009. Was

3009. Was any alteration made during his time in respect to that convention which you have now read, with respect to Buddhism?—Not to my knowledge.

3010. Who succeeded Mr. Stewart Mackenzie?—Sir Colin Campbell.

3011. How long was he Governor?—He was there from 1841 or 1842 to 1847.

3012. What steps were taken respecting Buddhism during the time that he was the Governor?—I was not myself in the Council, nor was I in the colony, except for a short visit of 12 or 15 months; but I know, from circumstances which came to my knowledge afterwards, that the Government generally were engaged upon the Ordinance No. 2, of 1846; the object of which Ordinance generally was to transfer all the duties now devolving upon the Government upon a committee. I believe it was based upon the principle that that which a Government could do, or was bound to do by itself, as the sovereign authority, it could delegate to a committee.

3013. Do you mean with regard to Buddhism?—Yes; and I think, but it is only matter of opinion, that the object was quietly to shift from the shoulders of the Government its connexion with Buddhism in such a way as should be as acceptable to the priests and headmen as possible.

3014. Mr. *Hawes*.] What was the composition of the committee?—I am not prepared to state that the draft which I saw did not give the composition, and I have not my papers by me to refer to.

3015. Mr. *Hume*.] You remember that distinctly, do you?—Yes, I know it from the circumstance that upon Lord Torrington's accession to the Government, in his opening speech to the Council, he conveyed the disallowance of this Ordinance by Lord Grey. It so happened that the reply to the address of Lord Torrington was in my hands to draft. I felt that this was a subject that I did not understand, therefore I referred that particular branch of his speech to a gentleman in the Council who had been in the previous Council, and had the drawing up or assisted in the drawing up of this Ordinance. Mr. Wodehouse has arrived in England, and he will know the whole subject, and be able to give the Committee the particulars of it.

3016. Major *Blackall*.] The Ordinance never came into operation, did it?—That Ordinance never came into operation.

3017. Mr. *Hume*.] Did the matter remain during Sir Colin Campbell's government the same as it had done before?—Precisely.

3018. No change took place?—No change took place.

3019. In the paper you read you alluded to the royal villages; you stated that some change had taken place by the sale of royal villages; in what way did that affect the privileges of the Buddhists, or did it in any way affect their privileges?—Mr. Stewart Mackenzie alludes to the Government having sold the royal villages, and in consequence of having taken the proceeds of it into the general revenue of the colony, it was necessary for the Government, out of its general revenue, to provide such sums as it would have paid out of the royal villages for the support of the temples.

3020. Had the revenue from the royal villages previously to that period been applied to the support of the Buddhist temples?—I am not sufficiently acquainted with this subject to give the Committee information which they ought to rely on. Mr. Wodehouse is able to give it to them correctly.

3021. Another reference in the speech which you have read is to compulsory services, which have been abolished; will you explain what is meant by those compulsory services?—The *rajcaria* which existed under the native kings was the right of the sovereign authority to call out the people and to put them upon making roads or repairing public works of any kind. Mr. Commissioner Colebrook, in 1831, describes that in his Report, which I have before me, published by the House of Commons, on the 13th of March 1832, and he recommended the abrogation of the *rajcaria*. The power of the Government to call out the natives to work was equally shared by the priests in their power to call upon the people to render services upon the temple lands. Mr. Stewart Mackenzie alludes to that, as by the abolition of the *rajcaria* the priests had been deprived of this power, and therefore we were also bound in honour to contribute those funds to them.

3022. You mean as the *rajcaria* to which the priests claimed the right had been abolished, Mr. Stewart Mackenzie thought that the Government were bound to make up for that loss, so as to keep the priests in the same situation as they had been in before?—Precisely; the *rajcaria* is the right of the governing authority

6 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

G. Ackland, Esq.
5 June 1849.

to call upon the people to labour, but the priests had an equal power delegated to them from the sovereign authority to apply that rajkaria to the cultivation of the temple lands.

3023. Did the priests, then, derive the profits or the fruits of the temple lands so cultivated?—They did.

3024. Was there any limit to that rajkaria?—I do not think I am sufficiently acquainted with the subject to give the Committee information.

3025. The Committee understand that Mr. Stewart Mackenzie, in alluding to that subject, considered that the loss they had suffered ought to be made up by the Government to place them in the same situation as they had been in before?—I do not think his observations go to that extent; the sum devoted to the temple services was not large, but he gives it as one reason why we were bound to pay as much as it may be necessary to pay, not to compensate them for the loss.

3026. When was the rajkaria abolished?—It was abolished by proclamation of the 28th September 1832, publishing the Order in Council.

3027. What is the nature of the proclamation?—"The Right honourable the Governor having received from His Majesty's Secretary of State for the Colonies the following Order of His Majesty in Council, bearing date the 12th day of April 1832, is pleased to direct the publication thereof for general information, and all persons are required to take notice of and comply with the provisions of the same." The Order in Council recites, "Whereas by the ancient laws and customs of the Island of Ceylon, the native and Indian inhabitants thereof are bound to render various services to the Government in respect of the tenure of their lands, or in respect of their caste, or otherwise." It recites the proclamation of the 3d of September 1801, that "the Governor of the said island recited, so far as regarded the maritime provinces of the said island, that he had seen by experience the absolute necessity of abolishing tenure by service, and substituting a less oppressive and irregular mode of contribution to the service of the state." It recites the 4th clause: "And whereas by the 4th clause of the said proclamation the said Governor of the said island proclaimed, so far as regarded the maritime provinces of the said island, that persons, of whatever caste and condition, should from that day continue subject to serve only on the special order of the said Governor and his successors, Governors or Lieutenant-Governors of the said island, only according to their respective castes, and that on the receipt of adequate pay for such service: And whereas by the 21st clause of a proclamation, dated at Kandy the 21st day of November 1818, it was proclaimed, amongst other things, by the Governor of the said island, so far as regarded the Kandyan provinces of the said island, that the obligation of certain inhabitants of temple villages to perform fixed gratuitous services to the Crown was to continue unaffected."

3028. The temple villages were reserved?—Yes. "And whereas by the 30th clause of the said last-mentioned proclamation it was declared, amongst other things, by the Governor of the said island, so far as regarded the Kandyan provinces of the said island, that all persons should be liable to service for Government, on the requisition of the Board of Commissioners and agents of Government, according to their former customs, and families, or tenures of their lands, on payment being made for their labour, it being well understood that the Board of Commissioners, under the Governor's authority, might commute such description of service as under their present circumstances was not usefully applicable to the public good to such other as might be beneficial; and provided further, that the holding of lands duty free should be considered the payment for the service of the Katepurule and Atepattoo departments, and persons allotted to the dessaves service, and also for the service to Government of certain persons of the temple villages, and in part for those which cut cinnamon, and also that the duty of clearing and making roads and putting up and repairing bridges should be considered a general, gratuitous service, falling on the districts through which the roads pass or wherein the bridges lie." Then it recites, that "His Majesty is pleased, with the advice of his Privy Council, to order, and it is hereby ordered, that the said 4th clause of the said proclamation, dated at Colombo the 3d day of September, in the year 1801, and also so much of the said 21st and 30th clauses of the said proclamation, dated at Kandy the 21st day of November 1818, as is hereinbefore recited, shall be repealed, abrogated, and annulled, and the same are hereby repealed, abrogated, and annulled accordingly."

Then

Then it says: "And for the removal of all doubts respecting the future exemption of the said native and Indian inhabitants of the said island from the obligation to render the said services to His Majesty, it is hereby ordered and declared that none of His Majesty's native or Indian subjects within the said island shall be or are liable to render any service to His Majesty in respect to the tenure of their land, or in respect of their caste or otherwise, to which His Majesty's subjects of European birth or descent are not liable, any law, custom, or regulation to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to affect the services which the tenants of any lands in any royal villages in the said Kandyan provinces of the said island are bound to render to His Majesty, so long as they continue tenants of such lands upon such tenures, or the services which the tenants of any lands in any temple villages in the said Kandyan provinces of the said island may be bound to render to any temple so long as they continue tenants of such lands, or the service which the tenants of lands in any other villages in the said Kandyan provinces of the said island may be bound to render to the proprietors of such villages so long as they continue tenants of such lands."

G. Ackland, Esq.

5 June 1849.

3029. Was the forced labour abolished from that date everywhere, except as regards the temple villages?—Except as regards those two reservations.

3030. Are those two reservations still in force, do you know?—I am not aware of any change since that time, but I will not speak positively upon that point.

3031. It is there stated that the natives, at no future period, shall be subject to any labour on roads, or otherwise, to which Europeans are not liable?—It is.

3032. Subsequently to that period were any other rules passed till the arrival of Lord Torrington?—Not that I am aware of, bearing upon this subject.

3033. Are you able to state what measures were taken respecting the possession of the Delada tooth, and other matters relating to the Buddhist religion?—I am not aware whether I can give the Committee that precise information which they ought to have. I know Lord Torrington brought instructions from home upon the subject, and went up to Kandy and delivered that Delada tooth into the hands of the priests, and generally gave up all connexion of the Government with the Buddhist religion.

3034. Mr. *Villiers*.] What is the Delada tooth?—It is a relic which was in the custody of the Government agent of the Central Province and of the priests jointly. The natives have the superstition that in whosoever hands this relic shall remain, they will always have the sovereignty of the island.

3035. It is said to be Buddha's tooth?—Yes, it was said to be Buddha's tooth.

3036. Major *Blackall*.] Do you know whether that relic was under the care of the Government agent in the Central Province by contract with the Government, or by custom?—I should say by custom. The Government agent represented the sovereign authority in Kandy.

3037. There was nothing in the convention, was there, by which we undertook to preserve that tooth safely?—I consider we were bound by the convention to do all that the sovereign power had done under the native king of Kandy. He resided himself in the palace at Kandy; the temple in which the Delada tooth is kept is a branch of it, and he resided there himself. Our Government agent also resided in the very palace; he had charge of the keys of, and we mounted a guard over the temple.

3038. You look upon the preservation of this tooth as a part of the religion we undertook to maintain?—Yes.

3039. Mr. *Villiers*.] What was the occasion of its being given up; had it been applied for?—I should say it was never applied for. I should say the general feeling of the priests and headmen was very much against the Government giving it up. They attach great importance to the Government having possession of the tooth, and generally superintending, I may say, or giving their countenance to the processions which took place in Kandy.

3040. Mr. *Hume*.] Were you in the colony at the time it was given up?—Yes.

3041. Are you able to state how far the priests were dissatisfied with the Government divesting themselves of all charge of that relic?—I do not conceive I know enough of my own knowledge to state that to the Committee; but I have gone through the Blue Book published upon the affairs of Ceylon, and there is quite enough evidence in those papers upon the subject.

8 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

G. Ackland, Esq.

5 June 1849.

3042. To what part of the Blue Book do you refer?—I have made extracts from the book, bearing upon the supposed connexion of the Buddhist priests and headmen generally with the discontent and disturbances in the colony.

3043. Mr. *Hawes*.] From what book have you made those extracts?—From the Blue Book. At page 188 I find this statement, by Lord Torrington: “Another extract from a letter, written by a respectable native, who was in former days chief modliar of the then residency at Kandy, distinctly attributes the rising to disaffection created by the bearing of the British Government towards the Kandyans with respect to their religion, which they conceive to be a violation of the treaty of 1815.”

3044. Mr. *Hume*.] That is in Lord Torrington’s despatch of the 14th of August 1848?—Yes.

3045. Will you also look to paragraph 10?—“The distinct repudiation of their religious prejudices and feelings by the British Government, and the surrender of the relic to their custody during the past year, deeply wounded their pride and created a certain degree of mistrust and jealousy between the priests and chiefs. The principal, and almost only point upon which they could distinctly agree, was in their combined fear and hatred of British rule.” In paragraph 12, I find, “The reins of Government have also, I am disposed to admit, been sometimes too lax, and at other times too stringent. Our system has been defective, but the only wonder is that we have managed to keep the machinery in motion as well as we have done. Above all, I cannot forget the expression which was addressed to me by one of the chiefs at a solemn conference at the Pavilion at Kandy last year, to the effect that ‘if you neither respect our religion nor have regard to our customs, what is the benefit to us of the British Government?’ That very chief, although then in the employ of Government, it has been since found necessary to dismiss, and there is good reason to believe that he is a party to the movements of the rebels.”

3046. Will you refer to paragraph 6 of that same letter, and read it?—“I can have little hesitation in attributing the present feeling of the priests to the measures which have been so often and so strenuously urged within the last few years to depress, or what is the same thing, to withdraw all countenance from the Buddhist religion, or perhaps rather the superintendence of their affairs, and the appointment of lay managers of their dewales equally with the priestly heads of their wihares. They are utterly unable to undertake the sole guidance of affairs so complicated, and requiring in many respects the sanction of legal authority. I would beg to invite your Lordship’s attention to the accompanying statement, voluntarily made by the head priest of the temple at Dambool, who gave himself up at Kandy a few days ago. He is an old man of 70 years of age, and has borne a good character. He states that he was forcibly compelled to officiate at the ceremony of installing the present pretender as king at Dambool. The first question he was asked when brought before the intended king was, ‘Are you attached to the religion of Budhoo, or to the British Government?’ as if to imply that there was a degree of antagonism between them that rendered them inconsistent the one with the other.”

3047. You have quoted those extracts from Lord Torrington’s despatch to show that the conduct of the British Government to the Buddhists and their religion caused great discontent, and led to the unfortunate disturbances which took place in that island?—They gave great dissatisfaction to the priests and headmen, and incidentally, with other causes, gave the priests power over the natives to induce them to join in the rebellion, or the disturbances.

3048. Will you refer to page 137, paragraph 3, and read that paragraph?—“But there is some reason also to believe that the Buddhist priesthood have not been without influence in kindling this excitement of the people, although the most influential priests at Kandy itself deny the imputation; but the authority of the priests in the districts from which the greater part of the people come is very great, and they are avowedly dissatisfied with the entire withdrawal of the Government from every kind of assistance or interference in the management, even of the temporalities (so to speak) of their establishment, and without the authorized substitution, as yet, of any other power either calculated or enabled to reduce to order and regularity the confused chaos of their affairs.”

3049. That is in a despatch from Lord Torrington, of the 9th of July 1848, is not it?—It is. Probably the Committee will allow me to remark that I think that

that refers to the giving up of the surveillance of their affairs, before they had passed the Ordinance, to some other party.

3050. Did the Government divest itself of that management which they had hitherto taken in their financial affairs?—They did.

3051. At what period?—Immediately after Lord Torrington's arrival; I have not the date by me.

3052. Was there any Ordinance to that effect?—No Ordinance at all.

3053. Will you refer to page 141, paragraph 5?—This is a return from Sir Emerson Tennent, the Colonial Secretary, of the 8th July 1848, to Lord Torrington, from Kandy.

3054. He was on a visit of inquiry there, was not he?—He went up to Kandy, as I gather from the papers, in consequence of the disturbances. He says, "The other party whom I suspect to have been engaged in promoting this agitation is the priests. From various quarters I have heard of their proceedings, and I am the more confirmed in their truth from reading two documents, copies of which are enclosed, which were sent on Thursday to the Government agent by persons in the crowd. In these prominent place is given, as a ground of discontent, to the violation of the convention of 1815, in relation to the maintenance of the Buddhist religion, to the withdrawal of the Government from all concern in its affairs, and to the rejection of the Temple Ordinance of 1845." I think it should be the Ordinance of 1846.

3055. Mr. Hawes.] The disallowed Ordinance?—Yes; it was brought in in 1845, though passed in 1846. "It is likewise observable that the principal excitement manifested for the last few days has proceeded from the district of Doombera, in which the influence of the priesthood is strong, and which is the seat of their largest temples." That is not the fact as regards the largest temples, for there are very few temples in Doombera; but it is the seat of the chief strength of the priests of Kandy.

3056. It is evident from that that Sir Emerson Tennent reports to the Governor our past conduct to the Buddhists as the ground of the dissatisfaction which existed?—I gather that to be his impression.

3057. Will you look to page 163, paragraph 16?—That paragraph is, "Your Lordship will not fail to perceive the important bearing of this representation on the present aspect of affairs in the Central Provinces. That the late disturbances have been created and kept alive by the dissatisfied chiefs and priests, is unhappily no longer a matter of doubt or question. Their dissatisfaction with the recent measures is at length avowed; but unfortunately, whilst left to be the exponents of these measures to the people, and whilst outwardly professing to be the friends of the Government, they availed themselves of their official position to disseminate the most dangerous falsehoods, to which their official authority and influence with the natives gave currency and effect. The popular alarm thus excited for impending taxation led to the assembly in Kandy on the 6th of July, when the people repaired to the Government agent for information; and it is a strongly corroborative fact, that from that assemblage the chiefs and the headmen, contrary to all custom, were studiously absent." Paragraph 18 is this: "The chiefs and priests, in fact, appear to have immediately changed their line of attack upon the Government, and uniting with the followers of the pretender, to have thrown off the mask, and avowed their real feeling; not limited to so narrow an object as opposition to an Ordinance, but impatience of the British rule, and a determination to restore a Kandyan monarchy."

3058. Will you turn to page 174?—That is a letter of Lord Torrington to Earl Grey, of the 14th of August 1848. In paragraph 37, he states, "It is my duty earnestly to request your Lordship's instructions as to the course which I may be authorized to pursue for the provision of funds to meet this extraordinary and unforeseen expenditure. The explosion which has now taken place has been gradually accumulating its force for years past, and must be principally attributed to the policy long pursued with regard to the Kandyan people before I arrived in the country."

3059. Will you turn to page 219, paragraph 11?—"In reality, I find reason to be daily more and more convinced that a deep-laid plot has long been in course of formation among the principal chiefs and headmen in the Kandyan country, many of whom are in the employ of Government. The duplicity of the Kandyan character renders them exceedingly expert in playing a double part; the more they are trusted, as is the case when they are public servants, the

G. Ackland, Esq.
5 June 1849.

more dexterous they become in concealing the betrayal of that trust. The part which the priests, too, have taken in the recent movement, confirms me more than ever in the conviction at which I stated in my former despatches that I had arrived, that multifarious causes have conspired to produce the present outbreak, one of the most important among which is the question of the religion of the people, and the relation in which the Government of the country has at all times stood towards it."

3060. Will you turn to page 293?—That is a letter from Lord Torrington, 14th November 1848. In paragraph 20, he says; "The chiefs and priests, always treacherous to the Government and hostile to British rule, above all, indignant at the course pursued towards them respecting their religion, have been looking eagerly forward for some pretence to fly to arms, and a plot of longer preparation, and of deeper or more determined character, has seldom if ever burst forth. I repudiate all supposed connexion between the taxation and the rebellion, in which opinion the observations of the colonial secretary, Sir J. E. Tennent, while travelling through the country, further confirm me. That the efforts of evil-disposed persons to excite discontent enabled the priests and chiefs to hasten the outbreak, I am willing to admit; and I have only further to remark that, if the mode of taxation I adopted was wrong now, so must also have been the recommendation of former Governors for the introduction of some of those taxes which I felt it my duty to impose."

3061. Will you look to page 226, Lord Torrington's letter of the 15th September 1848, paragraph 4?—"Mr. Buller appears to lay some stress upon the part which the priests have taken in kindling or keeping alive the rebellious spirit of the people in the Kandyan country. At an audience which I gave to a deputation of the principal priests of the Malwatte wihare, at Kandy, it was remarked by them, in reply to an observation which I addressed to them, respecting the misapplied influence of the priests in the disturbed districts, that the authority of the heads of their establishment was gone; the offices of chief priests were in many instances still vacant, their controlling authority was annihilated, and even the temple tenants refused to do the services which were necessary as the condition of the tenure of their lands."

3062. What do you understand by the offices being vacant as a ground of complaint?—My understanding is, that in consequence of the Government ceasing the exercise of their duties of appointing to the priesthood, and not having passed this Ordinance, which would have delegated the power to some other body to do it, any situations falling vacant remain vacant, and this was a cause of dissatisfaction; and consequently, the temple tenants refusing to do service for want of their legitimate appointment, the priests felt that all their temporal power and wealth would pass from their hands.

3063. Would not, under those circumstances, all lands go out of cultivation and become unproductive?—No doubt.

3064. Are the Committee to understand you to say, that while the Government of the colony were interested, or kept up their connexion with religion, they had anything to do with the recommendation of the priests or headmen?—I believe the practice was for the priesthood to recommend to the Government the appointment to any vacancies, which the Government, as a matter of course, followed. I imagine that to have been the practice, but I do not think I am sufficiently acquainted with the *modus operandi* to give that information.

3065. Will you refer to paragraph 6?—"I have only, in conclusion, to remark, that it is by no means too late to attempt to remedy the evils which may be found to have substantial foundation; and the first and foremost of our endeavours will, I hope, be the restoring to the religion of the people and its ministers that qualified protection which is due to them by treaty, necessary for them on grounds of policy, and may not be inconsistent with the mild system of toleration of the British Government."

3066. Do you understand by the treaty there a convention?—I presume it means the convention.

3067. Will you return to page 241; there is a despatch there of Lieutenant-colonel Drought?—It is an epitome of the pretender's career and capture. Colonel Drought's words are: "His statement goes on to implicate innumerable headmen throughout the country, which can only prove valuable if supported by corroborating evidence; however, from what has come out before the courts martial and the Supreme Court, his account tends to establish a fact of which

I have

I have had but little doubt ever since the 6th of July last, that almost all the headmen, chiefs, and priests were the originators of this movement, and that the new taxes had very little to do with it, beyond being a good pretext for urging on the people, who, as a body I do not think were altogether willing to encounter the consequence of rebellion, but were worked on by superstition and the influence of the priests, and driven by the despotic control which unfortunately those chiefs possess, who decidedly bear a most inveterate and hostile feeling to British rule."

G. Ackland, Esq.

5 June 1849.

3068. Mr. *Hawes*.] I understood you to say that the abolition of compulsory labour affected the interests of the priests?—I read from Mr. Stewart Mackenzie's remarks upon that point.

3069. What is your own opinion as a resident in Ceylon?—I do not think I am sufficiently acquainted with the power of the priesthood over their tenantry to give the Committee correct information upon that point.

3070. In fact, you know nothing about the effect of the abolition of compulsory labour upon the interests of the priests?—Anything I can say can only be from hearsay. I know generally the great influence the priests have over the natives, from having moved a great deal among them, but not under the compulsory labour system.

3071. Except from the address of Mr. Mackenzie, have you any knowledge of the transactions of which he speaks?—I have the general knowledge of a man having estates in the interior, and living a great deal among the natives.

3072. I mean what is alleged to have taken place between Sir Robert Horton and the Budhists, do you know anything about it yourself?—No.

3073. Were you a member of the Council at that time?—No.

3074. Do you know whether Mr. Stewart Mackenzie laid any papers before the Council giving any particulars of the transaction?—I do not recollect at the time; I found these papers put by among other papers, and not having the papers of the Council with me, I cannot answer that question.

3075. Do you happen to have heard, or to know, whether the Legislative Council at any time entered into any inquiry into the relation subsisting between the Government and the priesthood?—I think not.

3076. Not at any time?—During Sir Colin Campbell's government, when they sent home the Ordinance which was disallowed, that was the result, I should say, of their inquiries; and I know the whole subject has been constantly before the public, and has been the subject of newspaper articles.

3077. Do you know of any other proceeding in the Legislative Council than that which you have now mentioned?—No.

3078. You know nothing of the recent proceedings the Council or the Governor has taken in reference to this question?—Nothing.

3079. Mr. *Hume*.] They are since you left the Council, are not they?—I do not know anything that has taken place since I left the Council.

3080. Mr. *Hawes*.] What date was that?—June, last year; but up to that period Lord Torrington, in communicating to us the disallowance of the Ordinance sent home by Sir Colin Campbell, had recommended the subject for future consideration, and it was intended to go into the question again; still nothing has been done; and the circumstance of Lord Torrington giving up the tooth, and withdrawing the connexion of the Government before passing any Ordinance to provide for the duties, I consider to have been the main cause of the dissatisfaction.

3081. You know nothing of what has been done since that period?—No.

3082. Mr. *Villiers*.] Does your opinion coincide with the evidence you have read referring to the statements of different Government authorities as to the cause of the rebellion?—I have been so intent upon reading the evidence that I do not know that I should like to answer for the whole of it; generally I think the priests have been dissatisfied with the disconnexion of the Government from Budhism; that I know from personal intercourse with them, and from knowing a great many of the headmen themselves; I know they considered it a most impolitic thing; many of the headmen attached to us considered that by doing this we had given a handle for dissatisfaction.

3083. Mr. *Hawes*.] From your knowledge of the opinion in the island upon this subject should you say that the disconnexion of the Government from the Buddhist religion is the sole ground of discontent on the part of the priesthood?—No, I should not say it was the sole ground.

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3084. Will

G. Ackland, Esq.

5 June 1849.

3084. Will you point out what you consider to be any other ground?—I think, generally speaking, the priesthood have found their influence over the natives lessened by the advance of civilization in the colony, the promotion of coffee plantations, and the great influx of Europeans. Education has progressed, and there has been a natural dissatisfaction upon their parts with the decrease of their power. This has only been the means by which they have been able to stir the people up to be dissatisfied.

3085. Mr. *Disraeli*.] Do you speak the language of the country?—To a very trifling degree.

3086. Major *Blackall*.] With regard to the headmen, are you aware of their having any causes of dissatisfaction?—I think the cause of the headmen being dissatisfied arises principally from the abolition of compulsory labour. Under the rajkaria system it was not merely that the Government had a right to call out the labour, but that the headmen, as the organs of the Government, called out and appropriated a great deal of it to themselves. It was considered by Colonel Colebrook, in his Report, that it was the misappropriation of this power by the headmen which was the real cause of complaint against the rajkaria system, and it was to do away with that rather than with the legitimate calling out of labour that it was abolished. The headmen, finding themselves deprived of this power, were naturally dissatisfied.

3087. Do you think the headmen were jealous of the progress of civilization?—There is no doubt that when the Europeans settled in the interior, for the purpose of cultivating the coffee estates, and offered money as the price for labour, the headmen, who previously had been in the habit of getting their labour done in their fields for nothing, were dissatisfied with it.

3088. Sir *R. Peel*.] Without committing yourself to the maintenance of all the particular opinions which you have read, is your general impression in conformity with the extracts you have read, that there were deeper and more important causes of dissatisfaction than the late taxing Ordinance?—I think I made a memorandum at the time when the first rebellion broke out upon the subject. The result of that was, as far as I can recollect, that the headmen were dissatisfied with the abolition of compulsory labour; that that lessened their influence over the natives; but that, inasmuch as the natives were benefited by that abolition, the dissatisfaction of the headmen was innocuous. The natives became dissatisfied from the circumstance of the Europeans settling among them, and purchasing from the Government their lands. When I say their lands, I mean not merely the forest lands, but lands which the natives, although they held no title to them, were accustomed to consider their own, the chancies and common lands. There were a great many disputes constantly between the natives and the parties applying to purchase land; I have purchased a good deal myself, and have had those disputes with the natives constantly; I endeavoured to settle them as amicably as I could, but there were many circumstances with which the natives were dissatisfied. The Governor, unless the natives could show a title to it, was anxious to sell as much land as possible; and I do not think in all cases as much leniency was shown towards the natives as perhaps ought to have been shown; I know instances in which lands have been taken from them in which they had not a legal title, but in which it would have been policy to have conceded to them the possession. I have given up lands myself under such circumstances as a matter of policy, to keep the natives around me in good humour. The natives thus become discontented; the headmen were previously discontented, and the priests, by this alteration of the Government system, became discontented. Then I think the new taxes being introduced were a handle in the hands both of the headmen and the priests to incite the natives to discontent; they worked upon their fears; they said, "Here you have evidence of what the Government are going to do;" and whether true or not, they stated the intentions of the Government to be to tax every thing. We found that stated on several occasions, and I have no doubt that is substantially correct, that it became a ready means for agitators to incite the natives to disaffection.

3089. Mr. *Wilson*.] Are you aware that for that purpose they misrepresented the taxes very much?—I have no knowledge of that myself; I believe it is so stated in some parts of the correspondence.

3090. Mr. *Villiers*.] Do you know if any means have been taken by the Government to inform them correctly upon the subject?—I think that is one of the great errors which has been committed.

3091. Major

3091. Major *Blackall*.] With regard to the Ordinance which was disallowed in 1846, do you know whether the priests were consulted respecting that Ordinance by the Government of the day?—I do not know; Mr. Wodehouse will probably be able to give you that information.

3092. Are you aware whether that Ordinance was pleasing to the priests or not?—I am not.

3093. Mr. *Gladstone*.] Do you consider that the opinion that faith had been broken with the Buddhist priesthood was among the main causes, or among the causes of the rebellion?—It was certainly among the causes, and in the minds of the priests it was the main cause.

3094. Should you say it was one of the main causes with the people, whether directly or through the influence of the priests?—Through the influence of the priests, that was the main cause; I do not think it was the direct cause. I do not think there is that adherence to the religion in the minds of the people themselves which would have induced them to rebel against the Government on account of that alone had they not been incited to it by the priests.

3095. Are you able to form a judgment whether the impression upon the minds of the priests that faith had been broken with them, was a just impression, or otherwise?—I think it a very just impression; I think there was a great breach of faith.

3096. Do you consider that that breach of faith consisted in the surrender of the relic, and the abandonment of all intervention in the religious concerns of the natives, without providing any substitute?—I think that was a breach of faith. I am not prepared to say that providing a substitute would have been entirely satisfactory, but it would have been at least a prudent course to have pursued.

3097. Supposing the British Government had taken this course; supposing an Ordinance had been passed which should have provided for the surrender of the relic, and the abandonment of all interference by the Government in the concerns of the Buddhist religion, but that at the same time the Ordinance had been so framed as to constitute a machinery from among the priests and other natives for the custody of the relic, and for the management of the estates, the best which the circumstances of the island would admit of, do you think that in that case there would have been a breach of faith between the Government and the natives?—I think there would have been constructively a breach of faith in the Government giving up the connexion themselves, but I think it might by policy have been so managed in connexion with the priests as to have passed off innocuously.

3098. Do you think that if consideration had been shown for the feelings and the interests of the priests, and if the best had been done which the circumstances admitted of to provide for the future management of the concerns of the religion, though there still would have been abstract ground for stating that the British Government had receded from its engagement, yet that there would have been no particular irritation of feeling in consequence; is that a correct representation of your views?—Not quite so; I followed your observation very closely. I should say that there would have been an abstract ground of complaint remaining, and that it would have required very great caution and nicety of arrangement in this new Ordinance to have entirely satisfied the priests; but I still think that by the intervention of public servants who knew the natives well, and in whom they had confidence, that might have been done. I will instance, as illustrating what I mean, such a man as Mr. Turner, who was formerly resident Commissioner in Kandy, and who was known to the priests; or as Colonel Forbes, who was in Matelle, and was known to them personally, a man in whom they had great confidence; had the task been delegated to him to confer with the priests on the subject, I think the thing might have been arranged,

3099. Do you think the common people attached any very great value and importance to the custody of the relic by the civil power?—I think so.

3100. You say that the surrender of the relic under any circumstances, even with all possible care that could be used, could never have been an acceptable measure?—Never.

3101. Mr. *Hawes*.] I understand you to say that in your opinion the connexion of the British Government with the Buddhist religion contemplated by the convention to which you have referred, tends, in the opinion of the priesthood, to uphold the religion of Buddhism?—I think so.

G. Ackland, Esq.

5 June 1849.

3102. And inasmuch as that disconnexion in their opinion led them to apprehend its decay or decline, they were discontented?—Yes.

3103. Am I to understand you to say that they thought it upheld Buddhism?—Yes, I think so.

3104. Mr. *Hume*.] Did not the original compact secure to them their religion in every way, as it had stood of old?—Yes, we were committed to it by treaty.

3105. Did not Mr. Stewart Mackenzie, in the address which you have read, expressly state that he considered the Government were bound to keep by that treaty?—Yes, he expressly states that; and I know from personal intercourse with him and discussion with him upon the subject at the time, that he was most anxious to have disconnected the Government with Buddhism. He was a religious man himself, and he was most anxious to have disconnected Government from it, if possible.

3106. Was there, during Sir Colin Campbell's or Mr. Stewart Mackenzie's Government, any amount of that great dissatisfaction which has ultimately appeared on the part of the headmen and priests?—I am not aware of any dissatisfaction.

3107. Mr. *Gladstone*.] Do you consider that the British Government were bound, as a matter of faith, to the custody of the relic?—Yes.

3108. Upon what do you found that view?—Upon the convention.

3109. Do you think the terms of the convention necessarily carry so extensive a sense?—I think the Government were bound as the parties who took the Government upon the terms of the convention, by all that they knew the natives understood by it, not merely by what they strictly and verbally covenanted for, but by all that they knew the natives who gave the sovereignty to them understood by it, which included the maintenance of the religion according to the customs of the people.

3110. Mr. *Disraeli*.] You spoke just now of what was understood by the natives, and you said you thought the Government was bound by what the natives understood rather than by the mere literal expression of the convention?—I consider that the convention bound the Government to something more than the literal expression conveyed.

3111. Do you suppose that the natives understood by the custody of the relic that that custody of the relic by the civil Government was equivalent to the religion being established in the country?—Yes, I consider that the natives did so understand it.

3112. Mr. *Hawes*.] You do not consider that the convention requires the custody of the relic, do you?—I think it does; I think in common honesty, by implication, the convention requires that the Government should do all that the sovereign power of the country did before.

3113. All the convention requires is, that the Government shall *bonâ fide* uphold the Buddhist priesthood in their rights and privileges?—"The religion of Buddha professed by the chiefs and inhabitants of these provinces is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected." And also in the 4th clause, "Saving to the adigars, dessaves, mohottales, coraals, vidahns, and all other chiefs and subordinate native headmen, lawfully appointed by authority of the British Government, the rights, privileges, and powers of their respective offices, and to all classes of the people the safety of their persons and property, with their civil rights and immunities."

3114. What construction do you put upon the word "maintain;" do you mean to say that the British Government was directly called on to repair and rebuild, in case of necessity, such edifices?—I think the Government was called on to do all that the native sovereign would have done. They would not have repaired the temples, because the temples had lands attached to them for the express purpose of their maintenance.

3115. Then the native sovereign would have left the priesthood, out of their own revenues, to repair and maintain their temples?—Yes.

3116. Has the British Government done anything inconsistent with that?—No; I think as far as the maintenance of the temples went, in that respect the British Government has kept faith.

3117. Has the Government in any way interfered with the freedom of religion?—In no way.

3118. Then

3118. Then there is no act of the British Government which you conceive to be inconsistent with the treaty, except the surrender of the relic?—The surrender of the relic, and the disconnexion of the Government in the appointment of the priests, I take that to be the main point; the surrender of the relic is an outward and visible sign of disconnexion, and the refusal to appoint the priests, which was an executive act which the Government executed, has created the disturbances among themselves; the men felt dissatisfied because the situations had been left vacant; and the arrangement of all those things, and the rights of different individuals, are points involving too much nicety for the natives to settle among themselves without such an authority as an Ordinance.

3119. When was the tooth surrendered?—In 1847.

3120. Were you in Ceylon in 1843 or 1844?—I was in Ceylon at the end of 1843 and 1844.

3121. There was then an insurrection, was not there?—It had just terminated when I had arrived; I do not know much of the merits of it.

3122. Was not the insurrection also attributed to the dissatisfaction of the priests?—I have not gone into that; I have not even read the papers in the Blue Book upon that point.

3123. Have you no information generally as to the causes that have been assigned for the two insurrections?—I think, generally, the causes that have been assigned have been plots got up by the headmen and priests, to render the natives dissatisfied.

3124. That was long before the tooth was surrendered?—Yes.

3125. Therefore, at that time, from what information you have, there were equally insurrections, and insurrections which were caused by the discontent of the headmen and the priests, even though the relic was then in the custody of the British Government?—I think it is right that I should state, that going back to the insurrection which took place in 1834, when I recollect taking a great deal of part in the discussions of the day, the conviction upon my mind was that there was no real rebellion at the bottom of that which was called rebellion; that the object of the natives, headmen and priests, was to ingratiate themselves with the governing authority. One of the natives, in order to get the Government to appoint him to a high situation, went to the trouble of getting up a plot to instigate other men to go into it, and then he would quietly inform the Government, in the hope of getting the appointment himself; and I think, if you were to inquire of those who were well acquainted with the character of the natives, it will be generally understood to be the case among them that they get up plots, for the purpose of ingratiating themselves with the Government.

3126. Mr. Gladstone.] You have said that some offices among the priests had remained vacant in consequence of the disconnexion of the Government from the religion of Buddhism?—I took that only from this book; I am not aware of that from my own knowledge.

3127. Are you conversant practically with the manner in which the appointments were made before the disconnexion?—No.

3128. Mr. Disraeli.] What is the number of priests in Ceylon?—I cannot give an opinion, even as a guess; a couple of thousand has been talked of in conversation.

3129. Sir J. Walmsley.] The dissatisfaction as to the surrender of the tooth did not arise from any anxiety as to its safe custody, but because it indicated that the Government renounced alliance with the religion of the people?—Yes, and it is also the case that there may have been dissatisfaction with it, as giving cause to disputes among the natives who should have the custody of it. I think I have understood that there are two parties of the Buddhists, one opposed to the other; and there was some expectation at the time the tooth was given up that there might be a riot owing to one party wishing to retain it as against the other party. No riot, however, took place, therefore I may be wrong; but there is better information to be had from Mr. Wodehouse, or other gentlemen who are conversant with the question.

3130. Mr. Gladstone.] Did I rightly understand you to say, as the result of your own consideration, that the surrender of the tooth was not the principal part of the religious grievance, but that the principal part of the religious grievance was the cessation to appoint priests?—I think the surrender of the tooth might have been got over; it was a nine-days' wonder; but the other was constantly

G. Ackland, Esq.

5 June 1849.

recurring upon every vacancy, and there being no authority to appoint, that would rankle the sore.

3131. Would it not have been possible to create a machinery to fill up vacancies as they occurred among the priests?—That was attempted by Ordinance No. 2. of 1846.

3132. Are you of opinion that it would have been possible for the Government to create a machinery for filling up the vacant appointments among the priests?—I think it might have been possible, under the management of influential men.

3133. Mr. *Hawes*.] Combining probably official parties with certain of the priests?—They must have been native official parties to attain the end the Government were desirous of accomplishing.

3134. Do you or do you not mean that the civil servants of the Government should have been parties to those appointments in any way?—No; that would not have attained the object; the object was to disconnect the public servants with the appointment of the priesthood; and I think had such a man as Mr. Turner, and I instance him because I know he was well acquainted with the native character and habits, been appointed to negotiate with them on the terms of an Ordinance, so that it could have been brought forward with the consent of the priesthood of the day, such a thing might have been done; but it would have required great caution and tact in doing it.

3135. Do you think it might have been entrusted to a committee or a corporation of priests, to the exclusion of all direct interference of the British Government?—I hardly feel myself competent to give an opinion upon that; I think I should do better in offering to the Committee the opinion of the Legislative Council. This was not a political question at all; it was one in which all were bent upon attaining a common end, of quietly disconnecting the Government from Buddhism.

3136. Are you acquainted with the Ordinance to which you have alluded?—No.

3137. You do not know whether the civil servants of the Government were parties to the appointment of the priests?—I do not know the merits of the Ordinance itself.

3138. Your own opinion I understand to be, that there might be a committee or corporation, or a body appointed by the Government, consisting entirely of native Budhists, who should bestow the patronage?—I think it would be desirable, in the formation of such a committee, not to confine it to Budhist priests; that, however, is only my own opinion.

3139. You would have some laymen as well as priests?—Yes.

3140. You would have priests and chiefs combined?—It would be going into a very discursive statement to say what my opinions would be as to the settlement of this question. I would have brought the thing down so that the temple tenants and the people of the country round should have had something to do with it. I believe the tenets of Buddhism are so pure in themselves, that there would have been no difficulty in spreading your care of the subject over a great many years, and bringing them all round to Christianity, taking over the temple lands, the priesthood and all, as part and parcel of the Government of the country.

3141. Mr. *Disraeli*.] What is the nature of the priesthood; is it a hierarchy, or are they all equal?—They have ranks among them, but I do not know enough upon the subject to give the Committee information.

3142. Mr. *Gladstone*.] Are there civil servants of the Government in Ceylon, being Budhists by religion, who are of such a station as to intelligence, that they might usefully take part in the management of the religious concerns of Buddhism, and in the appointment of the priests?—The headmen are Budhists by profession, and they are of sufficient station to have had this confided to them.

3143. Would you call them civil servants of the Government?—They are not civil servants of the Government in the common acceptation of the term, as applied to the civil service, but they are civil servants of the Government in a wider acceptation; they are high in rank in the colony.

3144. And having defined duties to the Government in consequence of their station?—Yes, duties to the Government appertaining to their station. The Government

53

G. Ackland, Esq.

5 June 1849.

Government agent wanting any information as to anything in his district, refers to the headman.

3145. *Chairman.*] Am I to understand your opinion to be, that it would have been much better to have left the tooth in possession of the Government agent as it was before?—Yes.

3146. But that if an alteration was to be made, some step such as you suggest ought to have been adopted?—Undoubtedly.

3147. *Sir J. Hogg.*] Had the Government any apparent connexion with Budhism except the care of the tooth; I mean, did the Government servants take any part in the religious ceremonies or processions, or any care of their temples?—None at all. I believe that the thing had better have been allowed to sleep quietly; the Government were not active participators in the matter; they tacitly confirmed any appointment recommended to them by the headmen and the priests.

3148. Did the servants of the Government take any part in the religious processions or ceremonies?—None at all; they only attended upon state occasions, when it was necessary to exhibit the tooth.

3149. Where was the tooth deposited?—In a separate temple, attached to the palace at Kandy.

3150. Had the Government charge of that temple?—The Government mounted a guard over it; that was the only active superintendence the Government exhibited.

3151. In what way was the tooth deposited?—The tooth is deposited upon a shrine, with a handsome casing over it covered with precious stones; that is locked up in a small apartment in the centre of the temple.

3152. Was the person who had the immediate custody of the tooth, and was responsible for the safe charge of it, appointed by the Government or by the priests?—The custody of the tooth, I think, was in the chief priest of that temple and the Government agent jointly. The Government agent kept the keys of the temple, but the priest was supposed to have the entire custody of it. If you desired to see the tooth, you had an order from the Government agent, and either he or his deputy would attend with the keys, open the closet, and show it you.

3153. *Mr. Disraeli.*] Was there a guard of honour?—There was always a guard.

3154. *Sir R. Peel.*] Was there anything peculiar in the tooth?—I have never seen the tooth uncovered.

3155. *Mr. Villiers.*] Were the Budhist priests peculiarly irritated by the Tax Ordinance?—I do not know that they were particularly irritated.

3156. *Mr. Wilson.*] Do you think the people or the chiefs had any sympathy with the priests in their feelings with regard to giving up the tooth?—I think as the priests and headmen both lose power by everything which disconnects the Government from the charge of the religion, as it lessens their influence over the natives, they have a common feeling on the subject.

3157. Do you think the sympathy which they felt in the question was a political one or a religious one?—I should think both; they were attached to their religion, but more as a political engine than anything else; that, however, is quite a matter of opinion.

3158. *Major Blackall.*] Do you know whether there were any remonstrances from the priests as to giving up the tooth, or the non-appointment to those vacant offices?—I do not know.

3159. *Sir J. Hogg.*] When it became known in the Island of Ceylon that the Government were about to give up the charge of the tooth, was there any remonstrance addressed to the Government by the priests?—Not to my knowledge.

3160. Were you in the island at the time, or shortly after?—I was there at the time.

3161. Then did you hear that its surrender at the time occasioned dissatisfaction among the priests?—I heard that it was a cause of dissatisfaction to the priests generally; but that would be only hearsay; I was not in the Kandyan country at the time.

3162. There was nothing passed in the way of remonstrance or memorial from the priests addressed to the Government which would induce you to suppose that there was any general feeling of dissatisfaction?—I do not know of any such remonstrance.

G. Ackland, Esq.

5 June 1849.

3163. Were you a member of the Council at the time?—Yes; but a member of the Council has nothing to do with anything but that which is brought before him.

3164. You are not aware of any petition or remonstrance addressed to the Government by the priests relative to giving up the tooth?—Individually I am not; but as a member of the Legislative Council I could have no knowledge of anything which the Governor did not choose to place before me.

3165. Mr. *Hume*.] Was the subject ever brought before the Legislative Council while you were a member of it?—No; it was expected to be so brought; it was supposed that a new Ordinance would be introduced; and individually, as a member of the Council, I felt great surprise that the Government should act as they did before they brought in the Ordinance; it appeared to me to be throwing away every possible chance.

3166. Mr. *S. Wortley*.] What emolument have the priests?—By their vows they are not allowed to possess money of any kind; their emoluments consist in the temple lands; they have the management of them. They also receive presents from you; they will never sell you anything. If you want any land from them, they will rent you out any land for any period of time, by your paying them in oil or cocoa nuts for the use of the establishment generally.

3167. They are the owners of the temple lands, are they?—They are.

3168. And deal with them for their own profit?—Yes.

3169. Not for the profit of the religion merely?—We say that practically they do it; but abstractedly and theoretically, they are supposed to apply the profits only to the purposes of religion.

3170. Do the people pay them any fees?—No, the people contribute presents.

3171. Mr. *Wilson*.] It appears from the correspondence from Ceylon that the origin of the late disturbance was with the headmen and chiefs. I have come to the conclusion, from the correspondence, that the priests were rather pressed into the service of the headmen and chiefs, who were themselves the original party to the outbreak. Do you believe that the outraged religious feelings of the headmen and chiefs, with regard to the Buddhist religion and the relic, had anything to do with the part which they took in the late outbreaks?—I think the outrage upon the feelings of the priests by the disconnexion of the Government with their religion, had a tendency for them to join in this rebellion. Whether they were forced into it or not is a question I will not pretend to answer. I know in some parts individual priests have stated that they were forced into it, but I also know that it is very difficult to decide what reliance you can place upon any statement by the natives to that effect.

3172. Do you believe that the outraged religious feeling of the chiefs and headmen was the original cause of their having anything material to do with the first outbreak, as it was commenced by them?—I do not think I can form any opinion of the motives of any man; a man might make a pretext for doing an act, which he may be perfectly justified in putting forth as a pretext, but his real motive may be political power. The priests may have wished to have gained political ascendancy in Kandy, but they may not have dared to put that forward to the natives; I cannot decide what was the ruling motive that induced the natives to join in this outbreak.

3173. It is with regard to the chiefs and headmen, not with regard to the priests, you speak of that as the motive?—The same principle operates.

3174. You have told the Committee that you believe that the priests felt that their feelings were outraged by their religion having been disregarded; I wish to ascertain whether you have the same opinion with regard to the chiefs and headmen, in the part they took in the rebellion?—I think the chiefs and headmen felt that by their religion being discountenanced by the British Government, their hold generally upon the natives would be loosened, and, as a political feeling, they were opposed to anything of the sort.

3175. Sir *J. Hogg*.] The tooth remained in the same temple, I suppose, in which it formerly was?—Yes, the tooth remained in the same temple; the moment the rebellion broke out, although we had given it up, I gather from this Blue Book that the Government agent immediately went and took charge of it again, and then I understand again gave it up.

3176. When it was delivered up it remained in the same temple?—Yes, and I believe it does so now.

3177. Was

3177. Was it given to the charge of one priest or several, and how many?—*G. Ackland, Esq.*
I do not know how many, but several.

3178. All priests?—I cannot answer that question with certainty.

3179. The keys, which were formerly kept by the Government agent, were then delivered over to that committee?—Yes.

3180. Can you tell the Committee whether, when Lord Torrington brought the question before the Council of giving up this relic, he did it of his own accord, without any authority from the Council?—I have no means of knowing that.

3181. *Mr. Gladstone.*] Have you any means of knowing what was the motive of that step?—No, I cannot say that.

5 June 1849.

3182. *Mr. Hume.*] Have you been largely connected with the coffee planting in Ceylon?—I have.

3183. How long have you been so?—Since 1834 I have been connected with coffee planting; I have had the entire management of 35 estates.

3184. During the time that you have been there?—Yes.

3185. Has coffee planting been beneficial to the natives, or otherwise?—In some respects it has been beneficial, in others it has not. There is no doubt that the natives before the introduction of coffee planting knew nothing of the value of money or the value of labour. When I first went among the Kandians, whatever service they rendered you if you gave them some rice they were content. A man would plough your field, and it was understood among themselves that whosoever land it was that was being ploughed, fed them all, and gave them a dinner of curry and rice. They received no money payments. If a European wanted anything done, if he made them a present of a little tea or sugar, or was kind to them if they were ill, or would lend them a carriage if they wanted it, they would come and render him any service without any money return.

3186. Was that general?—It was general throughout the Kandyan country.

3187. Did that exist upon the sea coast where the Dutch had formerly possessions?—Among the natives, the farmers and villagers, the same rule of assisting in ploughing lands exists. I have had occasion there, when I wanted a field ploughed, having no ploughs and oxen of my own, to ask the natives to come in and bring their oxen and plough it, offering them payment, and they refused it; they would say that was contrary to custom; if you will do anything in your power which we ask you we are quite content to render these gratuitous services to each other.

3188. In what way did the influx of Europeans as coffee planters affect the natives?—By degrees the natives seeing the Malabars and men from the low countries, who were brought up into the interior, working for money and enjoying themselves we got Kandians in small parties to come and work for money; in the course of time they learned the value of money as well as most folks understand it in all parts of the world; the effect upon them was, that having once a taste for money they began to value their labour as being productive of money; they would no longer give their labour to the headmen for nothing, therefore the headmen became discontented and dissatisfied. On the other hand, the native was discontented with the Europeans coming and settling down, because they required him to keep his cattle in their proper places, and not to allow them to stroll about lest they should get into their coffee plantations, so that they were the subject of frequent disputes; cattle were shot. Upon one occasion, when I first settled in the Valley of Doombera, where the natives are very superstitious, and, generally speaking, troublesome to deal with, they threatened to murder my people; they burnt down a new house that was built; the headman himself told me that he would never allow us to settle there. This was the first plantation that was made in the interior upon any extensive scale. They also complained that their grazing lands were claimed by the Government, and that they attributed to the coffee planters making their applications to purchase that land; therefore upon those grounds they were dissatisfied.

3189. *Major Blackall.*] Had not the natives by the establishment of coffee plantations, an opportunity of gaining an easy livelihood?—Certainly.

3190. They were placed, therefore, in a better position than they were before?—No doubt they were greatly benefited, and more so than they themselves were aware of; their lands became of considerably more value.

3191. *Mr. Hume.*] You have stated that cattle were sometimes shot, and disputes took place; who were the parties to redress any grievance or complaint in that case?—The Government servants and officials; the Government agents in

G. Achland, Esq.

5 June 1849.

some districts, or the district judges, if it be a place where they have a separate authority.

3192. Were the district judges themselves coffee planters?—Everybody was a coffee planter in Ceylon, from the Governor downwards, except Lord Torrington and Sir Colin Campbell.

3193. Was Sir Emerson Tennant?—I do not think he was.

3194. Major *Blackall*.] Then in the case of any complaint between themselves and the Europeans, they had to go to another coffee planter to seek redress?—Yes.

3195. Were all coffee planters appointed magistrates for that purpose?—No, but public servants become coffee planters.

3196. Then that would affect their character in the eyes of the natives?—I should think very injuriously.

3197. Is that the case now?—Yes, I think that is generally the case; I believe the Government have been quite aware of that. It is fair that I should state, from my own study of the subject, that in the first case in was entered into by the individuals as an object of profit, and also considering that they were doing good. Sir Edward Barnes was the first individual who planted coffee in the island, and he considered that by doing so he was setting a good example. The Government permitted the Government servants to go into it, and did not see the effects which might arise from it. Afterwards there arose great difficulty in compelling them to leave it off. Steps were taken in time, and Sir Colin Campbell ordered that all public servants should sell their estates; but it was not in the power of the public servants to go into the market and get purchasers for their estates, and the whole subject was one of great difficulty to extricate the public service from.

3198. Does it remain now in that situation?—That is the present state of things.

3199. Mr. *Hawes*.] Do you mean that it remains in the same state?—As regards public servants holding coffee estates; I am not aware whether the order that was originally promulgated for public servants getting rid of their estates when the time expired, was held really and practically to be in force.

3200. Mr. *Hume*.] Has the production of native coffee increased under those circumstances?—It has increased under the high price which ruled for a long time.

3201. During what period did the high price prevail?—In 1842, 1843, and 1844 plantation coffee was worth, in bond, 10*d.*, 8½*d.*, and 8¼*d.* a pound.

3202. What is it worth now?—In 1847 it was worth 6¾*d.* and 5½*d.*

3203. Did that high price in those years stimulate to the production of coffee?—No doubt of it; and the example set to the natives by the European plantations was followed, of planting more systematically; and though they did not follow the same system of curing the coffee which the European does, still it improved greatly the quality of native coffee, and very largely extended the quantity.

3204. Were the plantations confined to any particular district in the island?—No; in the first instance they were commenced in the lower districts of the mountainous regions; latterly the planting has been extended to the higher districts all over the Kandyan provinces.

3205. Has the cultivation of coffee latterly been profitable?—Very far from it; it has been ruinous.

3206. Is it confined to the Kandyan provinces?—Generally speaking it is so; it is in the mountain range.

3207. How has this coffee planting affected the relation of the natives to the headmen?—The headman can no longer get the natives to work for him for nothing; he must pay them for their labour, and therefore he would be dissatisfied with this state of things.

3208. Mr. *Hawes*.] It is beneficial to the native, though injurious to the headman?—Yes.

3209. And therefore one source of the discontent of the latter?—Yes.

3210. Mr. *Hume*.] You have also stated that it interfered with the feeding of his cattle?—Yes, it interferes with the feeding of his cattle.

3211. Mr. *Hawes*.] Coffee production has largely increased of late, has not it?—The production of coffee in the island has largely increased of late; coffee planting is going off.

3212. Mr.

57

G. Ackland, Esq.

5 June 1849.

3212. Mr. *Villiers*.] I suppose it was very much overdone?—Yes, that is the real fact.

3213. Sir *J. Hogg*.] Every improvement in the civilization and the condition of the natives will necessarily tend to diminish the influence of the headmen?—No doubt of it.

3214. And thereby to render him discontented or dissatisfied?—Yes. We ought to bear in mind, however, that with this increased civilization of the native, the headman having his landed possessions, those possessions are greatly increased in value, therefore he receives a corresponding value, though he may not attach importance to it.

3215. But it renders him, notwithstanding, dissatisfied?—Yes, seeing that he loves the power which he has lost.

3216. Mr. *Hume*.] You have stated that the natives have a very imperfect knowledge of the value of money; how is it that the demand for rice is so great?—The demand for rice arises from the increased number of labourers who have been introduced into the interior, and probably from many of the Kandians having now taken to work upon estates, finding it more profitable than growing rice in places where the watercourses may have got out of order, or possibly require more cultivation. I am not aware what the quantity of rice grown in different years is in the Central Province; that I imagine the Government have access to; but a large demand for rice has arisen from the number of Malabar labourers who have been employed upon the coffee estates, who require rice to be brought up into the interior. Now if that rice, owing to the distance it has to be brought, costs a large sum of money, it is clear that as in the markets there cannot be two prices for the same article, the rice grown by the Kandian himself rises in price.

3217. Mr. *Villiers*.] Is rice imported?—Very largely.

3218. Is not there a duty upon the import?—Yes.

3219. Mr. *Hume*.] How were the roads maintained or made when you were in the colony?—By the Government, out of the public funds.

3220. Are they so made now?—Yes, at present. I believe the Road Labour Ordinance has not yet been brought into actual operation; but up to the time I came away the roads were all made by Government.

3221. In what way; out of the public revenue generally?—Out of the public revenue generally. There was a proposition made, which I find alluded to here, as to the land fund being kept separate. I do not know that I can give the Committee the reference at once, but there was an implied promise that the monies paid to the Government for lands should be laid out in the improvement of the country. I think it is alluded to in one of the despatches from the Home Government, that the money that was paid to the Government for land should be expended upon the improvement of the country generally, inasmuch as it improved the value of the Government land which they would yet have to sell.

3222. Mr. *Hawes*.] To what promise do you refer; of what date?—I refer to Lord Stanley's letter of the 30th of October 1841. "The separation of this branch of income from the ordinary revenue was recommended to the Lords of the Treasury by Lord John Russell shortly before he left the Colonial Office in 1841; and my Lords expressed their concurrence in this view of the case, in the letter of Mr. Trevelyan to Mr. Stephen, of the 31st of August 1841. Their Lordships' letter was transmitted to this Government by Lord Stanley in his despatch of the 30th of October 1841, No. 20; and it was at the same time intimated that the land revenue might be applied to purposes of local improvement, &c. Nothing further, however, appears to have been done in the matter up to the present time."

3223. Major *Blackall*.] Were there not some roads formed in the island by private subscriptions, aided by Government grants in relative proportion to the amount of the private subscriptions?—If a large portion of land were purchased up by individuals, those individuals had a right to expect that their money should be laid out in the improvement of their district. That has not been done. The Ambegommowe district was mostly bought up by Government servants and their friends, and large sums have been laid out on that road. In the district of Upper Doombera some 50,000 acres were purchased (very little by public servants), and not a shilling would they give us for a road. In the Hewahetta district fully 30,000 acres were bought; the proprietors laid out some large sums

G. Auckland, Esq.

5 June 1849.

on a road, on the faith of Government assistance to a like amount. The Government people frittered away money, and to this day the road is not available. That is the effect of a memorandum which I made at the time.

3224. Are you not aware that in many cases money was given by Government to assist private individuals?—In some two or three instances.

3225. Sir J. Hogg.] You said that rice was imported; rice is the principal food of the people, is not it?—It is.

3226. Is not the greatest portion of the rice consumed by the natives of Ceylon imported, including among the natives the labourers who come there to work?—I think the quantity of rice imported I can state. The quantity of rice produced in the island is a most difficult point to arrive at.

3227. If you can, will you state the quantity produced in the island, and the quantity imported?—The value of the rice imported into Ceylon was, in 1844, 357,000*l.*; in 1845, 465,000*l.*; in 1846, 439,000*l.*; in 1847, 453,000*l.*; and in 1848, 398,000*l.*

3228. Can you give an approximation to the quantity of rice produced in the island during those years?—The only mode in which I can estimate it is by a calculation from the amount of the grain tax, taking the average production of the grain tax as revenue. I have assumed that the produce of the grain cultivation paying duty to the Government under different heads, amounted to 475,000*l.*, and I have added one-fifth for underrating; supposing the headmen connived at parties not paying the proper rate, or that parties altogether evaded the duty, I have supposed that might amount to one-fifth, and that would give an approximate value of 570,000*l.*

3229. Chairman.] Is not there a great deal of land upon which the tax has been redeemed?—I have no account of what that amount may be. It will appear from the calculation which I have made that we import about one-third less than the production of the island.

3230. Sir J. Hogg.] Rice being the food which is consumed by the labourers who come from Malabar?—Yes.

3231. Mr. Villiers.] What is the value of the rice?—The value of the rice is about 2*s.* 6*d.* a bushel.

3232. Sir J. Hogg.] The expense of carriage, I believe, enhances the price of grain in the interior enormously, does not it?—It does add very considerably to it.

3233. Does not it double or treble it?—Not so much as that. A cart will carry up 40 paras of rice: for that you may pay, according to the season, where there is a regular conveyance for the cart, for that is the main point, from 20*s.* to 3*l.*; say an average of 40*s.* or 1*s.* a para; that would be 1*s.* 6*d.* a bushel.

3234. To what place do you refer in stating that?—To Kandy and the central market.

3235. How is it that rice is so little cultivated in the interior?—That is a question which I am not competent to answer.

3236. Mr. Wilson.] What is the duty upon the rice cultivated in the island?—I believe the average is about 10 per cent. I am speaking quite from memory.

3237. Mr. Hume.] Were you in Ceylon during the late disturbances?—No.

3238. When did you leave?—In June last year.

3239. Are you able to give an opinion as to the cause of those disturbances from your previous residence in the island, and being a member of the Council?—I attribute the disturbances, by the train of reasoning which I have given in evidence, to the following causes: The abolition of compulsory labour made the headmen discontented; but as the lower classes benefited by it, the headmen's influence was innocuous. The introduction of coffee planting has had the effect generally of making the Kandyans discontented on account of their lands and cattle; then, giving up the Delada tooth, and the disconnexion of the Government from the religion of the country, made the priesthood disaffected; now, the priests and headmen have usually worked upon the natives by exciting their fears as to the Government interfering with religion and raising the taxes, and this whether true or not. It was unfortunately about the same time that various Returns for the Colonial Blue Book were ordered by the Government, which were doubtless misrepresented by the priests and headmen to be for the purpose of taxation. Then when the new Tax Ordinances were passed, those suspicions which

159

which they had raised were turned by them for their purposes into certainty ; so that the foregoing causes concurring with the taxes, were the accidental cause of the outbreak ; they were the substantial grievance upon which the political speculators traded.

G. Ackland, Esq.

5 June 1849.

3240. Sir J. Hogg.] You mentioned one cause of dissatisfaction being the coffee planting interfering with the lands of the natives ; what proportion of the land in the Island of Ceylon is under cultivation ?—I do not think I could state it, except I can find it here, from an approximation sent home by Sir Emerson Tennent in his Report.

3241. It is said that not more than one-thirtieth part is under cultivation ; if that be at all correct, it would appear that there is ample room for coffee planters to plant their coffee and obtain lands without at all interfering with the natives ;—I am afraid the coffee planters partake of the weakness of mankind in general, and would wish, all of them, to get to the most favourable spots. The lands which are most suitable for coffee planting are all in certain districts. There is less difficulty in regard to the natives now in Europeans going into the distant forests. The disputes arise upon parties planting lands anywhere round the native villages, the lands which the natives claim for their cattle to graze on.

3242. In point of fact, if the natives were not generally averse to the introduction of Europeans into the interior, as far as lands are concerned, there is ample room for them all, and will be for a long time to come ?—Not where the natives are congregated ; there there is not spare land ; there are large waste lands where there are not any natives at all.

3243. The coffee planters do not depend on the natives of Ceylon for picking their coffee, do they, but upon the coolies who come from Malabar ?—They employ a great many of the natives in picking the coffee. Latterly my advices lead me to understand that the Kandyans are coming in and gathering coffee very readily.

3244. Major Blackall.] Do the coffee estates generally interfere with the rice grounds of the natives ?—No, the coffee estates themselves do not interfere with the rice grounds of the natives ; but there are a great many lands called chana lands, which the natives claim for their cattle to graze on, which the planters have purchased at different times, and upon those lands there have been disputes.

3245. Do the coffee planters generally seek for chana land or forest land ?—They used to seek for chana land, because they were not aware that it was not so suitable for coffee, and it cost them less money to clear ; now they seek rather for heavy forest land.

3246. Are the coffee plantations likely to interfere with the natives as they have done ?—I think any lands which have been planted have either been given up, or the thing has been settled by this time tolerably well ; but the native has been dissatisfied ; he has had causes to be dissatisfied, and they may have rankled in his mind.

3247. Mr. Hume.] Will you state what are the taxes to which you allude as having caused the more immediate dissatisfaction ?—I should not state them as having caused it, but as having been made use of. They are the gun tax, the shop tax, the dog tax, the stamp tax, the cart and boat tax, and the road-labour tax ; all those taxes do not affect the Kandyans, but they were probably all cited to show the Government's intention to tax everything. I wish the Committee to understand that I am not passing an opinion generally in condemnation or approval of those taxes ; I am only saying that the natives, seeing so many taxes all brought in at one time, made use of that argument to show that it was the intention of the Government to tax everything.

3248. Mr. Hawes.] That was represented for an interested purpose ?—I think so.

3249. Mr. S. Wortley.] Will you explain what you mean by their not affecting the Kandyans ?—The cart and boat tax do not affect the Kandyans.

3250. Mr. Hawes.] Would not it affect them in the carriage of rice and other articles into the interior ?—They would not be conscious of it, from the indirect way in which it would arrive at them.

3251. Mr. Hume.] You were a member of the Legislative Council ?—I was.

3252. Will you state for what object those Taxes were introduced ; were they introduced as a means of revenue, or of police ?—I think some of the taxes were introduced with the joint object of police and of revenue, but they were all

G. Ackland, Esq.

5 June 1849.

included as revenue taxes, inasmuch as the Government estimated they would get so much revenue from each, exclusive of the dog tax, which I believe was intended entirely as a police tax. I do not think any one seriously attached importance to the amount of revenue to be derived from it; all the rest were put forward as sources of revenue, which were intended to replace the revenue given up by the Government, as I consider, improperly.

3253. Were those taxes separately considered while you were a member of the Legislative Council?—They were.

3254. Did you object to them?—To answer that question it would be necessary that I should go into the whole question of the working of an Ordinance through the Council.

3255. It would be very important that you should do so if it will elicit the mode in which the Ordinances pass?—When these taxes were introduced they were introduced in the shape of a portion of the Stamp Ordinance, under the head of licences.

3256. Do you mean the whole of them?—Yes; a discussion was raised upon that Ordinance, and I objected to the whole of them as they appeared in that Ordinance; but it is fair that I should state to the Committee that I did not object to them all as they appeared there upon the abstract principle of their being bad in themselves; I objected to the whole of them being there, seeing that we were committing ourselves to allowing a stamp upon licences to be granted before we had enacted that it was necessary to have a licence, therefore I objected to the whole of them; but a discussion was raised upon several as to their policy generally, and to some of them I objected, especially to the shop tax; I objected to that very strongly; the dog tax I did not object to; the gun tax was a question that should be considered when it should come under discussion. I did not object to the principle of the gun tax as a means of registry, the objection was as to the mode of carrying it out. The cart and boat taxes were objected to only in part. The road-labour tax I did not object to; that tax I should say was not included in that Stamp Ordinance, as it was not a question of licence. The fact which I consider the most unfair on the part of the Ceylon Government is, that the objections which were taken in the Council upon that Stamp Ordinance never come upon the proceedings, nor did they come before the Home Government.

3257. Objections taken by whom?—I may say individually by myself, as I am speaking for myself; I took objections to some of those taxes upon this very question, and discussions arose as to the protest of the members of the Council.

3258. Why do you consider that unfair?—Because the Government at the last stage, after carrying all their propositions against me, for I only divided the Council upon one or two of the items—

3259. Were you alone?—No, I had members of the Council with me upon one or two points, upon the shop tax in particular; the Government agent of the Western Province, Mr. Gibson, who was a public servant, was opposed to it; but by the orders of Lord Torrington, because I must assume they were his orders at the time, since confirmed by Lord Grey, he was desired not to vote against the Government; the consequence was that the Government in the Council are an absolute majority, without assigning any reason at all; the principle being that a Government servant, an official member of the Council, was to vote with the Government. The immediate effect as respects this Ordinance was, that at the third reading the Government, of their own accord, withdrew all those licences from the Ordinance, and passed the Stamp Ordinance, upon which all the discussion had taken place, unanimously.

3260. What do you mean by the Government at the last stage withdrawing from the Ordinance all those taxes?—They introduced into the Stamp Ordinance licences; in those licences they included a licence upon every dog, a licence upon having guns, a licence for a shop, a licence for a cart.

3261. Those were all in one Ordinance?—Yes, and the discussion in the Council took place upon that Ordinance; but although the Government outvoted us upon those, and carried them all through the Committee, when we came to the third reading, they, of their own accord, withdrew those licences from the Ordinance. Then, that being the case, they reported to the Home Government that this Stamp Ordinance had passed with the concurrence of the Council, and so it did. The Government yielded to the force of my objection. I have no doubt that it was not proper to fix a stamp upon a licence which was not previously rendered

rendered necessary to be taken out; that we should not put ourselves in the position of sanctioning a law before we had enacted that law.

3262. *Sir J. Hogg.*] Your objection was in point of form?—Yes; but upon that point of form a discussion arose, and the Government withdrew their objection. Had they left those Ordinances standing I should have carried out my object by putting on record a protest against the licences. I am making it matter of complaint that the Government, having withdrawn it, did not bring to the Secretary of State that they introduced it and that they withdrew it.

3263. *Mr. Hume.*] In what way does that appear?—The Ordinance comes home as passed by the Council. At page 69 is Lord Torrington's letter of February the 9th, 1848: "I have now the honour to transmit to your Lordship copy of the Ordinance, No. 2, of 1848, 'To repeal the existing stamp duties, and to impose certain other duties in lieu thereof,' which was finally passed in Council on the 31st of January, but which is not to come into operation until the 1st day of June next." That reviews the Ordinance, but it makes no reference whatever to the licence system and to the divisions which took place in the Council upon those questions. I think the Government at home ought to be made acquainted with those divisions, because upon them was raised the great question of the Government agent of the Western Province voting for it or not.

3264. Are the Committee to understand your objection to be not to the withdrawal of those licences, but that only part of the proceedings that took place in the Legislative Council were sent home, and the Government were kept in ignorance of what really did pass?—Yes; I think the Government at home should be made acquainted with all that passed.

3265. *Mr. S. Wortley.*] The licence for fire-arms was retained in the Stamp Ordinance?—Yes; that Ordinance had been passed concurrently.

3266. *Mr. Hume.*] You objected to Lord Torrington sending some of the proceedings home without giving the whole of what passed in the Council?—Yes.

3267. *Mr. Hawes.*] Do you mean without sending home the debate in the Council?—The divisions; I do not know that I could expect that the Governor should send home all the debates which took place. I think the old system of having a shorthand writer to take the debates, which were regularly furnished by the Ceylon Government, was a good one, and its discontinuance by the present Government I think was very inexpedient.

3268. Did that practice exist in Sir Colin Campbell's time?—Yes.

3269. *Mr. Wilson.*] I understand you to say that the proceedings were not sent home?—No; Lord Grey would have been otherwise made acquainted with the differences of opinion upon this point.

3270. *Sir J. Hogg.*] Do you object to the Ordinances as they were actually passed?—I must take them as they come individually. I do not object to the whole of them as they stand. When the Ordinances were introduced, a discussion having been raised upon the licence question, the Government having decided that the officials should vote in their favour whether or not, I withdrew all opposition. I referred the matter then to the Secretary of State, stating that it was a question to be determined whether the officials were to be allowed to vote as they thought proper or not; and I therefore offered no opposition to any of the Ordinances, consequently the Ordinances all appear without the proceedings which otherwise would have accompanied them.

3271. *Mr. Hawes.*] In what way did the Government decide that the officials should not vote as they thought proper?—That arose upon the Ordinance for the more speedy conduct of Crown cases. There was a great diversity of opinion upon the subject of that Ordinance. I had the opinions of some of the oldest practitioners in the courts; at that time I was not aware of the opinions of the judges; but the opinions were very strong against the measure.

3272. Do you mean the opinions of the judges, or of yourself?—The opinions of the public generally; the opinions of the unofficial members were all against the measure. I understood the Government had ordered the individual members of the Council not to vote against them.

3273. Whom do you mean by the Government; do you mean Lord Torrington?—The rumour reached me that the Government had done it (I am not prepared to say that it was Lord Torrington or Sir Emerson Tennent); the rumour reached me that the Government had decided it, and I think it is better to treat it as the Government than as an individual. I cannot pretend to know

G. Ackland, Esq.

5 June 1849.

what individual it is that makes the order. That I consider was a point greatly at variance with what the previous practice of the Council had been ; for it had been known that every official member was always free to vote as he pleased before. It had been known, in fact, that individual instances had occurred in which the Government had been induced to abandon their measures or come to a compromise with the majority against them, especially upon the Church Ordinances. I wished, therefore, to introduce this subject into debate in Council ; and I intimated privately to the Government, as a matter of courtesy, that I should introduce the subject. My object was to call upon the official members, and to point out to them the duty they owed to the Government and to the Council to vote as they thought right and proper. I was stopped in this course ; it was held to be out of order.

3274. By whom ?—By Lord Torrington, as President of the Council. I was not permitted to address those remarks to the Council. Upon that course being adopted, we proceeded with the Ordinance ; the whole of the unofficial members voted against it. We had a great deal of discussion to amend it ; we tried to get it amended ; the whole of the unofficial members voted against it ; five out of the six protested against it ; the sixth did not join, because, though he agreed with the principle, he did not like the wording of the protest, and it had not been shown to him before it was laid upon the table ; and for aught I know (I have no right to prejudge the votes of the officials) this Ordinance, had the votes been left free, would not have passed. Now that Ordinance is sent home to the Government, of course with a notice of the protest of the unofficial members. The Ordinance to which I refer is an Ordinance to make provision for the more speedy trial of cases in which the Crown is interested. “A protest against the Ordinance having been entered on the Minutes of the Council by some of its members, copy of which is annexed, I deemed it advisable previously to its transmission to your Lordship, to call upon the judges of the Supreme Court for such observations as they might wish to make on any of its provisions ; and from their Lordships I received the letter, of which a copy is also annexed.” In the first place, the unofficial members relied upon their protest ; but Lord Torrington, in sending home this Ordinance, did not say by what means this Ordinance was passed by the majority. He did not by this despatch convey to the Secretary of State the real question at issue which was raised upon this Ordinance ; and there is the letter of the judges, which is unanimously against the Ordinance, although I can state for myself, and I believe I speak for the whole of the unofficials, that they were none of them aware of what the opinion of the judges was, though that opinion bore in our favour. It was our own opinion, but the judges also were unanimously opposed to this Ordinance, which might not have been carried through the Council at all but for the order of Lord Torrington that the officials were to vote with him ; and yet that is not reported in sending home the Ordinance. So that the Secretary of State’s approval of an Ordinance is acquired, I will not say by a misrepresentation, but by a deficient representation, and Lord Grey (to throw the responsibility fairly where it should lie) in acknowledging the receipt of this Ordinance, in his letter of the 26th of March 1848, though he disallows the Ordinance, does so in consequence not of the protest of the unofficial members, or of any difference of opinion which might exist in the minds of the official members upon the point, who were not allowed to vote as they pleased ; but he disallows it in consequence of its not having been referred to the judges previously. Then he says, in the last clause of the despatch : “If, after fully considering the objections made by the judges, and in the Council itself, the Council should be of opinion that those objections are not well founded, and that no modification of the proposed law can be adopted for the purpose of meeting them, they are in no respect precluded by my present decision from passing another Ordinance, similar in effect to that disallowed ; and if such should be their decision the law so passed may be brought into immediate operation.”

3275. Mr. Hawes.] Lord Torrington is directed in that despatch to consider the objections of the Council and of the Judges ?—Yes ; the application of that shows, that inasmuch as Lord Grey himself has decided since that no official shall vote against the Government, that decision is the vote of the Executive Government. The Council are nobody ; the protest of six unofficials can go for nothing against the votes of the official members ; the Council have no opinions ; the judges of the land, and the bar, may all be against the Ordinance, and may all

all decide that it is bad ; and the Council, which is the Government, may think in their hearts that it is all wrong, and yet they may not vote accordingly.

G. Ackland, Esq.

5 June 1849.

3276. Would that be consistent with considering the objections of the judges and the objections of the Council, which is to be the ground of its future allowance?—I have a right to consider when Lord Torrington sends this home with the opinions of the judges against it, and the opinion of Mr. Selby, a very junior barrister in the courts, as opposed to the opinion of the judges, and attaches more weight to Mr. Selby's opinion than to the opinions of the judges and of the whole six unofficial members, he was not likely to attach less weight to the opinions he had preferred before in the protest against the second Ordinance, and inasmuch as all the officials were bound to vote with him, the official majority is Lord Torrington's will and pleasure.

3277. Was not the Governor told to take the opinions of the judges?—He was told to take the opinions of the judges.

3278. Supposing those opinions are adverse, which they appear to be, do you think Lord Torrington would have ventured to withhold the opinions of the judges when the new Ordinance was sent home for confirmation?—I am bound to think so from Lord Torrington's own letter in which he sends home the opinions of the judges. He says, "The views and opinions therein expressed by the judges differed so widely from those both of the Queen's Advocate, by whom the draft of this Ordinance was submitted to the local government, and of the Acting Queen's Advocate, that I felt it to be my duty to submit their Lordships' letter to the latter gentleman for such remarks thereon as might appear to him necessary. A copy of Mr. Selby's letter to the Colonial Secretary on the subject is annexed."

3279. That is a clear declaration that the opinions of the judges would be sent home?—I beg the Committee to understand that I would not have expressed an opinion so strong without having deliberately weighed it in my own mind. I am deducing from this Correspondence, that however strange it may appear, I am led to believe, from the terms laid down in this letter, that Lord Torrington would so act. He says here, and I am only forming my opinion from his own writings, "It nevertheless seemed to me inexpedient, under the circumstances, to promulgate the Ordinance, and thus give it legal operation, until your Lordship shall have signified to me the pleasure of Her Majesty in regard to its confirmation or disallowance. But after a careful perusal of the Acting Queen's Advocate's observations in regard to the objections urged against the Ordinance by the judges, I confidently anticipate that it will meet with Her Majesty's approbation."

3280. Mr. S. *Wortley*.] You mean that Lord Torrington upon that occasion did recommend the Ordinance for confirmation, notwithstanding the hostile opinion of the judges?—Yes.

3281. Mr. *Hawes*.] Did he withhold the opinions of the judges from the Secretary of State?—No ; but the point we are now upon is whether, having that recommendation under the authority of the Secretary of State, he will re-enact that Ordinance ; I think he will not now.

Note.—On looking over his evidence the Witness wished the following note to be added as the answer to 3278 and 3279, but he could not be examined in consequence of having left England for Ceylon :

"I could not think so, for I knew that the opinion had been sent home. My impression is, that I was asked if Lord Torrington would withhold the opinion of the judges from the Legislative Council."

Veneris, 8^o die Junii, 1849.

MEMBERS PRESENT.

Sir Robert Peel.
Lord Hotham.
Sir Joshua Walmsley.
Sir James Hogg.
Mr. Hawes.
Major Blackall.

Mr. Adderley.
Mr. Hume.
Mr. M'Cullagh.
Mr. Villiers.
Mr. Stuart Wortley.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

George Ackland, Esq. called in ; and further Examined.

G. Ackland, Esq.
8 June 1849.

3282. Mr. *Hume*.] WILL you, before you proceed with the evidence which you have begun, state the constitution of the Legislative Council, mentioning whom you call official and whom unofficial members?—I have before me the official instructions to his Excellency, the Right honourable Viscount Torrington, bearing date 27th March 1847, upon which the councils are constituted.

3283. Mr. *Hawes*.] Those are the Royal instructions?—Yes.

3284. The ordinary instructions issued to Governors?—Yes, I presume they are: “Now we do hereby declare our pleasure to be, that the said Legislative Council of our said Island of Ceylon shall, as heretofore, consist of 15 persons, of whom nine shall, at all times, be persons holding offices within the said island, at our pleasure, and the remaining six shall, at all times, be persons not holding any such office.” That is the fourth clause. The fifth is: “And it is our will and pleasure, that the senior officer for the time being in command of our land forces in the said island, and not being in the administration of the government thereof, the Colonial Secretary for the time being, the Queen’s Advocate for the time being, the Auditor-general for the time being, the Colonial Treasurer for the time being, the Government Agent for the Western Province for the time being, the Government Agent for the Central Province for the time being, the Surveyor-general for the time being, and the Collector of Customs at our Port of Colombo for the time being, shall continue to be such nine official members as aforesaid.” The sixth clause is: “And we do further declare our pleasure to be, that the six unofficial members who shall have been appointed under the public seal of the said Island of Ceylon, shall continue to be the unofficial members for and during our will and pleasure.” The seventh clause provides for replacing them in case of death or incapacity.

3285. Sir *J. Hogg*.] Is there any provision for the mode of electing or selecting those six members who are termed unofficial?—The seventh clause says, “And upon the death, incapacity, absence from the said island, suspension or resignation of any of the said unofficial members of the said Legislative Council, we do authorize and empower you to nominate and appoint, by a commission to be for that purpose issued under the public seal of our said island, any fit and proper person or persons to fill such vacancy or vacancies in the said Legislative Council, who shall be so appointed only until our pleasure shall be known. And we do require you immediately to signify to us any such appointment as aforesaid, to the intent that the same may by us be confirmed or disallowed, as we shall see occasion.”

3286. Mr. *Hume*.] Then the selection, in fact, of these six unofficial members, under what you have now read, is by the Governor?—By the Governor.

3287. So that there are nine official members absolutely in power, and six more recommended by the Governor?—That is so.

3288. Will you continue your statement as shortly as possible?—From the observations which have been made, it would appear natural, in the minds of the gentlemen of this Committee, that these government members should necessarily always vote with the Government, and that it was so intended. Now, it never was my

my impression that that was intended; and I think I can show the reasons why, and upon that argument we shall see what is the whole objection to the conduct of the Government in the matter; and I think that I shall be able to trace to that, that Lord Grey's sanction to Ordinances, which have been stated by the Government themselves to have given rise to these disturbances, has been obtained in consequence.

3289. Mr. *Hawes*.] What Ordinances do you refer to?—The Financial Ordinances generally.

3290. Mr. *Hume*.] Do you mean to state that in consequence of the Government at home not being fully informed of what has passed in that Council, they may, as you think, have given sanction to measures which, if they had been fully informed of what had taken place, and the opposition made, they would not have done?—Decidedly so; and further, that these Ordinances would not have been passed had the Government of Ceylon not assumed a power which before they never had assumed, and which I cannot think it was intended they should have done.

3291. Then you do mean, in addition, to show that the powers assumed since Lord Torrington went there are different from what any previous Governor had assumed as regards the conduct of the Council?—Yes; of the nine official members of Council, six are members of the Executive Council, and those six I should consider to represent the Government; one would never expect that they would vote in the Legislative Council as against each other; whatever differences of opinion they had, they would, of course, settle in the Executive; but it must be borne in mind, that in that Executive Council the Governor has his double vote, as he has in the Legislative, and that therefore he and any two members of the Executive Council can, of themselves, bring in a measure into the Legislative Council, with the whole six votes of that Executive secured.

3292. Will you state to the Committee what are the duties and the powers of the Executive Council as differing from the Legislative Council. You say that the Governor may, by the double vote which he has, carry anything in the Executive Council, and that the others would not vote?—I have not before me the instructions of the Executive Council, nor do I know the extent to which the powers of the Governor are limited by these instructions; that would be quite a different question to bring under the consideration of this Committee; but I do know that he has a double vote in it, from instructions which I have seen.

3293. Mr. *M'Cullagh*.] As a matter of fact, do the six members always vote together?—Always. I beg to say that I may be mistaken in saying always, but I think so.

3294. Mr. *Hawes*.] Are you speaking of the Executive Council or the Legislative Council?—I am speaking of the six members of the Executive Government voting together.

3295. In the Legislative Council?—In the Legislative Council.

3296. Then you are speaking of the Legislative Council?—I am speaking of the Legislative Council, and I think generally, that the members of the Executive Council vote together, but I will not say that they have never voted in opposition to each other.

3297. But they vote together as members of the Legislative Council?—As members of the Legislative Council.

3298. That is to say the official members generally vote together?—I wish to distinguish always between the official members and the official Executive members.

3299. But there is no such distinction in the Legislative Council, they are Legislative councillors, are they not?—That is very true; but the Executive members are the Government, properly speaking. There are nine official members, but four of those official are not Executive members. I think it will shorten our proceedings very much if the Committee will permit me to state the view which I took of the Council and its formation, and why I adopted the course which I did. The Ceylon Government is an exceptional case; it is not a representative council, and it may be questioned whether it is suitable for such; but it is therefore the more desirable to give full latitude to such powers as are conceded to the Council, and fairly to avail of the real opinions of all its members. I beg to lay before the Committee a copy of a letter which I addressed to the members of the Legislative Council, stating what I considered the constitution and the

G. Ackland, Esq.

8 June 1849.

the duties of the members ; it was in consequence of the interference of the Government with the votes. I will state the substance of it in as few words as possible.

3300. Will you state the date of it?—11th November 1847. It is enclosed in my letter to Lord Grey, under date of the 24th February 1848, at p. 18, of No. 8 Paper. It gives the constitution of the Council as recited from these instructions ; it then assumes that the Governor and the five members of the Executive Council are the government ; and that the other members, the Government Agents for the Western and Central Provinces, the Surveyor-general, and the Collector of Customs for Colombo, are four official, but non-executive members ; and then that the six unofficial members are appointed by the Governor during will and pleasure. The Governor or the presiding member has an original vote in common with all other members, and a casting vote when the votes are equal. Now the Governor, as a member of the Executive, having the command of six votes, is equal in numbers to the six unofficials, with the addition of the Governor's casting vote in case of need. Of the four *ex-officio*, but non-executive members, two are members of the regular civil service of the colony, the two Government Agents ; the other two receive their appointments direct from Her Majesty's Government at home, the Collector of Customs and the Surveyor-general ; but the natural bias of the whole four, as administrative officers, is in favour of the authorities. For what purpose were these four members placed in the Council, if they are not to vote freely according to their judgment? Their advice can at any time be had from their respective officers ; their votes are not needed to counterbalance those of the six unofficials, for the executive are all sufficient in themselves for that purpose. In my letter, I do not object to this constitution of the Council, although I know that, of the commercial body, I was almost alone in my contentment with its numbers ; but hearing the rumour that the official non-executive members had been forbidden to vote against the Government, and knowing this to be contrary to all previous construction of their rights, I felt it a duty incumbent upon me, as representing the commercial body, to warn the Government to pause in, as I considered, its despotic course, and to call upon the officials fearlessly to exercise the rights and duties devolving upon them as Members of the Legislature. I would now only beg leave to remind the Committee that this letter arose out of Lord Torrington's assumption of power to carry an Ordinance ; namely, the Crown Case Ordinance ; against which the three judges of the Supreme Court, when it was afterwards referred to them, gave their unanimous and decided opinion ; and in forwarding this Ordinance for Lord Grey's approval, Lord Torrington did not state the means by which, for the first time in the annals of the Legislative Council, he had secured that majority which passed it, and upon the strength of which majority he asked for its confirmation. This was the first effect of this assumption of power.

[*The Witness delivered in the following Letter :*]

To the Honourable the Members of the Legislative Council of Ceylon.

Gentlemen,

It is not necessary that I should recall to your minds the circumstances under which I was interrupted in my address to you on Friday last, when opposing the second reading of "the Ordinance to make provision for the more convenient and speedy trial of cases in which the Crown is interested," by the Right Honourable the President desiring me to confine myself to a consideration of the ordinance only. To the decision of the President, on points of order, it is at all times the duty of every member of a public assembly respectfully to bow ; in our case, especially, it is the law of our existence, and I neither question the propriety of its being so, nor, in this particular instance, do I for a moment doubt that his Lordship Viscount Torrington acted under a conviction of what he believed to be his duty.

But, gentlemen, I have a duty to perform to you and to myself, to show that in the remarks I wished to offer for your consideration, my object was a perfectly legitimate one to the end in view ; viz. the securing of your votes in favour of the rejection of a measure which I believed to be especially unpalatable to the people, unnecessary to the Government, and therefore inexpedient, impolitic, and unjust. I had told you, possibly in highly coloured terms, the importance I considered to attach to the measure before us : of the responsibility resting in the unofficial members especially to scrutinize the acts of the Executive, and particularly at the commencement of a new administration with so many new members in the Executive Council ; to watch over its early career, and by nipping despotism in the bud, preserve to the Government the respect and attachment of the people. This was the especial duty of the unofficial members, and it was perfectly apparent that the terms in which it was enunciated were not agreeable to authority.

My

67

G. Ackland, Esq.

8 June 1849.

My next object was to secure the attention of the official members of the Council, not in the Executive; to point out to them the high and responsible position they held as a medium betwixt the Government on the one hand and the people on the other; and that, according as they exercised the power their position gave them, would the Council be effective for the purposes of good government, and command, what I believe to be of some importance to the Executive itself, the respect and confidence of the community. And further, I wished, as auxiliary to my subject, to give the Executive the opportunity of offering a contradiction to the rumours which, with truth for their basis or not, were and are current in society; to the effect that Government had intimated to the officials that their votes were not to be exercised against its measures. Respect for authority restrains me from the discussion, in this place, as to how far any of these subjects were really foreign to the object I had in view; but I will now put you in possession of the line of argument I had intended to have offered for your consideration.

From the want of time, I am not in the habit of writing speeches, not that I entertain any objection to the custom; on the contrary, a man's opinions will not command the less attention because the phrases in which they are conveyed are carefully selected; but I had from the date of my nomination to the Council laid down for myself the task of showing to those friends who had done me honour of selecting me as their representative, that the Council, as at present constituted, was sufficient for the good purposes professed to be intended by its framers, if the free and independent action of its members were but secured to them; and with this view, I had carefully noted down my ideas of the argument, and this first occasion offering I gladly seized it to effect the double purpose of giving confidence to my constituents; and, as I hoped, and do yet hope, showing to you, gentlemen, that the continuance of the Council under its present constitution must depend upon the independent exercise of the powers entrusted to it.

With this explanation, I now offer for your consideration the arguments I would then have addressed to you, with but the needful, though very slight, alterations requisite to their appearance in this shape instead of being delivered in Council.

It will be in your recollection, gentlemen, that I had spoken the first few sentences of the following when I was interrupted. The sense requires them to be repeated here; the exordium with which I introduced them arose out of the Ordinance before us, and the arguments by which I afterwards opposed its progress had not even been studied, as they would, of course, be dependent on the reasoning to be adduced by the Executive in favour of their measure. Of them I have no copy, nor are they needed, for the object of the present letter is general to the good working of our Council, not to any measure before it.

Whether this Council, as now constituted, is efficient for its intended purpose of protection to the people's rights from the oppression of bad laws, is a question on which men may honestly differ—there are those who believe that we cannot be well governed without a Representative Assembly—others admiring no less the principle of representation, do not consider the community sufficiently intelligent to exercise the franchise advantageously to their own interest,—there are yet a few, who, still clinging to the memory of good old times, hate the very name of a Legislative Council—I say a few, I trust that amongst that few we may not see reason to class men whose professions of liberality have been constantly dinned in our ears.

I have had some little experience of colonial government. I have before had the honour to hold a seat in this Council—I have had experience of its powers for doing good—and with that experience, and my knowledge of the circumstances of the colony, I am prepared to advocate the fitness of the present arrangements for administration and legislation, so long as the system is unfettered.

Addressing myself to his Excellency the Governor, I would have asked permission to review our relative positions.

You and your Executive Council are equal in numbers to the unofficial members. I will concede to you the prestige of your rank, your access to information, your administrative experience, your unquestioned abilities;—of ourselves we could not cope with you for a moment, but that a good providence has wisely ordered, that the race is not to the swift, nor the battle to the strong,—you have inherent in your body the germs of weakness, for the possession of power is so intoxicating to the human mind, that the natural caution, prudence, and experience, which would dignify your measures, are but too frequently laid aside; whilst we, comparatively weak, see but a bad measure offered for our consideration, our natural love of freedom, our sense of right, braces up our nerves; we gird up our loins to the fight; and I need not remind your Lordship that trebly armed is he whose cause is just. The Council, then, is our battle field, and the public our audience, to whom we do appeal for a decision. To the four official, but non-executive, members, whose practical knowledge and experience in their various departments, has not unwisely been supposed to render them *ex-officio* fit for the discharge of this duty, to them, then, must we appeal, and we may therefore profitably inquire to whom we have to address ourselves.

First, we have two Government Agents, civilians of old standing, in all probability next in succession to the Executive department; their sympathies may be taken to be as favourable to the Executive as could be desired; the other two members are not dependent upon the Government for their appointments, in truth the only really independent officials in this Council; for, if they do but do their duty, the Government can neither make or mar their

68

32 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

G. Achland, Esq.

8 June 1849.

fortunes; but they even are administrative officers, and the natural tendency of their minds is in favour of authority.

But I am content to rely upon our chance of success in appealing to these our umpires; I would then gently woo their sweet voices in our favour, and should we but succeed with two out of the four, the votes would be equal. Under these circumstances the casting vote is properly left in the hands of the Right honourable the Governor; he has the power, but with it the heavy responsibility; and now then, other elements will have their due weight on his Excellency's mind; hitherto we have presumed that the whole six members of the Executive are of one opinion, that they have had perfect unanimity in their secret conclave, no doubts suggested, no dangers pointed out, that they have had no advocate amongst them to plead the people's rights, for all have alike drank deep of the intoxicating draught of power; but should it be otherwise, the community may have found one honest bosom to beat in accord to its interests, may have found one mind, stronger than the rest, to have whispered caution in their steps, these members may have been silenced, and in this Council they appear, as it is needful they should, with bold front, a united phalanx, having but one voice as a body. But his Lordship, in the exercise of the important trust reposed in him, will doubtless call to mind their secret pleadings for the people, their whispers of caution, and give to us the benefit of those doubts, or, if still hesitating, refer the matter for the decision of the Right honourable the Secretary of State.

Thus I should have endeavoured to sketch the working of our Council, to demonstrate that whilst the officials are honourably appointed to their high situations, the legislative function is intrusted to a body efficient for all good purposes.

But my conviction of the efficiency of the body proceeds on the assumption that its members are really independent, unfettered by pledges, unhampered by the demands, the expectations of authority; be it otherwise, and see the certain, the immediate effect, not merely upon ourselves but upon the community; will they, can they, ought they to submit to such a mockery? No, there will be agitation throughout the length and breadth of the land; and it will not be in vain, for we may place a firm reliance upon the integrity of Lord Grey, and the result requires no seer to predict.

I have brought the Council to this stage of my argument for the purpose of calling attention to the rumours which, from inquiry, I had feared were but too truly stated by the papers to be prevalent on this subject; and I felt sure that the Executive would accord me their thanks for thus enabling them to remove an impression so injurious to the character and authority of the Government; so entirely subversive of all confidence in our labours. There must be some misapprehension on the subject, some unguarded expression taken to mean more than it was intended to convey, but the very idea of which is calculated to do mischief.

I should have professed my belief that it could not be true, for I could all but demonstrate its improbability.

It can neither be needed nor desired by the Executive, for I would fearlessly appeal to each individual member; and, beginning with the honourable the Treasurer, who I gladly recognise as a most valued and honoured representative of the old civil service, I would ask him if he would be a party to tie the tongues of his brother civilians? Would he not rather they should demonstrate, by the exercise of their talent, the entire fitness of that service for the higher duties awaiting them?

I would ask of the honourable the Auditor-general, so recently arrived amongst us, would he debar himself from the benefits to be derived from their experience in their several departments, as well as of their knowledge of the native character, with which the honourable gentleman can as yet be so imperfectly acquainted? I would appeal to the honourable and learned member of the Executive Council, if he for a moment doubts the persuasive power of his pleading in behalf of their measure? and proceeding further, I would crave permission of the honourable the Colonial Secretary, to ask if he, the talented and liberal member for Belfast, the accomplished scholar, the brilliant orator, accustomed to that grand arena which brings all talent to its proper level, if he has any doubt of his power of convincing us of the soundness of his measures, or of answering us in debate?

I am sure I need not ask of the gallant General if he be any party to such a measure, and my respect for his Excellency the Governor precludes my supposing for one moment that he could entertain a project so entirely subversive of all respect for his Government, so detrimental to its authority; no, gentlemen, it must be a mistake, a misapprehension, which requires only to be named to be cleared up.

But it is just possible, that though each individual of the Executive Council would indignantly disavow such an imputation, still the united body might be content to bear the responsibility, just as in the great metropolis of the world we find corporate bodies, city companies, Boards of Directors (all composed of honourable men), joining in some most foolish jobbing transaction, which each member, as an individual, would blush to think himself capable of perpetrating; be it so, what are the chances of success? what are we to expect from the honourable members themselves? placed here by Her Majesty to aid both parties by their experience and judgment, will they deprive us of this advantage? would they render their opinions out of the Council valueless in our eyes, by not daring to do their duty in it? would they sink themselves in the estimation of their brother civilians from whom they could not conceal their real opinions? and how would their votes look in juxtaposition?

Placed here, that their experience and practical knowledge should be a check on the Executive, will they be faithless to their duty to the Government itself; will they see it tumbling

69

tumbling headlong over the precipice of misgovernment, and not arrest its progress? But more than this, they have sworn, as Christian men, to do justice without fear, favour, or affection; would they dare, at the dictum of any man, to violate this solemn compact with their God?

G. Ackland, Esq.

8 June 1849.

Gentlemen, these were the arguments I would have addressed to your understandings, the responsibilities I would have recalled to your memories, in order to have induced that serious and unbiassed consideration of the measure submitted for our approval.

I touch not here the merits of any particular measure, my observations are general, and I humbly conceive, that upon a careful perusal of them, they will be pronounced deserving of deep consideration, for you may rely upon it the existence of the Council in its present shape, must depend upon the final resolution of the question at issue; in these days no administration will have the hardihood to maintain the existence in a British colony of a packed and fettered Council, exercising the powers and privileges delegated by Her Majesty to an independent body, fairly selected from the various sections of the community.

Gentlemen, the reflection I invite will convince your minds of the real conservatism of our present institution, which lies at the foundation of my arguments; heavy will be the responsibility of the Government who shall attempt to fetter, of the individual members who shall surrender their privileges to authority, for it will be they who, by their abuse of power, by their abandonment of their duty, will give an overwhelming strength to that advance of democratic opinions, which all thinking men perceive to be the great danger of the age we live in.

Colombo, 11 November 1847.

I have, &c.
(signed) George Ackland.

3301. Mr. *Hume*.] Before you proceed, will you have the goodness to explain what you mean by a "rumour that the official members had been forbidden to vote"?—The Crown Case Ordinance, as I have already in my previous examination stated, was one in which the public were very much interested. It now turns out, although I was not aware of it at the time, nor till I came to England, that the judges accorded with the public generally in their opinions. The rumour was, that the Government were determined to carry this measure, and that, as it was supposed at that time that the official members not in the Executive would vote with the unofficials, they had received an order that they should not be allowed to vote. This was the first time that such an order had ever been issued.

3302. On what grounds do you state that?—I do not feel at liberty to state the grounds upon which I believe the rumour; but I have placed upon record, in my letter in No. 8, the fact.

3303. Mr. *M'Cullagh*.] But do you know the fact?—I know it; I know that that order was issued. In my letter to Lord Grey I assert that fact; that letter is transmitted by Lord Torrington, and he does not deny the fact. Lord Grey, in his reply, thinks that it is not necessary to go into the proof of the existence of it.

3304. Sir *J. Hogg*.] Did you ever see any such written order?—No, there is not a written order.

3305. Did you hear such an order given, if it was verbal?—No, I did not hear it.

3306. Mr. *M'Cullagh*.] Did you hear it from any one who had received it?—I did; I heard it from a member direct that he had received it. At the 18th page of Paper No. 8, in my letter to Lord Grey of the 24th of February, which letter begins at page 17, in the second paragraph from the top, I state, "I would next inquire, my Lord, into the constitution of the Council itself; and in this place your Lordship will permit me to beg your perusal of the accompanying letter, which I felt it my duty to address to the members of the Legislative Council in November last." That is the letter which I have just handed in to the Committee, but which is not printed with this.

3307. Mr. *Hume*.] How do you identify Lord Grey with it, or consider that he sanctioned it?—In Paper No. 8, p. 21, I would refer to a portion of Lord Grey's reply to my two letters.

3308. *Chairman*.] Show us the passage?—It is the second paragraph: "With regard to the amount of freedom, in their conduct as legislators, to be allowed to the official members of the Legislative Council, which is the subject of the next part of Mr. Ackland's letter to myself, as well as of his former letter to the Legislative Council, to which he refers, it appears to me that the best rule which can be laid down, under the circumstances of Ceylon, is, that the official members of the Council are entitled, as well as the unofficial, to express their opinion upon all subjects with the utmost freedom, but that, after they have done so, it would be

(92.)

E

improper,

70

34 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

G. Ackland, Esq.

8 June 1849.

improper, and inconsistent with their official character, to defeat, by their votes, measures which the Governor, having fully considered their observations, might continue to think it necessary to press forward. If they should altogether disapprove of them, it would, in my opinion, be their duty to enable him to pass them upon his own responsibility, recording by minute, if they should deem it requisite, the objections which they might entertain. The adoption of a different rule would create the risk of a most inconvenient obstruction of the march of Government."

3309. Mr. Hume.] Are we to understand you to quote that part of Lord Grey's letter as supporting the opinion which you have now given, that he has sanctioned Lord Torrington's conduct in that respect?—I give that only as a proof of it, not to go into the question of it as to its merits.

3310. Are you able to say that at any previous period any such practice or order has existed?—I believe that no such practice or order has ever existed. I know from personal intercourse with official members that they considered that such an order on the part of Lord Torrington was unauthorized, and they were at a loss what steps they were to take in consequence.

3311. We understand that your letter addressed to Lord Grey was complaining of that order; did you make any protest in the Legislative Council, or state your opinion against such orders?—I had intended to bring the subject before the Legislative Council, when Lord Torrington stopped me; he precluded my discussing the question at all, and that led to the necessity of my publishing the letter to the members of the Legislative Council. I transmitted my letter to the Secretary of State, which was my protest, in fact.

3312. In what way had Lord Torrington interfered with you; had you given notice, or is it the practice to give notice of bringing any particular measure before the Legislative Council?—I had done it as a matter of courtesy due to the Government. I had given notice of my intention that day to bring forward the subject of these rumours, and immediately upon my commencing it, as I have stated in that printed letter, Lord Torrington himself got up.

3313. Has the Governor the power of preventing discussion on any matter, or is it only upon particular subjects that he exercises that power?—The 15th clause of the Governor's Instructions is, "It is our pleasure, and we do hereby direct that no Ordinance shall be made or enacted by the said Legislative Council, unless the same shall have been previously proposed by yourself; and that no question shall be debated at the said Legislative Council, unless the same shall first have been proposed for that purpose by you."

3314. Then he has alone the initiative, to use the phrase, of every question that can be considered?—Entirely so.

3315. In the Legislative Council?—In the Legislative Council; therefore the Governor having the initiative, I had no power to bring the subject of this rumour before the Legislative Council, after he stopped me.

3316. And you took the means, by a letter, of bringing it before them?—Yes, and which I made official by sending it to Lord Grey.

3317. Did you ever receive an answer to that letter?—No, I never received an answer to that letter because I came to England; but Lord Grey, replying to Lord Torrington's letter forwarding mine, replies generally to the letter itself.

3318. And that which you have quoted before is part of that letter?—Yes.

3319. Mr. Hawes.] You say that you have received no answer, and that Lord Grey only replies generally to your letter; have you not read the letter which was addressed to Lord Torrington in answer to that letter?—I have quoted it. My observation was, that I had not received the reply. I have only seen it in the newspaper, because I came to England.

3320. Are you not aware that the very commencement of that despatch is to this effect: "My Lord,—You will inform Mr. Ackland that I have carefully read and considered the two letters which he has addressed to me, bearing date the 11th and 24th of last February respectively, which were enclosed in your despatch of 3d March, No. 53, and you will assure him, on my part, that I do full justice to the motives of interest in the public welfare which have induced him to write them"?—I have quoted from that very letter to prove that I am aware of it.

3321. But you have not quoted that passage?—I have not come to a review of the letter; I have no wish to withhold any part of the letter.

3322. Are you aware, also, that the letter was desired to be communicated to you?—I gather that from the context, "You will inform Mr. Ackland."

3323. "You will lay a copy of this despatch on the table of the Legislative Council,

71

Council, for the information of all its members"?—Yes. Therefore I assume that Lord Torrington not having gainsaid any of the assertions contained in my letter which he transmitted to Lord Grey, they must be taken as facts uncontradicted by the Government.

G. Ackland, Esq.

8 June 1849.

3324. Mr. *Hume*.] Have the goodness to look to that very authority which you have quoted; look at Article 40; is not the Governor there directed, "that in any such case you do fully report to us, by the first convenient opportunity, every such proceeding, with the grounds and reasons thereof"?—The 40th clause is, "And we do authorize you, in your discretion, and if it shall in any case appear right so to do, to act in the exercise of the power committed to you by our Commission, appointing you our Governor and Commander-in-chief as aforesaid, in opposition to the advice which may in any such case be given to you by the members of the said Executive Council." That has not reference to the legislative. But in answer to your question, after the 15th clause, the 16th is, "Provided, nevertheless, and it is our pleasure, that if any member of the said Legislative Council shall deem any law fit to be enacted by the said Council, or any question fit to be there debated, and shall of such his opinion transmit a written statement to you, it shall be lawful for any such member of the said Legislative Council to enter upon the minutes thereof a copy of any such statement, together with the reason upon which such his opinion may be founded; and we do further direct that minutes be regularly kept of the said proceedings of the said Legislative Council by the clerk to the said Council, and that the said Legislative Council shall not proceed to the dispatch of business until the minutes of the last preceding meeting have first been read over, confirmed or corrected." And the 18th clause enacts, that copies shall be sent home twice in each year.

3325. Did you enter any such minute as is here authorized to be done?—No; after publishing that letter to the Council generally, I considered it a more respectful course to write to Lord Grey, through the Governor, stating my general objections to the matter. I felt myself called upon to take these steps, because I had been elected by the Chamber of Commerce as representing their interests, and it was my especial duty to watch it all; otherwise, perhaps, I should not have put myself into the prominent position of doing so. This was my justification to Lord Grey, in my letter to him in the first instance, upon this question. I would now, in order to enable me to answer your question as to why I did not oppose it, put upon record my letter to Lord Grey of the 11th of February 1848, at page 15 of Paper No. 8. That letter was forwarded through Lord Torrington, in his letter of the 8th of March 1848.

3326. What are the Committee to understand from this letter, with respect to your not opposing the taxes which you have before stated?—I would beg to observe, that in the second paragraph I state to Lord Grey, that I adopt this course of addressing myself to him as more respectful to the Government, than the constant recurrence to my right of protest. In the 3d clause I allude to the Ordinances which have been passed.

3327. What Ordinances?—First, I allude to the Ordinance, No. 10, of 1847, "To make provision for the more convenient and speedy trial of cases in which the Crown is interested," and I there allude to what we have already in our evidence had, the differences of opinion upon that point. That Ordinance was sent home to Lord Grey as passed by the majority of the Council, and I would particularly call attention to the fact, that Lord Grey in his despatch conveying the Ordinance, relies upon that majority.

3328. Which you quoted before?—Yes.

3329. Mr. *Hawes*.] And which Ordinance was disallowed?—The Ordinance was disallowed; but notwithstanding the opinion of the Judges, Lord Grey relies upon the majority of the Council. The next Ordinance alluded to was the Customs Duties Ordinance, which was the first of the Financial Ordinances which we had under Consideration. In the sixth paragraph of my letter I say: "The next Ordinance I would crave leave to bring under your Lordship's notice, is that 'for regulating the duties for customs' (No. 9, of 1847). This Ordinance will be represented to your Lordship as passed with the unanimous consent of the Council; as it was; and I feel assured your Lordship will, after perusing the following remarks, rightly estimate the spirit in which this unanimity was accorded, so far as I was personally concerned. I shall hereafter have occasion to allude to the manner in which this Ordinance was hurried through the Council; at present, I would simply state that the resolution of the Chamber of

G. Ackland, Esq.

8 June 1849.

Commerce with respect to it was only put into my hands whilst the Council was sitting, with a note from the secretary, expressive of his regret, that owing to the shortness of the notice, the document was so hastily drawn up."

3330. Will you read the next paragraph?—"The Chamber of Commerce and the Agricultural Society were both opposed to the repeal of the export duties, especially as regards coffee, considering the revenue derived therefrom, levied as it was in the most convenient manner, and at the most convenient time, of too much importance to be given up, until it could be fairly seen whether the proposed substitute of a land tax could be equitably assessed. In this view I most cordially concurred, for we have before us the fatal example of the Imperial Legislature, in conceding the abstract principle of free trade to the clamour of the manufacturers, before it was prepared to do equal justice to the British colonies, by freeing them from the trammels under which their energies are cramped. I would have continued the export duties (excepting always the article of cinnamon)," and which I admit the merchants have invariably asked the Government to reduce, "until after the practicability of fairly assessing the land tax had been placed beyond a doubt, and the additional revenue to be derived therefrom in the first year would have been most acceptable to the Colonial Treasury, but I was restrained from offering any opposition to the Bill, by the intimation that it was under the direct and imperative orders of your Lordship that the Executive Government introduced it; and, generally, I had laid it down for myself as a rule not to oppose any financial measure of the Government of his Excellency Viscount Torrington, until it should have had the opportunity of maturely considering the plans proposed for its adoption in the Report of the Committee on Ceylon Affairs, emanating, as I believe, from your Lordship's solicitude for the well-being of the colony."

3331. That was a local committee?—No; the Committee on Ceylon Affairs in London.

3332. Mr. Hume.] Then are we to understand you to state that you were against those new laws, until the land tax, to which you allude, had been considered and brought forward?—At the time this Ordinance for the repeal of customs duties was introduced we had not any of the other Ordinances before us.

3333. What other Ordinances do you allude to?—Tax Ordinances; that I alluded to in my former answer.

3334. The dog tax and others?—The fire-arms was the only one that had come before us. The understood principle of the Government was, that the land tax and the duty upon the coffee estates, and cinnamon gardens, were to replace the export duties. We had no other Ordinances before us at that time.

3335. Then are we to understand you to say that you objected to the reduction of one tax before they had provided a substitute, and enabled you to judge of the bearing of the new taxes as compared with the old?—Precisely so.

3336. Was that an opinion generally entertained by the merchants?—I wish now to put on record that resolution of the merchants which I handed in to the Governor in Council, and which I supposed would of course come home to Lord Grey with the Ordinance.

3337. Read it, and the date of it, if you please?—I have not the proceedings of the Chamber of Commerce.

3338. Give us the resolution?—I therefore am obliged to take the resolution from the proceedings of a committee meeting of the agricultural society, in which they received from the Chamber of Commerce this resolution: "Extract of minutes of the committee meeting of the Chamber of Commerce, Colombo, 8 November 1847, 'Resolved, That this committee consider it a very unadvisable course to take off the duty on coffee; it is a tax which is raised at little expense, and distributed with such equality as cannot be arrived at by any of the suggestions at present before the public for supplying its place. The committee consider the proposed Ordinance for obtaining the return of coffee lands to be of a most impeachable character; and with regard to a tax on coffee lands, the committee are distinctly of opinion that it cannot be levied with the least prospect of being distributed with any equality, while the duty on the produce is the easiest and least expensive, and, perhaps, only way that coffee grown by natives can be made to contribute its fair proportion of revenue. It seems very unadvisable to abandon duties, particularly those so easily collected and equitably borne, in the present state of the colonial finances, without having first fully instanced the means of supplying their place. The alteration in the cinnamon duties, as far as it goes, appears

73

G. Auckland, Esq.

8 June 1849.

appears to be a good and satisfactory measure, as a temporary one, to relieve a branch of trade solely sustained by a hope of a speedy and final relief. The committee conclude, that it cannot be the intention of Government to levy any of the proposed new taxes until the period arrives for the reduction of those proposed to be taken off." That was the resolution:

3339. By whom was that resolution passed; was it passed by the Chamber of Commerce?—It was passed by the Chamber of Commerce.

3340. Unanimously?—I was not present; I was in Council at the time.

3341. You say that it was handed to you while in Council; did you submit that to the Legislative Council at the time, as a reason why they should not proceed?—I asked the Government to delay going on with that Ordinance at that date; it had only been put into the Government Gazette two or three days before that.

3342. Do you mean the notice?—The notice. I know that a meeting of the Chamber of Commerce was called to take it into consideration. I made an especial application for a delay of the consideration of this Ordinance, which was brought quite suddenly upon us, until I should know what the Chamber of Commerce thought of it. That application was refused; but while the subject was under debate, the resolution was put into my hands by the secretary, as stated by me in my letter, and I handed that resolution to Sir James Tennent, as the Colonial Secretary in Council.

3343. Does your document give the names of the Committee of the Chamber of Commerce?—It does not.

3344. But you can give them at a subsequent time, if necessary?—At any time I can give them.

3345. Had any inquiry taken place by the Government, previously to the introduction of this new measure, as to the propriety of their proceeding?—No public inquiry had taken place upon the subject.

3346. Had no committee been appointed to take the question into consideration?—At the first sittings of the Legislative Council, in Lord Torrington's time, a committee was appointed to examine into the finances of the island. I think the committee that I have alluded to was not appointed with reference to any revision of new taxes; it was with reference to the establishments of the colony, and I do not think that its duties went to that; it was to look into the establishments of the colony, with a view to the reduction of its expenditure.

3347. Did that committee make any inquiry, and make any report?—That committee never sat.

3348. Mr. *Hawes*.] Have they concluded their sittings?—I do not know; it never sat during my time. I was there one whole sessions, and it never sat.

3349. Mr. *Hume*.] Were any further remonstrances made by the merchants of Colombo against these new taxes?—I am not aware that any further public remonstrances were made; but I wish particularly now to direct attention to the question, why did we withdraw opposition to the financial measures of the Government?

3350. That I asked you first, and you have not explained it?—I wish to continue that; I would look as to the truth of the allegation, that this measure was introduced under direct orders from home. Now, with the papers before us, I deduce from them that there were no such direct orders from home, and from that I would deduce that the assent of the Legislative Council to the repeal of the export duties, and from which I date all our troubles, was secured by an unauthorized statement on the part of the Governor.

3351. What statement do you allude to?—When I placed this resolution in the hands of the Council; I would rather quote from my letter; "I was restrained from offering any opposition to the Bill, by the intimation that it was under the direct and imperative orders of your Lordship that the Executive Government introduced it."

3352. Then are we to understand you to state that in consequence of Lord Torrington's statement that these new taxes were introduced expressly by orders from home, you withdrew that opposition which otherwise you would have continued against them?—That this Ordinance for the repeal of the export duties was so introduced; it was a part and parcel of the scheme.

3353. Have you any other reason to state, why you did not continue to oppose these taxes?—I have given sufficient reason; that the financial measures came under express orders from Lord Grey, and that therefore we withdrew all opposition to

74

G. Ackland, Esq.
8 June 1849.

them for that time ; but my object is to show that these orders did not exist, and that Lord Grey receives the Ordinance, at page 33 of the Blue Book.

3354. *Chairman.*] Are you speaking solely with reference to the reduction of the coffee duties, or to all the new Tax Ordinances?—Solely at present with reference to the repeal of the export duties ; and which, as I will show afterwards, rendered the other taxes necessary.

3355. *Mr. Villiers.*] Do you include the cinnamon?—I have purposely excepted the cinnamon ; the merchants of the Chamber of Commerce considered the proposal as to that to be good.

3356. *Mr. Hume.*] Will you state the facts as shortly as you can?—At page 33 of the Blue Book, in Lord Torrington's Letter of December 13th, 1847, he mentions that he has previously forwarded a Bill for "Regulating the Duties of Customs payable on Goods imported into and exported from this Island." He says, "The Bill was finally passed in Council." And his Lordship then submits his opinions upon it ; but there is no notice taken in that letter of the objections of the merchants. Lord Torrington says, at page 34, in the second paragraph, "On my first arrival in Ceylon, I found that great expectations had already been raised, with regard to a speedy modification of the export duties. Much anxiety upon the subject was everywhere expressed ; indeed with regard to the cinnamon duty, in particular, so many grounds existed for a speedy modification of it, that it seemed scarcely possible long to defer the 10 months notice which it was necessary to give before any change with regard to it could be made." Now that was not the fact ; the merchants, by their resolution, which they had placed in his hands, had not asked for this modification of the export duties ; it was only as to the cinnamon duty that they had asked for it.

3357. Then are we to understand you to say, that that statement is not a correct statement of what the public opinion of the mercantile classes then was?—Quite so ; then having shown that Lord Grey's assent to this Ordinance is asked upon the strength of its having been passed by the Council, I think it is important to show that the passing by the Council was obtained by the assertion that it was under the direct orders of Lord Grey.

3358. And that this representation sent home, that it was according to the wishes of the mercantile classes, was not correct?—Certainly.

3359. Then are we to understand you to state, that if that Ordinance had not passed, there would have been no occasion for the introduction of any other financial measures, until further consideration had been given?—That would be the tenor of my argument ; and I would wish to add here, that that would be the tenor of an argument deduced from Sir Emerson Tennent's own speech in the Legislative Council, in December 1848.

3360. What are the words to which you allude?—Sir Emerson Tennent, in addressing the Legislative Council, says this : I am quoting now from a newspaper of the colony.

3361. An official newspaper?—No, the "Examiner;" it is not an official paper, although it is supposed to be in the influence of the Government. It is a speech which I have no doubt the editor got from Sir James Emerson himself, from my knowledge of the way in which the editor gets these things. It is a carefully drawn up address, for the purpose of reviewing the condition of the colony : "Wednesday, 13th December 1848." "And looking back now to the legislation of the colony since his Excellency's assumption of the Government, he (Sir Emerson Tennent) could not at that moment recollect a single Ordinance for the repeal of a former tax, or the substitution of a new one, the principle and object of which had been opposed at its introduction into the Council." Although I have just shown that upon the very main point of all, the repeal of the export duties was protested against, I may say, by the Chamber of Commerce ; Sir Emerson's Tennent's words here are, that there was no opposition to it.

3362. And does not he say that there was no opposition to any of the new taxation?—And he says, "or to the new taxes."

3363. You were present in Council when the new taxes under the stamp-duty licence were proposed?—Yes.

3364. Can you state, of your own knowledge, that he is correct in that allegation?—I state, of my own knowledge, that he is incorrect in the assertion as regards the repeal of the former tax, which was the export duties, and also as to the substitution of the new ones. This is a most important document, because it shows the principle upon which the Government believed that they were acting.

After

After alluding to the state of the finances generally, and the deficiency of revenue, the speech proceeds: "The disappointment of this supposed surplus had, of course, a most important influence, not merely in limiting the extent to which it was intended to carry the revenue reforms of Government, but likewise in providing an immediate substitute for the amount of income displaced by the repeal of objectionable taxes and obnoxious duties. Earl Grey's instructions contemplated the abandonment of revenue by the abolition of monopolies and export duties, and that the sum lost by this, and the reduction of the duties upon imports, might be made up, partly by an immediate tax upon cinnamon and coffee lands, partly by a tax upon fire-arms, and the remainder to be provided for out of the accumulated surplus of former years, till the whole could be made good by a land tax, to be applied universally throughout the island." So that there was no mention of these other taxes in these instructions. "But the prospect of a land tax was found to be remote, owing to the difficulties and unavoidable delay in preparing the preliminary survey and settlement of the lands; the supposed surplus had been already appropriated, and such was the accelerated depression of the trade, both in cinnamon and coffee, that the imposition of a tax upon their plantations, at that moment, would have more than neutralized the advantages anticipated by surrendering the duty on their produce. The necessity of relieving trade from its burdens was, however, only rendered the more urgent by these difficulties: the revision of the duties upon imports and exports was indispensable." The merchants had thought otherwise. "And in the absence of the fund on which he had calculated, the Governor unexpectedly found himself driven to devise new expedients, whereby to replace from other and unobjectionable sources the amount of income thus surrendered for the benefit of the planting and the mercantile interests of the colony."

3365. These appear to be Sir Emerson Tennent's opinions?—That was Sir Emerson Tennent's official statement, in his place as Colonial Secretary to the Legislative Council. Again he follows on after showing the effect of the alteration of the duties. "These measures of relief and reform had been carried through with the co-operation and unanimous consent of the Legislative Council; they were not only declared sound in principle, but, considering the existing financial condition of the colony, reasonable and satisfactory in their extent."

3366. As a conclusion I wish to ask you whether you mean, by these quotations, to state to the Committee that the Government here are not in a condition, from the communications made by the Government there, to know what really passes; and that in these public despatches misrepresentations have taken place, to the extent that measures which had been rejected have been stated to have passed unanimously?—That is the result of my conviction.

3367. Major *Blackall*.] Do you mean that your conviction is, that the Ordinance for the reduction of the export duties would not have passed the Legislative Council, had it not been for the idea given that the proposition originated from the Home Government?—I think not.

3368. You think it would not have passed?—I think that it would have been opposed by the unofficial members, but it must have passed, under the power assumed by the Government of having all the votes.

3369. Mr. *Villiers*.] You do not deny that the Legislative Council were unanimous?—They were unanimous.

3370. Mr. *M'Cullagh*.] That is, they were tacitly unanimous?—Tacitly unanimous; opposition was withdrawn.

3371. Mr. *Hawes*.] Upon what principle did the merchants there object to the repeal of duty on the export of their produce?—That the expenditure in the colony was being stopped for want of revenue, that therefore it was inexpedient at that time to give up so much revenue, which was, as they conceived, paid in the least irksome mode by themselves.

3372. Had or had not any complaints ever been made by them of the amount of the export duty?—I am not aware that any complaint was made; I think not. At all events, although they state in their letter that they do not object to the principle of repealing export duties, if the revenue can afford it, that was not the time for doing it.

3373. Was not the coffee planting at that time, in Ceylon, very much depressed, and the subject of complaint?—It was so.

3374. What other mode do you think would have equally relieved, as the repeal of the export duty upon their produce?—I think that the application of that money

G. Ackland, Esq.

8 June 1849.

to the making of new roads would have been far more profitable to the coffee planter than anything which he could gain by taking off the duty.

3375. But to the extent to which the repeal of the duty went, it was a relief, was it not, to the coffee planting interest?—Not if expenditure which was to their benefit was to be stopped.

3376. Just answer the question first; was or was not the repeal of the duty, so far as it went, a relief to the coffee planting interest?—Yes, so long as it lasted.

3377. Do you assume, that consequent upon the repeal of the export duties, there would be any additional taxation laid on?—It was so stated that those duties would be replaced by a land tax, and by a duty upon coffee estates and upon cinnamon.

3378. Has any land tax been passed, or any duty upon coffee estates?—Not yet.

3379. Therefore the merchants now have the benefit of that repeal of duty?—For that time.

3380. Up to the present time?—Up to the present time.

3381. Are you, or are you not, able to state to the Committee, whether taxation has been increased in Ceylon, in consequence of the repeal of those duties; I mean, increased as a whole?—I have not the figures before me.

3382. Will you state what your present information is upon the subject?—If the Road Labour Ordinance is to be considered as an increase of taxation, then the taxation has been increased.

3383. Is the Road Labour Ordinance to be considered as producing additional taxation?—I think it is.

3384. Will it not derive a portion of its revenue from districts in the interior not now subject to any duty or tax whatever?—I think it will.

3385. So far it will save the expenditure from the local revenue upon roads, which under the present system takes place?—Yes.

3386. Then I am to understand from you that there has been really an additional amount of taxation subsequently to the repeal of the export duties as a whole?—I think the estimated amount of the taxes, the gun tax, the shop tax, stamp, carriage, cart, and boat taxes would have been considerably in excess of the export duties given up; whether they have produced that effect, I am not prepared to say.

3387. You cannot state to the Committee whether or not there has been an actual increase of taxation?—I have not the returns of what the levy was.

3388. *Chairman.*] You state that the estimate made by the Government was a considerable increase?—A considerable increase.

3389. *Mr. Hawes.*] Will you show me where you find that estimate made?—I am rather at a loss to find it at the present moment; in Sir Emerson Tennent's report and estimate of new taxation, we find the estimate of the Gun tax.

3390. What report do you refer to?—The report which was sent home by Sir Colin Campbell, and which was submitted to a committee in London, of Mr. Tufnell, yourself, and other gentlemen.

3391. That was anterior to the repeal of the export duties?—It was anterior to the repeal; but this is the estimate upon which the new Tax Ordinances were based.

3392. Not the new Tax Ordinances adopted; you do not understand, do you, that the whole of the recommendations in that report were adopted?—I should have understood that the whole of the recommendations of this report had been adopted, from the statement of the Government in the Council in reference to the export duties, namely, that it was under direct orders from the Secretary of State.

3393. But are you labouring under the impression that all the recommendations for taking off taxes and imposing taxes, in Sir Emerson Tennent's report, have been adopted?—No; because I find that in this very report of the Committee they took up the same view that the Chamber of Commerce did.

3394. What Committee?—The Committee which sat in London.

3395. That was in opposition, was it not, or rather not in conformity with Sir Emerson Tennent's report?—If you will allow me I will read one paragraph of it.

3396. *Mr. Hume.*] That is of the London Report?—The London Report. "5th. The abolition of the duty on all exports, besides cinnamon, is the next alteration recommended by Sir J. E. Tennent, and the loss to the revenue he calculates

at

at 10,000*l.* More than four-fifths of this amount is produced by the export duty on coffee, the production of which is rapidly increasing; but as we propose to submit a scheme for levying a duty on the production of coffee, which will be free from the objection universally applying to export duties, we concur in Sir J. E. Tennent's recommendation; but, as in the case of cinnamon, it would be necessary that the export duty on coffee should be maintained, until the necessary arrangements for levying the tax to be substituted for it shall have been completed."

3397. That we understand you to say was the wish of the merchants, as you have now stated?—That was the result of their resolution.

3398. *Chairman.*] But was it done?—No; that is the very thing that I complain of.

3399. *Mr. Villiers.*] Am I to understand you that the Chamber of Commerce or the mercantile class, as they were represented there, opposed the revision of the import duties as well as of the export duties?—No, there was not much objection to the revision of the import duties; they were not of very much consequence.

3400. In that speech of Sir Emerson Tennent, from which you have quoted, he alludes to their not being opposed to the revision of the import duties?—They were not opposed to that.

3401. Then that is not inaccurate?—That is not inaccurate. I have not stated that to be an inaccuracy; it was as to the repeal of the export duties that I stated it to be inaccurate.

3402. *Mr. Adderley.*] Does not it appear to you that Lord Torrington acted upon certain principles of commercial policy, which he was resolved to carry out at all hazard?—I think so.

3403. Does not it appear to you from the letter dated 13 December 1847, in page 36 of the Blue Book, that he allows his reluctance to remove the export duties on coffee to be overruled by the consideration of higher principles of commercial policy, opposed to the retention of export duties in general"?—Yes.

3404. In a previous passage in the same despatch, namely, the first paragraph, at page 34, does not he also state himself to be "guided by those high principles of liberal commercial policy which have distinguished Her Majesty's present advisers"?—He does so state.

3405. It appears that he was resolved to carry out those principles of commercial policy at all risks?—Yes; it appears at all risks, and in defiance of the caution inculcated by the Committee at home, governed by the instructions which conveyed their Report to him, and also in defiance of the resolutions of the merchants as to the impolicy of doing it at that particular time.

3406. *Mr. Villiers.*] You do not state that that appears from the passage which Mr. Adderley has read?—The words read by Mr. Adderley are simply two lines: "Guided by those high principles of liberal commercial policy which have distinguished Her Majesty's present advisers—"

3407. I have endeavoured to introduce—"Such modifications into the tariff as will be calculated to give full encouragement to an increased production of the staple articles of export of the colony, and generally to improve the tone of mercantile transactions."

3408. There is no reference there to the mode in which he should carry out his policy?—It is conveying a repeal of the export duties, and therefore I suppose we may assume fairly, that he refers to that as the mode in which he would carry it out.

3409. *Mr. Adderley.*] It is the other passage that I allude to, in which he states his very great reluctance to agree to the surrender of the revenue derived from coffee duties?—Yes; but still I must remark upon that, that the Legislative Council would have carried out the resolution of the merchants in opposing it, had it not been for the assertion, that it was upon direct orders from home.

3410. *Chairman.*] What was the whole amount of the estimate made by Sir Emerson Tennent of the new taxes?—In Sir Emerson Tennent's estimate of the gain and loss to the treasury, he includes a land tax. I will, if the Committee wish it, take out the estimates of the Ordinances which were introduced by the Government.

3411. Exactly; that is what I wish?—"By equalizing the import duties on foreign and British produce, a gain of 3,319*l.*; import duty on articles hitherto

G. Ackland, Esq.

8 June 1849.

exempted, 6,770*l.*; increased import duty on arms, tobacco, &c., 950*l.*; reduction in customs establishment, by abolition of exports, 840*l.*" "Licences to register and keep arms, at 1*s.* 6*d.* per gun, 7,500*l.*; carriages and horses, 2,500*l.*" The total is 21,879*l.* To that must be added, because Sir Emerson Tennent has not here introduced it, the stamp taxes, from which an increase of 10,000*l.* was estimated.

3412. Is that all?—That is all, I think.

3413. That amounts to 31,879*l.*?—It does.

3414. What were the taxes taken off?—12,500*l.*, the export duties.

3415. Mr. Hawes.] There were more taxes repealed than that?—What other ones?

3416. Cinnamon?—That is a part of the export duty.

3417. But it was repealed?—Yes; the export duty on cinnamon must be estimated at about 12,000*l.*, and about 12,000*l.* or 13,000*l.* for the other export duties; I think 25,000*l.* in all.

3418. Chairman.] In this estimate, which you have given to us, you have not put down the boat tax, or the cart tax, or is that included in the carriage tax?—No; it does not appear to be included in the carriage tax here; it is not in this list; I think it is a very trifling amount.

3419. Have you the shop tax included there?—No; the shop tax is not included there.

3420. Do you know what the estimate of the shop tax was?—I do not like to state from mere memory; I am uncertain.

3421. There is no estimate of the dog tax either, is there. No. I do not think that the amount from the shop tax was estimated at a large sum; it was principally on that account that it was not estimated at a great deal of revenue, that it was thought to be very obnoxious; and it was opposed by myself and by Mr. Gibson, as the Government Agent of the Western Province, which opposition has never been brought to the notice of the Government, that I am aware of, although Mr. Gibson was very strong in his opposition to that shop tax; he was an old civil servant; he was the Government Agent of the Western Province, and therefore well conversant with its effects upon the natives; he remonstrated very strongly upon the subject in the sub-committee of the Legislative Council, but he was not allowed to vote against it. I understood at the time that he was to write upon the subject; whether he did write to the Government or not I have no means of knowing.

3422. Mr. Villiers.] You say "not allowed to vote?"—Under the assumption of power by Lord Torrington over the votes of the official members.

3423. Mr. Hawes.] Will you turn, if you please, to Committee Paper, No. 9, page 3?—I have it.

3424. The export duty on cinnamon, which was reduced from 1*s.* to 4*d.*, is there estimated to produce a loss of revenue of 15,000*l.*, is it not?—Yes.

3425. The export duties on all other articles, including coffee, were abolished, and the loss of revenue from that is estimated at 15,000*l.* altogether?—It is so.

3426. There is no estimate, then, given as to the result of the modification of the import duties, or their reduction?—No estimate given; but I take it from Sir Emerson Tennent's report, upon which it was founded.

3427. Then that must be added to the amount of reduction, whatever it is?—No; there is an increase, an increased estimate.

3428. But that is according to Sir Emerson Tennent's report?—Yes.

3429. I am now taking what has been actually done; not recommended, but actually carried into effect; are you prepared at all to state what is the amount of reduction arising from the modification of the import duties?—I should think no reduction, but I am not prepared to state that; I would rather not state that.

3430. Was there not a higher rate of duties proposed, than is now in force, upon imports in Ceylon?—I think not.

3431. Not upon British or foreign goods?—The British and foreign goods were placed upon the same footing; there was some loss there, but then there was an increase upon some other articles, and therefore I think no estimate is given either of loss or gain.

3432. No estimate is given, but the higher duties upon the importation of foreign goods were repealed or reduced; they were equalised, were they not?—They were equalised.

3433. Do

3433. Do you at all know what was the loss of revenue from that circumstance?
—I do not know.

G. Ackland, Esq.

8 June 1849.

3434. But whatever loss there was, is so much to be added to the amount of taxes reduced or repealed?—Yes; but against that must be placed the increase of new duties put upon certain articles.

3435. Can you state what articles had a new duty put upon them?—I can find it by the new tariff; it is taking up time. Lord Torrington in his letter with respect to the Customs Duty Ordinance, though he does not give an estimate, says in page 38, after alluding to the equalisation of the foreign and British duties, "The immediate loss of revenue will be small, while the prospective benefit to be derived from the measure will, at no very distant period, be great."

3436. That is, by the increase of trade?—By the increase of trade; and he says, "Should any relaxation of the Navigation Laws be permitted, it can scarcely be doubted that a considerable foreign trade with Ceylon would in a short time spring up, and the cinnamon, which is all at present carried to England before it is ultimately distributed throughout the world, would be partly carried direct to the places at which it is in demand. But," he says, "whatever loss may be for the present sustained by the proposed change in this respect, I have a confident expectation that it will be fully made up by the receipts from slightly increased duties on other articles; sugar, the produce of British possessions, which was before admitted at an *ad valorem* duty, will now pay 2s. 6d. per cwt., and sugar candy 5s. per cwt. A duty will also be levied upon fire-arms, and the duties upon wines, opium, tobacco, and some other articles, will be slightly increased. A few other articles which before were admitted free, will now pay an *ad valorem* duty of five per cent."

3437. But on the whole he calculates that the loss of revenue would be small?
—Yes.

3438. Whatever that loss amounted to must be added therefore to the amount of taxation?—Not a loss.

3439. According to the estimate given a loss is assumed, and that loss of course, whatever it amounted to, would be an additional relief to trade or a reduction of taxation, would it not?—According to the letter of Lord Grey there is a loss assumed.

3440. As to port dues, there is some modification of port dues; can you, as a merchant, inform the Committee what that amounts to?—I have never made an estimate of it.

3441. Did you ever hear an objection to it on the part of the merchants?—There was an objection taken by Mr. Armitage, I think, at the time; but I do not recollect precisely the merits of it. I do not think it was any considerable difference.

3442. So far as it went it was a relief, I suppose?—So far as it went it was intended as a relief; but I think the opinion was, that it was not one.

3443. Was there any representation made upon it?—No, none; it was not considered of sufficient importance.

3444. Turning to the amount of taxes imposed, what is the total of taxes imposed?—On the licences to possess fire-arms, 10,700*l.*; revision and augmentation of stamp duties, 10,800*l.*; licensing and carriage of boats, 2,260*l.*; licensing of palanquin and other carriages used for hire, 98*l.*; registration and licensing of retail traders, 3,060*l.*

3445. The shop tax is one of the taxes given up, is it not?—Yes. Licences to keep dogs, 2,635*l.*

3446. That is another of the taxes given up, is it not?—Yes. I have omitted levy of contributions in labour or money for roads.

3447. I will come to that separately. Will you just tell me the totals of the figures you have stated; taxes repealed and opposed?—In round numbers 30,000*l.*, from the new taxes imposed.

3448. Mr. Hume.] The estimate?—The estimate.

3449. Mr. Hawes.] How do you make out the 30,000*l.*?—It is 29,700*l.*; in round numbers, 30,000*l.* enacted, of which 5,000*l.* has been given up.

3450. Therefore 25,000*l.* remains as the amount of taxes imposed?—Yes.

3451. What is the amount of taxes repealed?—£30,000.

3452. With regard to the road tax, hitherto there has been a very large expenditure on the part of the colony upon roads?—There has been.

G. Auckland, Esq.

8 June 1849.

3453. Directly paid from the colonial treasury?—Yes.

3454. Derived therefore from taxes on articles of consumption, and export and import duties?—And in addition the land sales; and upon the strength of which the roads were usually commenced; a large amount of expenditure was occasioned.

3455. But was not the whole expenditure paid out of the colonial treasury, and under the direction of the central Government?—Yes.

3456. What is the principle of the New Road Ordinance;—The New Road Ordinance is, that every district shall contribute a certain amount of labour, according to the population, either in person or in money; that of that labour one-third shall be devoted to local improvement; that the remaining two-thirds shall be appropriated to the general public roads, under the orders of the Government; but I must add, with a limitation, that any portion contributed in any district shall not be employed beyond a certain distance.

3457. Is not the practical effect of that Ordinance to transfer the expense of making the roads through the colony from the colonial treasury to the people at large, in the shape of a direct tax for that purpose?—It is so. I wish here to state, as it is one of the taxes included in those to which my attention was called, that I gave the road tax my most sincere support, believing it to be one which, if carried out properly, would be for the benefit of the colony; but the question as to how it was carried out, was not the question under consideration.

3458. Mr. Hume.] Was not the labour tax recommended by the Commission in 1831, repealed, and had not this new tax the effect on the natives of inducing them to believe that it was the renewal of the same tax?—It was not a tax before the Commission went out to Ceylon; it was a duty imposed upon them, not levied in money in any way, or in any regular form; it was compulsory labour, as I explained in my previous evidence; I have no doubt that this new tax was represented to the natives as a return to compulsory labour; and I think that had the measures which were afterwards adopted by the Government, after the rebellion, of sending Sir Emerson Tennent and Mr. Wodehouse round to explain to the natives what was the nature of this new Ordinance, been adopted in the first instance, you would have had less dissatisfaction, and that the error is not in the tax itself, which I cordially supported in the Council, but in the mode in which it has been carried out; but though I say that I cordially supported it in the Council, I must make one observation, that I do not support the new Ordinance which has been introduced since, because it involves a most material alteration from the original; the original was a fiscal Ordinance, and if a man did not pay the tax, he was subject to punishment as a debtor to the Crown; but this new Ordinance, though it did not in the draft Ordinance published for the information of the public give any such clause, has introduced the power of flogging; it has placed the offences under the new Road Ordinance within the cognizance of the police courts, which extends to a certain number of lashes; and therefore I think it is still more objectionable than it was before.

3459. Will you turn to that clause in the Ordinance which states that an individual who shall not work in person, but who shall be liable to the charge of 6*d.* per day, shall, if he fail in that, be liable to be flogged?—I have not the reference to it.

3460. Mr. Hawes.] The punishment of flogging is not enacted by the Road Ordinance directly and in terms?—No, not directly.

3461. It follows from the punishment of certain offences under the Police Act being incorporated with the Road Ordinance; so that, indirectly, the punishment of flogging attaches to offences under the Road Ordinance?—Yes.

3462. Mr. Hume.] Does not that Ordinance say that any penalty incurred under the Road Act is to be punished under the Police Act, according to the powers of the Police Act?—Yes.

3463. Chairman.] The construction of roads was of great importance to the planters, was it not?—Undoubtedly.

3464. And the reduction of the duty upon coffee was a great advantage to them also?—Yes, if they had been allowed to avail of that reduction without any expectation of their coffee estates being taxed.

3465. Then the imposition of this tax upon the people was a tax which was principally borne by the coffee planters?—And by the natives, as upon native coffee.

3466. Major

3466. Major *Blackall*.] Was not the labour tax taken advantage of more than any of the other proposed taxes, to make the natives discontented?—I am not aware of that; I was not in the island during the time that the disturbances took place, and therefore I am not aware of that point.

3467. Mr. *Hume*.] Can you state whether, when the forced labour was repealed, any tax or commutation took place, by which the natives, who had formerly supplied labour when called upon, paid any money?—No, I think not.

3468. You do not recollect it?—I do not think that any new tax was levied upon that point.

3469. Mr. *Villiers*.] Am I to understand you to connect this mode of commuting the taxes, of which you have been lately speaking, with the disturbances of the people?—In my evidence on Tuesday, I stated that I believed the rebellion to have been caused by the dissatisfaction of the headmen, arising out of the abolition of compulsory labour, and the disaffection of the priests, in consequence of the cessation of government interference; and that when the new taxes were represented to the natives as part and parcel of a system of the Government, they were incited; but these taxes became the immediate cause by which the headmen and priests incited the natives generally to take part in this rebellion.

3470. Then so far as the tax, which was offensive to the headmen, was concerned, the Tax Ordinance had to do with the rebellion, inasmuch as it increased the discontent?—No doubt it did.

3471. But when some persons went round and explained what the real nature of the tax was, there was less discontent; the people were reconciled to it?—I know nothing of it from my own knowledge; I was not there at the time myself.

3472. But are you to be understood to say that the repeal of the export duties had anything to do with the rebellion?—No; but I consider that the repeal of the export duties rendered it necessary to impose these other taxes, and that had the export duties not been repealed, the other taxes would not have been necessary, and the road labour tax, which I believe was always contemplated, might have been quickly introduced, and there would have been no disturbance upon the subject.

3473. And your charge against the authorities out there is, that they did not take the opinion of the mercantile classes as to the mode, or as to the time, when they should repeal the export duties?—That they acted against the opinion.

3474. The opinion was not expressed in consequence of a misrepresentation on the part of the Government there as to the authority on which they were acting?—The opinion was expressed by the resolution handed in by me; there was no opposition to the passing of the Bill; that opposition was withdrawn in consequence of the statement of the Government that they were acting under orders from home.

3475. And there was an inaccuracy in the representation to the Government at home, inasmuch as the despatch stated that there was unanimity in favour of repeal?—Yes.

3476. Mr. *Adderley*.] Were not the gun tax and the dog tax both very unpopular?—I was not aware of any unpopularity about the gun tax and the dog tax at the time; the newspaper discussed them, but I did not know of any unpopularity; I left the island directly after these taxes were imposed, and I heard only of the disaffection afterwards.

3477. Mr. *Villiers*.] Amongst some of the import duties raised after the others were reduced, was there the duty on rice?—No; the duty on rice was not raised.

3478. Is not the duty on rice a considerable and a very unpopular duty?—The duty on rice is considered to fall very heavily upon the planters in the colony.

3479. You mean that it enhances the cost of labour?—Yes.

3480. Has there been any remonstrance with the Government upon the duty on rice?—The merchants have constantly applied to the Government to take off the duty upon the rice; but the question has been, whether the Government could afford to do it. Now I believe that they had much better have taken off the rice duty than have taken off the export duties, and that the merchants would have been much better satisfied.

3481. Has the duty been reduced lately?—No, not reduced at all; I think not; not for some considerable period.

G. Ackland, Esq.

8 June 1849.

3482. There is a duty upon what is grown at home as well as upon what is imported?—The land tax will cover what is grown at home.

3483. Sir J. Walmsley.] But the new taxes, I understand, are 5,000*l.* a year less than the previous ones?—Excluding the road labour tax.

3484. The new tax in lieu of the tax upon coffee is levied upon the estates?—None has yet been levied.

3485. *Chairman.*] Can you give any estimate of what the road tax would amount to?—I made an estimate at the time I was engaged upon the road tax, and I estimated it at 45,000*l.* a year, but what is the actual sum I cannot say.

3486. Mr. *Villiers.*] Was there any scheme submitted to the Government by the Chamber of Commerce, which they thought better than that proposed by the Government?—No, it was not under their consideration; they met that morning to consider the Ordinance which was that very day being passed in the Council.

3487. But they objected chiefly to the haste with which it was being done?—And to the impolicy of doing it at that time.

3488. It was not so much the matter of the taxes themselves that was considered, but they objected to anything being done at that time?—Giving up the revenue when it could not be well afforded.

3489. But are the mercantile classes favourable to a commutation, upon the principle which we have heard to-day?—I think the mercantile classes would be favourable to the abolition of export duties, if they were not to be told that you were going to tax their coffee estates; otherwise they would prefer the export duties.

3490. That only applies to parties wishing to have duties repealed; but I suppose you admit that other taxes had to be substituted?—I think that the other taxes substituted were worse than those which they paid.

3491. You think that the mercantile classes, then, would have preferred to have continued the old duties, or export duties, rather than have had the others?—I am sure they would; therefore it was the less politic to take off the old ones.

3492. You speak of the mercantile classes; but what were the feelings of other classes in the island with respect to the export duties?—I could refer you to the opinions of the Agricultural Society; the Agricultural Society are a very much larger body than the mercantile members of the Chamber of Commerce. The mercantile members of the Chamber of Commerce are only in Colombo, but the Agricultural Society is in Kandy, and consists of a very large body, some 400 or 500 members; all the planting interest, who are unconnected with the merchants in Colombo, are members of the Agricultural Society; and it was at a meeting of this Agricultural Society in Kandy, when the resolution of the Chamber of Commerce was submitted to them, which I have already read, that they passed the resolution: "That the committee fully concur in the opinions expressed in the resolution of the committee of the Chamber of Commerce." If you will allow me, I will read the next resolution: "That with reference to Mr. Ackland's report, and especially to that part of it which contains the statement of the Auditor-general on behalf of Government, that the question of export duty on coffee could not be re-opened by the Government; that while this committee hail the abandonment of export duties generally as right in principle, according to the prevailing opinions of the times, yet that until some substitute of a nature not more objectionable is found for the coffee, the committee would anxiously deprecate its abolition, fearing that in the pressure caused by the necessity of increasing the revenue, together with the simultaneous alteration in the mode of raising it, some other tax less easy of collection, less productive, yet more vexatious and heavier to be borne, may be imposed in its stead."

3493. That is confined to coffee?—That is confined to coffee. "The committee particularly allude to the statement of the Honourable the Colonial Secretary, that the return lately ordered of coffee lands is for the purpose of taxation. The committee desire to record their opinion that it is impossible to tax coffee lands, as such, in a manner either just to the proprietors of such lands, or to be productive of revenue." It is right that I should state that I am not sure whether this resolution was communicated to the Government, beyond its appearing in the public paper.

3494. I think the resolution of the Chamber of Commerce goes further than that; it extends to the export duties?—"This committee consider it a very unadvisable course to take off the duty on coffee." Their resolution appears to be that;

23

that ; but my objection was in relation to the whole of the duties being taken off ; to the export duties generally being taken off, except on cinnamon.

G. Ackland, Esq.

3495. Mr. Adderley.] Did the Chamber of Commerce suggest any new taxes ?
—No.

8 June 1849.

Thomas Young M'Christie, Esq. called in ; and Examined.

(The *Witness.*) WILL you allow me, Mr. Chairman, to say, that when I presented these petitions to Parliament, or when I procured the favour of some honourable Member to present some petitions, I acted as a mere agent, and without any personal feeling whatever ; and throughout, I considered that the inquiry desired might be obtained without much difficulty, and I might almost take the liberty of saying without any angry feeling whatever. I never contemplated making myself a party in any way whatever, but when I found that there was a considerable feeling on both sides, I desired to withdraw from any further proceeding. I did not desire in the slightest degree, nor had I any anticipation or expectation that I should make myself a party against either the Government or any person or parties else ; and when I found that there was considerable feeling on both sides, as I say, I desired to withdraw, and had hoped not to have been called upon further to interfere. Of course I am now in the hands of the Committee, and must obey you as you may be pleased to direct. The view of the matters that I have taken is, of course, a one-sided view, and may have the appearance of being all on one side, in favour of the complaints of those who originally employed me, but it is according to the facts.

T. Y. M'Christie,
Esq.

3496. Mr. Hume.] In the petition presented by me on the 8th of February 1849, signed by 2,891 inhabitants of Ceylon, it is stated, " That though the taxation of the colony be thus heavy, in proportion to its resources, the public burdens have been augmented ; and that during the past session of the Legislative Council, new stamp taxes, affecting nearly every transaction of life, a gun tax, a dog tax, a road tax, a shop tax, a carriage tax, and new import duties on articles hitherto free, have been enacted, while the only remission has been the abolition of export duties, except on cinnamon, which remains burdened with an export duty of 4*d.* per pound. You have had an opportunity of communication with your principals, and as that document is laid upon the table, I wish you to proceed, and show what objection there is, or what objection they take to the several taxes, *seriatim*, beginning with the gun tax ; and how far you think they have produced discontent or complaints in the colony. When was the gun tax introduced, of which you complain ?—I may state that the view which I have taken of this—

3497. Mr. Hawes.] Are you the appointed agent of parties in Ceylon ?—I have been the appointed agent.

3498. Are you now ?—I considered that I was at liberty to withdraw ; but I received a letter last mail, a few days ago, from those parties. I had not written to them stating that I had withdrawn ; they had not communicated with me since about Christmas ; I had abstained from writing to them afterwards ; I thought it was their duty to write to me, and I received a letter from them last mail, assuming that I was proceeding as their agent.

3499. Then am I to understand that you speak entirely from instructions from Ceylon, and not at all from your own knowledge ?—From instructions from Ceylon, from the information which I have obtained from the documents which have been produced before Parliament, and, if you wish any of my personal knowledge, from my personal knowledge in Ceylon.

3500. Mr. Hume.] Are you a barrister ?—Yes.

3501. Have you ever been in Ceylon ?—I have.

3502. In what character were you in Ceylon ?—I went to Ceylon as an advocate, to conduct a legal cause there for a party in this country.

3503. In what year did you go ?—I went in January 1846.

3504. What parts of Ceylon were you principally in ?—Principally in Colombo and Kandy.

3505. Sir J. Walmsley.] When did you leave ?—I left by the November mail in 1846, and I arrived here in January 1847 ; I came back just at the expiration of the 12 months.

3506. Mr. Hume.] Were you appointed to act as the agent in this country for the inhabitants of Colombo ?—I was.

(92.)

F 4

3507. Mr.

T. Y. M. Christie,
Esq.

8 June 1849.

3507. *Mr. Hawes.*] Certain individuals?—A committee of the inhabitants; by a committee appointed by the inhabitants of Colombo.

3508. *Mr. Hume.*] Here are the two authorities for acting, which you gave me when you put into my hands the petition; I presume you must recollect them?—Yes; I received the appointment, of which this is a copy. I brought also a letter to Earl Grey. I was appointed with respect to, you might almost call it, a local matter; a matter affecting the verandahs in Colombo; the inhabitants were aggrieved by a proceeding on the part of the Government in reference to the verandahs of their houses.

3509. Had I not presented a petition, at the time you gave me this, to the House of Commons, praying that inquiry should take place?—When I came over, I brought a memorial to my Lord Grey, and also a letter to him, introducing me as authorized by the committee of the inhabitants who had assembled and sent that memorial to Earl Grey, and begging that his Lordship would communicate with me upon the subject, as the agent of the committee. This is a copy of the letter which my Lord Grey has. After that, I had the honour of waiting on my Lord Grey, and also the honour of waiting on Mr. Hawes, two or three times, upon the subject. In the end I did not get what I desired to have on behalf of the inhabitants of Colombo, with reference to the verandahs. Then I had a petition to Parliament sent over, to present on the subject, and I applied to you to present that petition to the House of Commons; and I think to my Lord Beaumont, to present it to the House of Lords. Subsequently to that, in August 1848, I received another petition from a committee of the inhabitants of Colombo, in reference to general political matters.

3510. Is that the petition presented by me, signed by 2,891 individuals?—Yes; and these are the two authorities requesting me to act as their agent.

3511. Did you consider yourself warranted to press on Parliament the consideration of their complaints?—Perfectly, and bound.

3512. On hearing of the disturbances which took place in Ceylon, did you apply to me to call the attention of Parliament to them, and instruct me to move thereon?—I did.

3513. Did you not say that you would be prepared to prove the statements in the petition, by facts then in your possession, or expected to be by the time when the inquiry should take place?—Expected to be, certainly.

3514. Did you afterwards apply to me to present another petition?—I did.

3515. To the House of Commons?—Yes.

3516. Sent to you expressly for the purpose of urging inquiry?—Yes.

3517. I think, if I recollect rightly, the inhabitants wanted an inquiry by commission to be sent out first?—They did so.

3518. Have you read the Blue Book presented to Parliament by Her Majesty's Minister in February, relating to the affairs of Ceylon?—I have.

3519. Have you examined whether there are in that any portions of correspondence which will maintain the view that the petitioners take of the conduct of the Government in passing those Ordinances, named in section 3 of the petition; will you read that section?—"That though the taxation of the colony be thus heavy, in proportion to its resources, the public burdens have been augmented; and that during the past session of the Legislative Council, new stamp taxes, affecting nearly every transaction of life, a gun tax, a dog tax, a road tax, a shop tax, a carriage tax, and new import duties on articles hitherto free, have been enacted; while the only remission has been the abolition of export duties, except on cinnamon, which remains burdened with an export duty of 4*d.* per lb. In the meantime rice, the first necessary of life to the population, is burdened with an import duty of 7*d.* per bushel, or fully 25 per cent. on the cost of the article, and salt with a local duty of 300 per cent."

3520. Did you not, in putting that petition into my hands, state that great discontent existed amongst a very numerous class in that colony, and that it was most politic that the causes of that discontent should be removed?—Certainly.

3521. Have you examined the Blue Book before you, and are you able from it to support the views which the petitioners have taken in their petition?—Yes; I have examined the Blue Book, and I consider that there are ample materials here to support the complaints which the petitioners make.

3522. Can you state to the committee, by short extracts or reference to the documents in these papers, the grounds on which you now form that opinion?—Yes; but I am afraid that, to make it intelligible, I must occupy some time, and
trouble

85

trouble you with considerable references. I wish to state that my opinion is that this book supports the complaints of the parties complaining. To show that, I must refer you to passage here and passage there, and passage in almost every page of the book, all to prove that these various complaints are well founded.

3523. Sir *J. Hogg*.] Have you any means of maintaining the truth of the complaints stated in the petition, except by reference to different parts of the Blue Book?—None, but by the letters which I have received from the gentlemen who have instructed me to act, and documents sent to me by them.

3524. Have you any means of substantiating the facts stated in the petition presented to Parliament, except by reference to the documents contained in the Blue Book?—None, except the letters which I have received from the gentlemen who instruct me (and some documents), who state that they were so and so.

3525. Of the facts in those letters, of course, you have no personal knowledge?—No; I take the official documents to support the view of the complainants.

T. Y. M. Christie,
Esq.
8 June 1849.

Martis, 12^o die Junii, 1849.

MEMBERS PRESENT.

Mr. Hawes.	Lord Hotham.
Sir Joshua Walmsley.	Sir James Hogg.
Mr. Wilson.	Mr. Hume.
Major Blackall.	Mr. Villiers.
Mr. Adderley.	Sir Robert Peel.
Mr. Stuart Wortley.	Mr. M'Cullagh.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Sir *T. Herbert Maddock*, called in; and Examined.

3526. Mr. *Hawes*.] YOU have recently returned from India, after passing many years there in the service of the East India Company?—I arrived about 10 days ago.

Sir *T. H. Maddock.*
12 June 1849.

3527. Have you not risen through all the grades of the civil service to the position next in rank to that of the Governor-general?—I have risen to the rank of a member of the Council, and held the office of President of the Council, and Deputy Governor of Bengal, for nearly three years. I did not pass through all the grades of the service, for I had the peculiar good fortune to obtain, after two or three years' service in India, charge of the highest and most important offices; and during the whole of my career I was only for a very short time subordinate to any authority except that of the Governor-general in Council. Six years ago I was elected a member of the Council of India.

3528. Your experience in India includes occasions, I believe, when domestic insurrections against the Government have taken place, and which have required stringent measures to repress them?—Certainly. During the period that I have been in India there have been several insurrections in different parts of the country, and some of them have been in character not altogether unlike the late insurrection in the central province of Ceylon; that is to say, they have been among hill tribes, and semi-barbarous tribes. In the mode of dealing with insurrections in India I think that the Government have resorted to almost the same means of suppressing them that was adopted on the late occasion in Ceylon, although in India there is no necessity for the proclamation of martial law, as the Governor-general in Council possesses full and ample authority to confer upon any officer, or upon any commissioners, either civil or military officers, plenary powers, and that has been the case on several occasions. I have obtained a memorandum from a distinguished officer who retired from India some years ago, who has been concerned in the suppression of insurrections in the district which is called the District of the South-west Frontier of Bengal. There was an insurrection there, in the neighbourhood of Palamow in 1832. On that occasion extraordinary powers were bestowed by the Government upon the magistrate appointed specially for the purpose of bringing to trial and punishing any insurgents who might be apprehended. It appears that in consequence of

Sir *T. H. Maddock*. the military operations there having succeeded in a very short time in restoring tranquillity, there was not found any necessity for the exercise of those extraordinary powers.
12 June 1849.

3529. *Chairman.*] What is the extraordinary power to which you allude ; is it that of martial law ?—No ; it was not the power of martial law, but the power to bring to trial and to sentence to death, submitting the cases for the sanction and approval of the Governor-general in Council. The power so conferred was in substitution of the ordinary process under which magistrates commit capital cases to be tried by a judge of session, who on conviction submits them for the confirmation of the Sudder Dewanny Adawlut before sentences of death are carried into execution. In the cases to which I allude, the Government empowered the magistrate, deputed especially for the purpose, to try and sentence to death, and to refer for sanction, before carrying such sentence into execution, to the Governor-general, superseding the courts of law.

3530. Are the Committee to understand that the magistrate, in those cases, was the sole judge ?—He was not the magistrate of that part of the district ; he was deputed especially for the purpose.

3531. Who was the prosecutor in that case ?—The prosecutor, of course, would be some officer on the part of the Government.

3532. *Mr. Hume.*] You are stating this upon the authority of some other person, are you not ; you were not yourself there ?—No ; it is on the authority of an officer formerly in India.

3533. What was the name of that officer ?—Major Wilkinson, who was resident at the court of Nagpoor.

3534. *Chairman.*] You say that no trials took place under this tribunal ?—The power was not exercised. In consequence of the insurrection being very shortly suppressed, this power was not exercised upon that occasion. A similar course appears to have been pursued in certain estates in the district called the Jungle Mehals, in the year 1832-33.

3535. Did trials take place upon that occasion ?—Trials did take place upon that occasion. Major Wilkinson says he does not remember, with respect to those trials which did take place under this special authority, whether they were submitted for confirmation to the Sudder Dewanny Adawlut, which is the principal court in Bengal, or to the Governor-general in Council ; but I should imagine, from analogy, that they must have been submitted to the Governor-general in Council. He does not recollect which is the case. Major Wilkinson states, that in 1835 and 1836, he himself, under the orders of the Government, put down an insurrection in Kohan-Singoree, which is one of the districts comprised in what is called the South-western Frontier Agency. Upon that occasion he himself tried, in his capacity of sessions judge, all the prisoners who had been apprehended by his assistants, and committed to him by them under their authority as magistrates ; and he, on that occasion, referred all his proceedings for the confirmation of the Nizamut Adawlut.

3536. Does he give any description of the nature of the court which was held, whether legal practitioners were present ?—No.

3537. Was he both prosecutor and judge ?—I fancy so.

3538. Are you sure that that was the case ?—No ; but I know that in that part of the country there is a summary process, or used to be in those days, of criminal jurisdiction ; there might be a person, called the vakeel, prosecuting on the part of the Government. He is a servant of the Government ; the advocate of the Government.

3539. A native advocate ?—Yes.

3540. *Mr. Villiers.*] What is the nature of the Court to whom the proceedings were referred ?—Major Wilkinson himself was appointed a commissioner, and the proceedings were referred to the Sudder Nizamut Adawlut, which is the principal civil and criminal court of appeal for all Bengal. It is a Court independent of the Supreme Court, and has jurisdiction over all trials held everywhere out of the jurisdiction of the Supreme Court in Calcutta.

3541. It is independent of the Supreme Court of Calcutta ?—Entirely independent of the Supreme Court of Calcutta.

3542. *Chairman.*] Were there any persons executed upon that occasion, in 1835, by the orders of the Court ?—There must have been, I imagine ; for he says, “ the trials of all those who were sentenced to capital punishment were submitted to the Sudder Dewanny Adawlut.”

3543. *Lord Hotham.*] Where is Major Wilkinson now ?—He is in London.
In

87

Sir T. H. Maddock.

12 June 1849.

In 1837-38, the country in that neighbourhood was again disturbed. In consequence of the insurgents in the neighbourhood having repeatedly been in arms against the Government, it appears that extraordinary powers were given to Major Wilkinson, as agent of the Governor-general. Perhaps what he says upon this subject, if the Committee propose to examine him, he had better state himself. Extraordinary powers were given to him by the Governor-general in Council, and five or six of the most notorious offenders were committed by his assistants, acting as magistrates, to be tried by him. Certain of those persons were convicted before him and sentenced, and the sentence carried into execution on his own authority, without any further reference to any superior Court.

3544. Mr. *Hawes*.] Sentenced to death?—Yes. He adds, that in no portions of those territories have disturbances prevailed since the last-mentioned date; that is to say, 1837-38.

3545. *Chairman*.] Did not you state at the commencement of your evidence that the formation of that Court rendered it necessary that there should be a reference to the Governor-general in Council?—That was on the first of those insurrections. There were different occasions on which insurrections occurred. It appears from Major Wilkinson's account that the powers given were the same, or very nearly the same, on the three first occasions. He imagines that the commissioner appointed to try those cases was empowered to convict and sentence to death, but that he had to refer to the Governor-general in Council, instead of referring to the superior court of law for the confirmation of such sentences before they were carried into execution.

3546. You say, upon the last occasion he made no reference whatever?—He made no reference. On that occasion he says, in consequence of the prevalence of those insurrections in that particular part of the country, extraordinary powers, powers much greater than had been exercised before, were conferred upon him, which powers enabled him to sentence to death, and to carry his sentences into execution, without reference to any other authority whatever.

3547. Mr. *Hawes*.] Are there any other instances to which you wish to refer?—In the year 1835-36 a serious insurrection occurred in the Goomsur district, a district which is subject to the Presidency of Madras; on that occasion the Government of Madras appointed a special commissioner, to whom they delegated extraordinary powers; in fact, unlimited powers, I believe. Under his orders the rebels who were apprehended were tried summarily by a court composed of military officers with the army then acting in the Goomsur district; if found guilty and sentenced to death, they were forthwith executed by order of the Special Commissioner. The records of the India House of course will contain all the facts of this case, which I believe to have been as I state.

3548. *Chairman*.] The Committee understand that you do not state this upon your own knowledge?—Not of my own knowledge; that part of the country, Goomsur, I have no personal knowledge of; it is a hilly tract of country, not dissimilar to the hilly countries in the centre of Ceylon.

3549. What was the name of the officer who was appointed as you state?—Mr. Russell; he was a member of the Council of Madras.

3550. Mr. *Hawes*.] From your experience and your knowledge of the affairs of India, are you able to state whether the sentences were followed by immediate execution?—I believe the fact to be that upon this occasion they were; so I have understood. I have myself heard so from officers who were serving with the force upon that occasion; those trials were of the nature of a court martial, for the court consisted of any number of officers who happened to be present with the regiment or detachment to which the prisoners were brought for trial.

3551. Mr. *Hume*.] Have you referred to any public orders for this information, or has it been communicated to you by Major Wilkinson?—Partly so; I have heard it from one or two persons; I should have had to go to the India House to obtain any official information upon the subject.

3552. *Chairman*.] Did any of these events come to your knowledge while you were in the council in India?—None.

3553. Mr. *Hume*.] How long is it since you have learned these facts; has it been since you arrived in England?—I have made particular inquiries since I was aware that I should be expected to give evidence before this Committee.

3554. Sir *J. Hogg*.] I believe the government of India have power to delegate any authority they think necessary in the event of disturbances in any part of India, and that the extent of that authority depends upon the nature of the disturbance,

Sir *T. H. Maddock*.
12 June 1849.

and the locality in which it occurs?—I imagine it has never been doubted that the Supreme Government of India has full power to delegate all the administrative powers which it possesses itself.

3555. Therefore the proclamation of martial law there is unnecessary for the purposes of quelling any rebellion?—I imagine martial law never has been proclaimed there, simply because those countries have been out of the jurisdiction of the Supreme Court, and martial law was not required; there no writ of habeas corpus could issue to interfere with the exercise of the authority of any Commissioner who might be empowered, whether civil or military.

3556. The Governor in Council had himself the power to direct proceedings and confer authority, which are, as regards the extent of the power, equivalent to the proclamation of martial law, where such a thing is necessary?—I believe fully so.

3557. *Chairman.*] In short, the Government of India have the power of life and death over their subjects, and they may delegate that power where they like?—As an example of that I may be allowed to say, that nearly 30 years ago I was myself vested with the power of life and death in criminal trials, and with unlimited power in civil cases; that is to say, limited only subject to an appeal to the King in Council, the same as the Supreme Court, and the Courts of Sudder Dewanny Adawlut, are subject to. Such is the power which the Government of India can confer upon any ordinary occasion, as well as on any special emergency.

3558. *Mr. Hawes.*] As regards criminal cases, was there any appeal from that decision?—On that occasion there was none.

3559. *Mr. Hume.*] Will you state upon what occasion that was?—The authority was not originally given to me, it was given to Mr. Wauchope, whose assistant I was, when I went with him to take possession of the Saugur territory, in the year 1818. Mr. Wauchope died in that year, and I was left for that year, and for two years afterwards, in charge of the whole of Bundelkund and Saugur, and with all the powers which had been bestowed upon Mr. Wauchope.

3560. *Mr. Hawes.*] While you were still belonging to the Supreme Council of India, I believe you had occasion to visit Ceylon?—More than once.

3561. Can you state to the Committee the date of your arrival in Ceylon, and the period which you passed in Kandy upon the occasion of your last visit to Ceylon?—I arrived in Kandy about the 23d of the month of July 1848.

3562. How long did you remain in Kandy?—I remained in Kandy nearly a month. It had been my intention to have left Kandy, and to have proceeded into the neighbourhood where the rebellion broke out, that is, the neighbourhood of Matelle, where I possess a coffee estate. I was prevented from proceeding there in consequence of the information which reached the authorities at Kandy, of a king having been elected, and being on his march to Matelle, and having subsequently taken Matelle, and of the necessity of sending out troops to oppose him there. I therefore was prevented from making the excursion I intended.

3563. You were present in Kandy at the outbreak of the insurrection?—I was in Kandy at the time, and I remained there for a fortnight or three weeks afterwards.

3564. From the information which you received, will you have the goodness to state to the Committee the nature and extent of that insurrection, and the danger which was apprehended by the people generally and the authorities at Kandy?—While I was resident at Kandy, I ascertained from Mr. Buller, the Government agent in the Central Province, the number of persons supposed to have joined the rebellion. The information which he gave me gives the number in Matelle as 12,000; Harispattoo, 6,000; Odoono were 3,000; Upper Doombera, 8,000; Lower Doombera, 8,000; Hewchette, 2,000; Odepalate, 3,000, and in Seven Corles, which are not subject to the Kandy agent, about 20,000. This would be altogether 60,000 men supposed to have been in arms, and all proceeding towards Kandy. According to the same authority there were at the time of the rebellion about 24,500 stand of arms in the possession of the people of those districts; of this number about 16,500 were actually registered under one of the recent Ordinances which was complained of. About 2,000 are supposed to have been destroyed then or subsequently, and about 6,000 are supposed to have been buried and concealed, to evade the payment of the tax, or to prevent the fines to which the possessors of them would be subject.

3565. *Mr. Hume.*] Did you receive a written communication from Mr. Buller?—

89

Buller?—I had a private written communication and a memorandum containing those numbers. Sir T. H. Maddock.

3566. Of what date?—I do not recollect the date; it was in consequence of an application from me when I was in Kandy in the month of March last.

3567. Did you get the information which you have now stated in July 1848 or in March 1849?—Upon this last occasion?

3568. You began by stating that you were present in July 1848?—I was there then, but I did not then think of asking the precise numbers; I probably heard very much the same then, but I obtained these numbers from Mr. Buller on the recent occasion of my being at Kandy.

3569. *Chairman.*] Were the whole of the 60,000 men supposed to have been armed, or only 20,000 of them?—I imagine that the greater portion of those who assembled with the insurgents had some arms; some of them had spears, probably some had swords, but not fire-arms; they could not all have had fire-arms, if this calculation was correct, that there were 60,000 people, and not above 24,500 fire-arms.

3570. *Mr. Hawes.*] You are of opinion that they were formidable in point of numbers, and they were armed to a very considerable extent with firelocks?—I have not the least doubt of it. At that time the strength of the garrison at Kandy was exactly 600 rank and file; there were no other troops whatever in the Central Province, except a small party of about 80 men at Neweraellia.

3571. Which is at a considerable distance from the site of the insurrection?—About 40 miles, I believe, or upwards. With regard to the nature and extent of this insurrection, coupling those circumstances together, I certainly was then of opinion, and I now can have no doubt, that there was immense danger to be apprehended from this assemblage of people; and it appears to me inevitable that if there had been any hesitation or delay in proceeding to act against them, and to attack the first body which could be reached by the troops, which was about 12,000 men at Matelle, in the course of 24 hours, or at the utmost 36 hours, a large portion of those 60,000 men would have been assembled in force immediately round, and in the environs of the town of Kandy; and I can only imagine that in that case the small force which was at the disposal of the commanding officer must have been unable to have protected the town; the town must have been plundered and probably burnt; it must have been unable to protect the country in the neighbourhood, and I should think most probably would have been so hemmed in that it must have been straitened for provisions, and in all probability would have been compelled to retreat.

3572. Beyond the fact of armed numbers assembling, was the insurrection attended with any acts of violence or plunder or destruction of property at the time you speak of?—For the short time that the insurgents remained unchecked they proceeded to all the coffee estates which fell in their way, and they destroyed all manner of property which they could find there, excepting that they did not burn down any of the houses, and they did no injury whatever to the coffee trees which were standing in the fields.

3573. *Chairman.*] Will you state the date of the proceedings which you are now relating?—I am speaking of what must have occurred on the 29th and 30th of July.

3574. *Mr. Hume.*] Are you speaking from what you yourself saw, or from what has been stated to you?—I did not see it myself, but I know it from a vast quantity of evidence at that time to have been the fact.

3575. *Mr. Hawes.*] You were in constant communication with the authorities in Kandy, were not you?—Both the civil and military authorities, both Mr. Buller and Colonel Drought. When this sudden emergency arose, they came to me as an old Indian officer with some experience in such matters, to consult me as to the best course to take. There is one thing, which probably has been brought to the notice of the Committee; I do not recollect whether it is stated in any of the public despatches, but I dare say it has been brought to the notice of the Government, that a reason was assigned, and I believe was ascertained to be the correct reason, why the buildings were not burnt down, and why the standing coffee trees were not injured, although every other description of property was plundered and carried away or destroyed. The reason was, that the insurgents entertained the full and confident expectation that they should succeed as they had done in 1804, in the time of Major Davy, in expelling the British from the Central Province altogether; and in

Sir *T. H. Maddock.*

12 June 1849.

several of those estates which they visited on that occasion, they gave instructions to the head native superintendents or managers to hold those estates, and to take care of them in the name of the king of Kandy. It is to that I attribute, and I believe everybody attributed, the circumstance that so little damage was really done generally, that the crops were uninjured, and the houses were not burnt down.

3576. *Mr. Villiers.*] Will you describe what property was destroyed?—All machinery was destroyed, all household furniture was destroyed, and books and papers; in fact, everything which was found which was moveable property.

3577. *Mr. Hawes.*] Beyond that, in the course of the insurrection, almost the following day to that which you refer to, I believe public buildings were destroyed and gaols were opened?—I am speaking of what occurred then. My observations now have reference only to what was done on the estates. As relates to public property, the public office called the Cutchery at Matelle was sacked, the gaol was forced open and the prisoners released, and every building belonging to the Government was subjected to all the injury which could be possibly done to it. In the same way, at Kurnegalle the rebels obtained an entrance into Kurnegalle in very considerable force, and got into the cutchery, destroyed all the records, and destroyed a vast quantity of the treasury accounts, and were upon the point of gaining possession of the treasury chest, when they were stopped by the intelligence that a portion of the Ceylon Rifles was approaching, when they immediately took to flight.

3578. *Mr. Hume.*] Were you yourself there?—No.

3579. You received this statement from parties who were there?—Yes.

3580. *Mr. Hawes.*] And from the authorities with whom you were in constant communication?—From officers in authority who had been at those places, and had seen with their own eyes what they stated to me; that is to say, there was Mr. Waring at Matelle, and there was Mr. Templar at Kurnegalle, both of them civil officers, with whom I communicated.

3581. *Chairman.*] Were those officers interfered with or injured?—They both of them had to take to flight; they escaped from injury simply by taking to flight.

3582. *Mr. Hume.*] You saw Mr. Waring, did you, when he fled?—Yes; he had been told that if he did not take himself off he would lose his life. I believe the same was the case with the officer at Kurnegalle.

3583. If they took to flight they could not have seen what was going on?—They stated what they saw as long as they stayed. At Kurnegalle, the officer saw what had been done on coming up immediately afterwards, with a detachment of the Ceylon Rifles.

3584. *Mr. Hawes.*] Upon those events occurring what measures were taken by the military authorities, and what measures were taken by the civil authorities, in order to repress the insurrection?—When the first intelligence was received from Mr. Waring of a king having been crowned at Dambool, where there is a sacred temple, and that he was on his march towards Matelle, Mr. Buller, who received this information from him, went immediately to the commanding officer of the troops, to beg that a detachment might be sent immediately to Matelle to protect that place against any injury likely to be inflicted by this body of turbulent persons; the commanding officer was rather loath to believe that an insurrection of any importance was likely to break out, and he proposed that before anything was done, Mr. Buller should ride over there with one of the staff officers of the station, and see what were the circumstances, and when they came back and reported he would be prepared to act; and in the meantime he issued orders for a detachment to be in readiness. Captain Jolly, who was one of the station staff at Kandy, and Mr. Buller, immediately rode out on the road to Matelle. They proceeded about half way, when they were informed that the whole country was in arms; that there was a very large detachment of armed people immediately on one side of the road that they were going to advance along, where there was a narrow pass down one of the mountains; and that Matelle had been taken and partly destroyed, or that all the public buildings had been destroyed. At the same time they met Mr. Waring himself hastening in from Matelle. On this they came back as quickly as possible, and the commanding officer, Colonel Drought, then doubled the strength of the detachment he had originally ordered, and they prepared to march to Matelle at once.

3585. *Chairman.*] What was the strength of that detachment?—The first one, I should

91

Sir T. H. Maddock.

12 June 1849.

I should say, was about 100, and the second about 200. The detachment that was ordered by Colonel Drought left Kandy about two o'clock in the morning, on the 29th or 30th. It is perhaps unnecessary for me, as I was not there, to state the proceedings of those detachments; they are very fully given, I believe, in the public despatches. All that I heard was that they marched during the night, and that when they arrived at a place called Wariapolle they met with a body of about 200 men, on one side of the road, who commenced a fire upon the advanced guard of our troops; an attempt was made to parley with them, some of them were absolutely disarmed; Mr. Buller went himself, and attempted to ascertain the object of their being assembled; and the military did not proceed to attack them, and to fire upon them, till there had been an attempt made to subdue them and disarm them without force. But while this was going on, another party in a jungle, I believe, opened a fire upon some of our troops, and the action commenced, and there was a very considerable loss on their part; one or two persons were wounded upon our side, and that was all. I have read all this, so clearly described in the public despatches, that I was not aware the Committee would expect me to enter upon this merely from memory, not having been there myself. As far as I know of the proceedings that were adopted by the Governor at Colombo, on receiving intelligence of this outbreak, I believe that they were to direct a concentration of troops, for the reinforcement of the force at Kandy, from all parts of the island where they could be spared.

3586. *Chairman.*] How did you obtain that information?—From correspondence with the Governor, and from seeing the detachments afterwards come in. He also made an application to the Government of Madras, and in an exceedingly short period, within six days from the time when he had resolved to make those dispositions, a considerable re-enforcement of troops arrived at Trincomalee from Madras. The troops were marched up with all possible expedition; and in the course of less than a week after the first outbreak, the strength of the detachments, I imagine, must have been nearly doubled throughout the whole of the Central Province. There were troops at Matelle, at Kurnegalle, at Dambool; there was a large force marched from Trincomalee, in the direction of Kandy; there were troops sent to Badulla, considerably to the eastward of Kandy; and in every direction there was such a force assembled, that if, unfortunately, the first endeavours of the insurgents had been successful, every means were taken that it was possible to take, with the force which the Ceylon Government had at its disposal, to have restored order, and if any portion of the country had been lost, to have recovered it. It certainly did appear to me that all those arrangements which were made by the Governor were as complete and as admirable as it is possible they could have been made by any authority, military or civil.

3587. *Mr. Hume.*] You know this, you say, from correspondence with the Governor?—I was consulted by the civil and military authorities at Kandy; but I also, very soon, in consequence of this extraordinary state of affairs, fell into correspondence with the Governor, who also consulted me upon the best course to adopt; and I of course know, from that correspondence, a good deal of what I have mentioned, and I know it also from the public despatches which have been printed.

3588. *Chairman.*] Have you any of that correspondence in this country?—It was a private correspondence with Lord Torrington; of my letters copies were never taken.

3589. *Mr. Hume.*] Have you any of the letters which you received?—I have one letter here of Lord Torrington's relating to the subject. The letters which were written to me during that period are not to be considered as official letters. I was there as a mere private gentleman, as a stranger. I visited Ceylon at that time simply on account of my health, and it was the accident of my having held office a great many years in India which led to my being made acquainted with what was going on, or being consulted at all.

3590. *Mr. M'Callagh.*] You consider those letters to have been private letters?—Quite private.

3591. *Mr. Hawes.*] With regard to the military arrangements, you think they were equal to the emergency, so far as the means at the command of the Ceylon Government rendered it possible?—Certainly; I think it would have been impossible to have made more of the military means at the disposal of the Governor than he did make of them.

3592. *Chairman.*] Are the Committee to understand that after this reinforcement

Sir T. H. Maddock.

12 June 1849.

ment arrived of which you spoke, there were no further assemblages of the people?—The people were supposed to be assembled in considerable numbers wherever the king was, or wherever the two persons who were given out as kings were said to be, but not in such numbers as they were at first; and they were concealed in the fastnesses of the forests; there was scarcely any employment for our troops; small detachments, under subaltern officers and captains, were occasionally sent out to scour the country, and sent in directions where the reports led the civil authorities or the military authorities to believe the king was concealed.

3593. No further outrages took place?—Yes, there were outrages took place; in the neighbourhood of Matelle there were several outrages, and very gross outrages; one of the persons that was executed was executed for an act which of course was done in connexion with the rebellion, but it was a deliberate murder of two Coolies, who were travelling along the road, whom he shot from behind a tree.

3594. Mr. Hawes.] Were there any other measures taken by the Government to suppress the insurrection, which fell within your knowledge?—The measures which were taken by the Government, independently of these measures, were simply the proclamation of martial law which was issued.

3595. When was that issued?—I really cannot say; I think it was about the 30th of July. There were two proclamations; one of them, as soon as intelligence of the affair at Matelle reached Colombo, the other as soon as intelligence arrived of the affair at Kurnegalle. Kurnegalle not being within the Central Province, to which martial law was confined in the first proclamation, it was necessary in consequence that a second proclamation should be issued.

3596. Mr. Hume.] Were you consulted upon that subject?—I was not.

3597. Mr. Adderley.] Is Matelle in the district of Kandy which was proclaimed?—Yes, it is in the Kandyan province. A proclamation was also issued, calling upon the people to return to their homes, and threatening them with the confiscation of their property if they failed to return within 20 days.

3598. Mr. Hawes.] With regard to the proclamation of martial law, from your knowledge of the state of the country, and the information you obtained from your communication with the Kandyan authorities, was it, in your opinion, a necessary and a wise measure?—In my opinion, in the Island of Ceylon it was absolutely and indispensably necessary. I imagine it would have been utterly impossible to have put down an insurrection with any vigour if there had not been prompt and vigorous measures taken, such as the proclamation of martial law, to enable some authorities to dispose of the most atrocious cases which were brought before them instantly and on the spot.

3599. Did you hear, while you were in Kandy, of acts of any unnecessary severity on the part of the military authorities, or of any complaints on the part of the people at large, as to the severity of the measures adopted to suppress the insurrection?—With regard to the severity of the measures, I procured from Colonel Drought, before I left Kandy, a list of the summary punishments which were inflicted while martial law was in force. This list includes not only the punishments inflicted for rebellion, but also the punishments inflicted for all manner of offences, for the civil courts were in abeyance, and the entire police and civil administration of the country was in the hands of the military.

3600. Chairman.] For how long a period?—I think it must have been from the end of July to the 10th of October; about 10 weeks. It appears from this list that there were four places where courts martial sat during the greater part of this period. They sat at Kandy, at Matelle, at Kurnegalle, and at Dambool. During the whole period of those 10 weeks there were executed, by the orders of the courts martial, 18 persons; one was transported for life, 17 were transported for 14 years, one was transported for 10 years, nine were transported for seven years; there were 42 imprisoned with hard labour; there were 30 imprisoned with hard labour, and subject to corporal punishment; there were 28 received corporal punishment alone; that makes in the whole 146; that is the extent of the punishments.

3601. Are the Committee to understand you to state that those punishments were all inflicted by courts martial?—They were all inflicted by courts martial.

3602. Mr. Hume.] Is that paper signed by Colonel Drought?—It is; I fancy it has been already sent home officially; he gives it me as a true copy, with his signature.

3603. Are

3603. Are the Committee to understand you that, during all this time, all civil law was in abeyance?—Yes, in that part of the country where martial law was proclaimed. Sir T. H. Maddoch.

12 June 1849.

3604. Mr. Hawes.] Where the insurrectionary movement had taken place?—Yes.

3605. Mr. Hume.] Do you include Kandy in that list?—Yes; excepting that for a short portion of that period of 10 weeks a portion of the town of Kandy was, either by another proclamation or by an Act of the Legislature, exempted from the action of martial law, to enable the Chief Justice to go and hold his court there.

3606. Have you any copy of that order?—I have not a copy of the order; I presume it must be among the papers.

3607. Chairman.] Do you know the date of that order?—No.

3608. Was it when you were there?—I was at Kandy at the time.

3609. Was the civil court sitting when the military tribunals were sitting?—Yes.

3610. Did you see any order for that?—I do not recollect any order; I believe it was by an Act of the Legislature.

3611. Mr. Hawes.] The district or place in which the court sat was exempted from the operation of martial law, with a view to allow the exercise of civil jurisdiction concurrently with martial law, in the other districts in which martial law prevailed?—That was the object, no doubt. The exact limits of the district that was exempted from the operation of martial law I do not know, but they were limited, I believe.

3612. Mr. Hume.] Do you not know that only part of the town of Kandy was exempted?—I believe that was the case.

3613. Chairman.] Executions took place in one part of the town under martial law while the Supreme Court was sitting in the other part of the town; was not that the case?—That I am not aware of.

3614. Mr. Hume.] Are you not aware that the courts-martial were sitting at the same time?—Yes; but whether there was any execution I am not informed.

3615. Major Blackall.] Was the civil court which was sitting trying offences committed during the existence of martial law, or offences committed previously?—They were trying offences which were connected with this rebellion; in fact, they were generally trying those persons who had been taken prisoners in the first fight at Matelle, and immediately subsequently to that, but before the date of the proclamation of martial law in those provinces. For although one of the objects of proclaiming martial law was to provide the means of summarily trying those concerned in the insurrection, and of course those taken in arms and in open rebellion, there were legal doubts entertained of the power of courts martial to try any prisoners accused of offences committed before the date on which martial law was proclaimed. It was therefore deemed expedient to issue a special commission to the chief justice, for the trial of all persons accused of treasonable practices before the date of the proclamation.

3616. Then, in fact, that civil court was not trying prisoners for offences committed at the same time as those for which the courts martial were trying prisoners?—Not in the slightest degree; it was especially formed for the trial of those persons who could not be brought to trial, according to the interpretation given by the law authorities who were consulted, before the courts martial.

3617. Mr. Hawes.] The offenders tried by the civil court were those who had been arrested previously to the proclamation of martial law?—Yes.

3618. The offenders tried by the courts martial were those who committed offences during the operation of martial law?—Subsequently to the issue of that proclamation,

3619. Mr. Villiers.] The return signed by Colonel Drought only refers to those tried under martial law?—Entirely.

3620. Chairman.] What was the impression in the island as to the extent or severity of those sentences?—There are two parties to a question of that kind; one, the European population, and the other, the natives. I believe that among the European population of Kandy and its neighbourhood there was but one opinion, and that opinion was in favour of the continuance of martial law for some time after it had been in force; and at a meeting at which I presided at Kandy on the 14th of August 1848, that is to say, upwards of a fortnight after the breaking out of the insurrection, at which certain resolutions

Sir *T. H. Maddock.*

12 June 1849.

were passed ; while that meeting was sitting and I was in the chair, it was proposed to me, if I approved of it, to have added a fifth resolution, to the effect that the meeting were of opinion that it would be very undesirable to discontinue at any early period the operation of martial law. I said I thought that was an unnecessary interference with the discretion of the Government, and I begged to be excused from putting this additional resolution, and the consequence was that it was given up ; but I know subsequently, from seeing great numbers of the planters and the gentlemen who reside in the neighbourhood, that they were most perfectly satisfied with the administration of justice which took place during the operation of martial law, and that they would not have been at all anxious for the earlier restoration of the jurisdiction of the ordinary courts.

3621. Are you still speaking of the 14th of August?—No, I am speaking of subsequent periods ; there is nothing that I can state with that degree of force, or so positively, as with regard to what occurred at that meeting, which was a public meeting connected with the subject of the rebellion, and where it was proposed, and I fancy if I had approved of it would have been carried, that this resolution should be passed in favour of the continuance of martial law.

3622. *Mr. M'Cullagh.*] You did not put that resolution?—No. I mentioned that I considered that it was an undue interference with the discretion of the Government, and that it was not becoming persons assembled for the purpose for which the meeting was convened to dictate to the Government its future measures ; that was my feeling upon the subject, and it was that which induced me to dissuade those who had proposed it to me from carrying that as a resolution.

3623. *Mr. Hume.*] Did the proposition refer to any definite period?—No ; it was rather to dissuade the Government from an early discontinuance of martial law. As I cannot speak the language of the country, I could not have any extensive communication with the natives ; but as far as I could gather their opinions on the question of martial law, I believe they generally approved of its continuance, believing that under its influence all rogues and thieves had been frightened out of the country. I believe that, generally speaking, the people were perfectly satisfied that there was an efficient and prompt administration of justice while martial law remained in force.

3624. As you do not speak the language of the country, from whom have you obtained that information?—From several persons ; I cannot call to mind exactly who they were, but from the natives themselves who spoke English.

3625. *Mr. Wilson.*] From English officers in daily communication with the natives?—Yes, and from planters and other people who were conversant with the language.

3626. Is it not the case that at that period, and just prior to it, great complaints had been made by the natives of being robbed of their cattle and robbed of their goods, and that the country was in a state of great disorder in consequence of depredations of all kinds having been committed?—I had only arrived in Ceylon very shortly before. I do not recollect hearing anything very particular upon that subject. I have mentioned this circumstance as contrasting the state of society with regard to its protection against fraud and force under martial law, and its state previously, which certainly appeared to me to be very much in favour of martial law. The only persons I know of, who ever made very strong objections to the continuance of martial law, were the proctors of the courts ; they said that the whole of their business, which was their livelihood, was stopped ; there were no courts open ; there were no fees paid ; there was no business doing ; but I never heard that any class of people, except the proctors, objected particularly to the continuance of martial law.

3627. *Mr. Villiers.*] As a permanent system, do you mean?—No ; I never heard any one advocate its continuance as a permanent system, although I find, by a memorandum I made when I was in Ceylon, that on one particular occasion martial law was in force in the Kandyan country for upwards of a year. In the year 1818 martial law was proclaimed on the 21st of February, and it continued in force till February the 12th, 1819.

3628. *Mr. M'Cullagh.*] Who was the Governor then?—It must have been General Brownrigg.

3629. *Mr.*

3629. Mr. *Hawes*.] Generally, as far as you can speak from your own personal knowledge, public opinion in Kandy was in favour of the measures adopted by Government for the suppression of the insurrection?—I think so, decidedly; I believe that at that period the people were impressed with a sense of gratitude to the Government for the zeal and promptitude with which a calamity of a very serious nature had been averted.

Sir *T. H. Muddock*

12 June 1849.

3630. I need hardly ask you whether, had civil war continued for any length of time, the loss of life and the destruction of property would have been very great?—I fancy that the whole of the European community foresaw that, and that if the most prompt measures had not been taken at the end of July to put down this first opening of the insurrection, backed by the armed force, every estate in the Central Province would ultimately have been destroyed, and that, in all human probability, a vast number of the European inhabitants would have lost their lives, and capital to an immense extent must have been sacrificed: that was, I imagine, the apprehension of everybody there who had any interest in the country.

3631. You attended a public meeting in Kandy, which has been referred to, on the 14th of August 1848?—Yes.

3632. You spoke at that meeting to the following effect: "I fully and most cordially concur with you in expressing my high appreciation of the able and well-arranged plans of the Government in Colombo, of the prompt and efficient distribution of its military resources in such a manner, that, with the exception of those districts where the insurgents, appearing unexpectedly and in great force, were enabled to over-run the country, and spreading havoc and destruction in their path before the military could reach them, has preserved the lives and properties of the European settlers, and all other loyal and peaceful subjects in all other parts of the province; and I unhesitatingly state my belief that you are directly indebted to the able person at the head of the Government for the security and comparative tranquillity which now everywhere prevail." At that meeting was there any dissentient opinion expressed?—Certainly not; the most cordial unanimity prevailed on every occasion of any expression of that kind falling from my lips or those of any other person who addressed the meeting.

3633. Sir *J. Hogg*.] Was that meeting numerously attended?—It was not very numerously attended; they were very respectable proprietors and planters who did attend. I do not know what the numbers were; not above 30, I think.

3634. *Chairman*.] Does that list contain the whole number?—I imagine it does.

3635. Did natives as well as Europeans attend?—Only one native, I believe.

3636. Mr. *Hume*.] The meeting took place in the library, did it not?—In a room of the public library.

3637. Is that a large room?—It is a large room.

3638. Mr. *Villiers*.] Was it open to anybody to attend that meeting?—Yes; I understood so. The notice was very short.

3639. Mr. *Hume*.] Three days, was not it?—It was not sent into the neighbouring districts.

3640. Are you aware how many public servants were there; are you aware that a very considerable proportion of those whom you state were unanimous in their opinions were public servants?—Not one, that I am aware of.

3641. Was Mr. Staples there?—Yes.

3642. Is not he a judge?—I believe Mr. Staples is a public servant.

3643. Was not Mr. Glennie there, and is not he a public servant?—He is a clergyman; I do not look upon him as a public servant.

3644. Was Loko Banda, the head of the police, there?—If he was there, his name would be attached to the list.

3645. Was not the Rev. Mr. Labroye, another paid chaplain, there?—I am not aware that he was.

3646. Was Mr. Jaybellike, the interpreter of the court, there?—I never inquired; I was not aware that, with the exception of Mr. Staples, any public servant was there.

3647. Was Mr. Dunawillie, the son-in-law of the interpreter, there?—I do not know that he was there, or that he is a paid officer.

3648. Do not you know that Mr. D'Saram, a public servant, was there?—I never made any inquiry upon the subject.

Sir T. H. Maddock.

12 June 1849.

3649. You have now stated that the meeting was unanimous, and therefore you consider that to be the state of public opinion there, there being only 28 persons present at the meeting?—I heard the same opinion from every European proprietor or planter whom I met with.

3650. You had no opportunity at that meeting of seeing any chief or headman present?—There were none.

3651. Major *Blackall*.] With respect to Mr. Glennie, are you aware that he has a considerable interest in the island, as well as being a paid servant of the Government?—He has property, but I fear it is not a property of any great value at present, and he is no longer a proprietor, I believe; his father was a great proprietor, but I believe the whole of his property has fallen into other hands now.

3652. Mr. *Hawes*.] Another proclamation has been referred to, dated the 8th August 1848, which I will put into your hands; will you state the substance of it?—“It is hereby proclaimed that in all the Kandyan districts now under martial law, I have ordered the seizure and attachment of the lands, houses, and other property, of all the persons, of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen; and I hereby call upon all loyal subjects to assist the officers appointed by me to carry my orders into effect. And I hereby further command all loyal subjects of Her Majesty the Queen to keep themselves apart from those concerned in this rebellion; for whosoever shall be found to have aided the rebels, or supplied them with food or other provisions, is liable to condign punishment, and will forfeit his lands and property, and will be treated in all other respects as a rebel. And I also hereby declare to all innocent and loyal subjects who may chance to be absent from their houses, but who have not been engaged in any act of treason or robbery during the present insurrection, and can account for their absence, that they are not, by this my proclamation, prohibited from returning to resume possession of their property, and reside in peace in their houses.” That is signed by T. A. Drought, Lieutenant-colonel, commanding the troops in the Kandyan provinces.

3653. That proclamation was issued while you were in Kandy, and in communication with the Government authorities?—Yes.

3654. That proclamation met generally with your concurrence, did not it?—It did.

3655. And that concurrence was founded upon your experience of Indian government and affairs?—Yes. I looked upon Colonel Drought at that time as possessing absolute and unlimited power, under the proclamation of martial law, over the lives and properties of the people; and I considered that it was very desirable that a proclamation of this nature should be issued, warning all loyal subjects of the danger of remaining absent from their homes, and giving all an opportunity, by returning, of clearing themselves from any suspicion which might have attached to them in consequence of their absence. Part of this order, relating to the seizure and attachment of lands, houses, and other property, is quite in conformity with what I believe has always been a part of the course pursued by the Government of India in suppressing rebellion there. The confiscation of property, and particularly of landed property, has been one of the main engines which has been directed against the insurgents, and particularly against those of rank and authority, who are engaged in a rebellion. It appeared afterwards that there was a demur upon this point; and that as the English law was understood by some authorities to prevail in the Kandyan provinces, it was supposed that this seizure and attachment would be of no avail, because it could not be extended to permanent confiscation simply for the want of an attainder; and that no attainder would follow even the death in battle, in front of the Queen's troops, of any of those rebels, or their falling by the hands of the hangman under martial law; but that their blood would not be attainted and their estates would not be escheated, unless they had been tried by the ordinary courts of law. I said that an opinion had prevailed on the part of some authorities, that the English law prevails in the Kandyan provinces; because I have been informed that all lawyers do not agree in that opinion, some arguing that if any law different from the native law of the land prevails there, we should recognize the Dutch or Roman law.

3656. Mr. *Hume*.] Had you any communication with Colonel Drought at the time

time of that proclamation being issued?—I had; I was aware of it before it was issued. Sir *T. H. Maddock*.

12 June 1849.

3657. Are you aware whether it was issued by order of the Governor?—It was not, I believe; I cannot say positively, but I think not.

3658. Do you believe that it was under the authority of Colonel Drought alone?—Of Colonel Drought alone. I considered myself, and I believe Colonel Drought also considered, that he was vested with perfect and uncontrolled power.

3659. Did you advise him to issue the proclamation?—I cannot say that I advised him to issue the proclamation; I concurred in the propriety of it.

3660. Are not you considered to have been the person who suggested it?—I do not know whether I am or not; I concurred in it.

3661. Did not you advise that it should be issued, and was not it issued by your advice?—It certainly was issued with my concurrence, and it may be therefore said by my advice.

3662. Did you communicate your opinion to the Governor, or to Colonel Drought?—The Governor was absent, and I do not think that I had any communication with the Governor upon the subject of this proclamation of Colonel Drought; I may have alluded to it in writing to the Governor, but I had no consultation with the Governor upon the subject; I considered it purely as the act of Colonel Drought, he being vested with absolute authority in those districts in which martial law prevailed.

3663. You say it is agreeable to the practice in India; is it agreeable to the practice in India to seize property and sell it before the parties are found guilty?—No; what I meant to say was, that it was the practice in India to confiscate the property of rebels.

3664. Mr *Hawes*.] That is, landed property?—Landed property especially.

3665. Mr. *Hume*.] Is it the practice in India to seize the personal property also, such as household goods and wearing apparel, of the people who may be supposed to be rebels; or is it after they are found to be rebels that their property is seized?—I have never seen the actual practice; but when a country is in rebellion, and the inhabitants have fled from their villages, I cannot imagine what else can take place but that their property must be taken possession of by some one.

3666. Of your own knowledge, can you state any instances where property has been seized under circumstances similar to these?—I have never myself been present at the suppression of any rebellion.

3667. Are you aware that the Queen's advocate was supposed to have been the adviser of the publication of this proclamation?—No, I never heard of it.

3668. You are not aware that Lord Torrington reports that it had been issued by the advice of Mr. Selby?—No, I never heard so.

3669. I have before me the letter of the 11th of April, from Lord Torrington to Earl Grey, in which he says, "Mr. Selby, the Queen's advocate, has called my attention to an inaccuracy in the terms in which I intimated to your Lordship that this proclamation had been issued with the advice of the Queen's advocate; the fact being that it had been suggested by Sir H. Maddock?"—I think that alludes to another proclamation, and not to this; this is a proclamation of Colonel Drought, of the 9th of August, at which date, if I recollect right, Mr. Selby had not arrived at Kandy.

3670. We understand you to say that that is not the proclamation there alluded to by Lord Torrington, but that you had a communication with Colonel Drought, and that it was with your concurrence, and by your advice, that this proclamation was issued?—Yes, I may say it was by my advice as well as my concurrence; I considered this a suitable warning to give.

3671. You considered that no English law existing in the colony, or there being a doubt whether the English or the Dutch law existed during the proclamation of martial law, you were warranted in taking that course?—I considered that Colonel Drought was supreme, and that he was justified in adopting any measures whatever which he thought most likely to bring the insurrection to an early close. I certainly was of opinion that this order of his was well calculated to secure that object.

3672. Mr. *Hawes*.] Are you, or are you not, able to give the Committee any information.

Sir *T. H. Muddock.*

12 June 1849.

information as to the beneficial results consequent upon that proclamation?— This proclamation I believe to have been followed by the return of a vast number of those who had been absent for a week or 10 days or more from their houses, and who no doubt had been in the ranks of the rebels; it led to their return and their regaining possession of their houses.

3673. Many did return in consequence?—A great many.

3674. Have you formed any opinion from your knowledge of Ceylon as to the causes of the insurrection?—When this insurrection first broke out, I myself (and I fancy almost every one else ignorant of the subject would have done the same) naturally connected it with the new taxes which had just been imposed, or which, if not imposed, had been advertized to be imposed; but the more I inquired from those persons who knew the people, particularly the planters, as well as from the officers of Government, the more thoroughly I became convinced that the new taxes had very little indeed to do with the origin of the insurrection; but that the insurrection had been hatching for a long time before those taxes were ever contemplated, and that all that the taxes did in contributing to the outbreak was inasmuch as they enabled the chiefs and the priests and other disaffected people to incite the population to rise, from giving them false statements as to the intentions of the Government in respect to a vast number of absurd and arbitrary imposts which they were preparing to lay upon them. By this means the taxes did certainly give a handle to the disaffected to gain over a large number of partisans, who otherwise in all probability would have remained aloof from them, as was the case in an attempt at insurrection which occurred in the year 1842, when, as I ascertained from Major Kelson, who took a prominent part in preventing an outbreak then, the greater proportion of the common people on that occasion refused to join, because they were satisfied and contented, and found nothing to complain of in the proceedings of the Government.

3675. Mr. *Hume.*] Is Major Kelson in England now?—No, he is not. On this occasion there was that stimulus which had been wanting on the former occasion, and those who were ill affected, and wished to get up a rebellion, found that the people at large were more willing than they had been on the former occasion to join them, in consequence of their being able to misrepresent the intentions of Government as to the vast amount of taxes about to be imposed.

3676. Mr. *M'Cullagh.*] By the expression "stimulus" do you mean pretence or pretext?—Yes. I ascertained also from Major Kelson, who had been very long invested with civil authority in Ceylon, that in his opinion, from all that he could ascertain from the natives, one main reason why any cause of dissatisfaction might be exaggerated and rendered sufficient to excite the people to rebellion on the late occasion was, that not only the chieftains who exercise influence over their dependents and over the people at large did all they possibly could to incite them to rebellion on this occasion, but that also there was an exceedingly great disposition on the part of the whole of the Buddhist priests in the country to support the chiefs in this rebellion. That had not been the case in 1842. I understood, not only from Major Kelson, but from several other well-informed persons in Ceylon, that since certain orders were issued about two or three years ago from the Colonial Office, relating to the disconnection of the Queen's Government with the Buddhist religion and all its observances, there has been growing up the very greatest disaffection and disloyalty on the part of the priesthood; and I believe that they have very serious cause of complaint against the Government for some of the measures which have been adopted; for I understand that in consequence of the strict adherence to the orders which had been issued from the Colonial Office, when vacancies occur in the situations of chief priests at any of the great temples the Government authorities refusing to exercise that power which had always been exercised by British agents ever since the British Government was established in Ceylon, of nominating successors or selecting successors out of a certain number of persons proposed by the religious fraternities, their colleges and temples have in many instances been left without any head, and everything connected with them has been going into confusion. Moreover I was informed that in consequence of the want of support of the Government, the priests have been almost entirely unable to secure the rents of the lands which belonged to the temples, and that the lands have in many places

places been allowed to lie waste. On all those accounts I believe the priests have of late been exceedingly hostile in their feelings to the Government; and no doubt on the occasion of this late insurrection they gave all the support they possibly could to the cause of the rebels.

3677. *Mr. Hume.*] When did you collect that information?—Principally during the period when I was upwards of two months in Ceylon, subsequently to the insurrection.

3678. You have said that in consequence of the Government, three or four years ago, declining to recommend priests as successors where vacancies had occurred, the institutions have been without a head, the rents of the temple lands have not been collected, nor have they been able to obtain labour to till them; are we to understand that those are, in your opinion, just grounds of complaint?—I think they are grounds of complaint which may be justly urged.

3679. You have been asked as to a meeting at which you presided. When in the chair at that meeting, your address was in these words: "The religion of the people has been preserved inviolate, and the most scrupulous regard has been shown to the feelings of the upper classes." That was in August 1848; will you reconcile that statement with that which you have now given as the deliberate opinion formed upon your inquiries since then?—I was not at that time aware that there was such a cause of offence on the part of the priesthood.

3680. Then in the impressions with which you addressed the meeting at that time as to the groundlessness of the complaints of those who were in rebellion, as far as regards religion, you admit you were in error?—No; generally speaking I adhere to this: the priests, as respects their temporalities, I think have cause to complain of the want of protection on the part of the Government authorities.

3681. *Mr. Hawes.*] You believe that the religion has been inviolate, but that the institutions have been neglected?—Yes; this relates to temporalities; what I have now been alluding to is the want of protection of which the priests complain as having been recently experienced with respect to their lands, and the profitable parts of those religious institutions.

3682. *Mr. Hume.*] Have not those acts which you now state hurt the feelings as well as the interests of the parties to whom you allude?—I cannot say; probably they may have had some effect; I did not mean to include among the upper classes of whom I spoke, the priests.

3683. Do you consider that those interferences with their institutions have in any way estranged the chiefs and leading men, as well as the priests?—From what I understand, I should say that the leading men have long been disaffected, but that on the recent occasion they have had the advantage of the co-operation of the priests, which they had not on a former occasion. I have attempted to give a reason, which to my mind appears sufficient to account for the priests affording them this co-operation, which they did not afford them on the previous occasion.

3684. You give this evidence to show that the priests came in aid of the other disaffected chiefs?—Yes.

3685. And in your opinion the disaffection had existed for a considerable period, and the taxes were only a handle or stimulus to the disturbances which then took place?—I believe so.

3686. *Mr. Villiers.*] The disaffection existed among the chiefs?—It existed mainly, but not exclusively among the chiefs.

3687. *Mr. Hawes.*] The chiefs, I believe, have been disaffected from the general loss and decline of their power in Ceylon, owing to the increase of the European population, and from other circumstances?—I presume so; but it is rather difficult I think to attribute their disaffection to that only. I do not myself see in what way their power has been very seriously interfered with of late years. That they are disaffected I have heard from every quarter.

3688. Can you assign any reason for the disaffection, or did you hear anything on the subject in Ceylon which you can communicate to the Committee?—I was rather led to suppose that their disaffection arose from idleness, and from ambition, and probably to some certain extent from a sort of patriotism, a desire to restore their own native dynasty. I think we may be allowed to

Sir T. H. Maddock. suppose that that had a certain share in making them disaffected with our rule.

12 June 1849.

3689. The disaffection of the priests, however, chiefly arose from the neglect of their religious temporalities on the part of the Government?—I look upon it to have been so; I have never heard any other cause assigned for their disaffection.

3690. With regard to the mass of the people, from the information you obtained in Ceylon, should you say that they had any just cause of complaint against the Government?—So far from having any just cause of complaint, I should say that the people of the lower classes, and indeed the people of all classes in the Central Province of Ceylon, have every cause of satisfaction, and every reason to be grateful to the British Government, as contrasted with the native government which preceded it.

3691. Mr. Hume.] You mean the Government which ceased in 1815?—I mean the government of the kings of Kandy. The Honourable Member has alluded to a speech I made at Kandy. On that occasion I contrasted the condition of the people of Ceylon, that is to say, of that part of Ceylon (for I intended in all the observations I made to speak exclusively with respect to the people of the Kandyan province, as those with whom I was alone acquainted), with the condition of the subjects generally in the East India Company's possessions in India, with reference to the ease and comfort with which they lived and enjoyed the use of their lands. The Committee in all probability is fully aware that in India generally, from one end of it to the other, it may be taking a fair average of the rate at which lands are assessed to the revenue of the state, if 40 per cent. be taken out of the gross produce. I would take that as a fair average. Now, I believe that it will be found, and the Committee have the means of ascertaining it from any gentlemen who are well acquainted with the revenues of Ceylon, that any private landlord in Ceylon who possesses lands, exacts and collects a rent from his lands fully equal to that, or about 40 per cent. of the value of the gross produce. If I am correct in that, and I believe I must be nearly so, there is no great difference between the tenure of land, as far as the cultivation is concerned, in Ceylon and upon the general continent of India. I have spoken of what the Government takes in India as being 40 per cent. In Ceylon, under the Kandyan princes, the payment in the shape of rent or revenue was reckoned at a tithe or one-tenth of the gross produce; but this was not, as it is in India, taken from every tree, and every valuable product whatever, but it was limited solely to the rice or paddy fields; this tax was levied from them. When the kings of Kandy levied this tax, this was but a small portion of the impost which they really laid upon the land. Every landholder there was bound to afford a certain portion of labour for any purpose of utility or of state which he might be called upon to perform; therefore, I consider that a tithe of his rice produce was but a small part of the impost to which he was subject for the use of his land. The rice may have been taken in kind in order to fill the granaries of the king of the country, for his army and his establishment. In the year 1832 or 1833 the Governor of Ceylon, in consequence of an order of the King in Council, abolished that portion of the return which the land gave to the Government, which was in the shape of labour, without demanding any sort of equivalent whatever, or calculating what it was worth; so that the consequence was, that a man who possessed a certain quantity of land continued then to enjoy it, subject only to this tithe to which I have alluded. This tithe, it must be borne in mind, was very roughly calculated, and probably was always very much in favour of the cultivator, and not in favour of the Government, because it depended upon his statement of the quantity of seed which he had sown, and according to the quantity of seed sown was the portion of the produce fixed which he was to render. About the same period, or rather before the publication of that order, it was found very inconvenient by the officers of the Government to have to collect the whole of this rice in kind, and an attempt was made, with the sanction of the Government, by the Government agent at Kandy, to commute all those payments in kind; and he succeeded generally, I believe almost universally; and the rate at which the commutation was fixed was 6*d.* for every bushel of paddy, which had before been leviable in kind. Sixpence was at that time the value of the bushel. At the present period, and within a very few years after this commutation was effected, the value of paddy increased so much, that the average price was, I believe, 10 years ago, what it is now, from 2*s.* 6*d.* to 3*s.* a bushel; so that in fact the cultivators

in

Sir T. H. Muddock.

12 June 1849.

in the central province of Ceylon, taking 2s. 6d., which is a fair moderate average, instead of paying a tithe of the value of the produce, in reality only pays one-fiftieth. Instead of paying 40 per cent., which he does in the case of lands which he holds of the headmen of the country, for land which he holds from the Government he only pays two per cent.

3692. But he pays from 2s. to 3s. for the article which he formerly used to get for 6d.?—I am speaking of the commutation which he pays in money instead of in grain.

3693. The man that eats rice buys it at a price of 2s. 6d. to 3s., instead of 6d.?—I am not speaking of a man who eats rice; I am speaking only of the producer; perhaps it comes more to the same thing in Ceylon than would ordinarily be supposed, for in Ceylon almost every man who lives in the country villages grows his own paddy for his own consumption. There is scarcely any buying or selling of native Ceylon rice in the Central Province; from that I meant to argue that I was justified in contrasting, as I did in the speech which I made in Kandy in August last, the condition of the agricultural part of the population of the Central Province in Ceylon and the same class in India.

3694. Mr. Hawes.] You mean that they are, in fact, in a more favourable position as respects taxation to the Government?—A far more favourable position; I calculate that they only pay two per cent. where they would have paid to their own headmen 40 per cent. That class of the people cannot possibly, I think, have any cause to be dissatisfied with our Government, as far as its revenue arrangements are concerned. I have heard since the period when I spoke so favourably of their position, that there are certain causes of complaint which they have adduced. One cause of complaint is the introduction of shops for the retail of spirituous liquors in the Central Province, which the better class of the Cingalese say tends very much to demoralize the people, and to make drunkards of the present generation, whereas formerly nothing of the kind was ever known. The other cause of complaint is the enormous expense of lawsuits, and the wretchedly dilatory and uncertain administration of the law. As corroborative of that I have some curious papers here, which are the taxed bills of proctors, showing the expenses of lawsuits of different kinds.

3695. Should you have any objection to put in evidence any of those cases?—They may all be placed in evidence. The money sued for in one case is 38l.; the taxed costs were 48l. Here is one, the value being 4l., and the costs are 7l. 3s. 10d. Here is another, in which the value is 7l., and the costs 2l. 11s. 4d. Here is a piece of land worth 3l., and the costs of the suit are 13l.

3696. Chairman.] Are those suits in the native courts or the European courts?—Those courts are presided over by either British functionaries or by persons of Dutch descent.

3697. Mr. Hawes.] They are the courts to which the natives now appeal?—They are the courts which the natives have to go to; and I believe the system pursued there is a very oppressive one. If that is a grievance, and I have no doubt it is, at the time that I was in Ceylon the Government was then occupied in inquiries with a view to devise measures for the introduction of a better system.

3698. Mr. Hume.] You have stated those as just grounds of complaint by the natives of Ceylon against the existing state of things?—Those two points I have understood latterly to be matters which they complain of; but I do not think those complaints had anything to do with the insurrection. I never heard this matter respecting the courts of law adduced in such a manner.

3699. What is the origin of those courts of law?—The Charter of Justice of 1833.

3700. Allow me to read a sentence of your speech upon that occasion, in which you say: "And I can plainly and confidently state that I have been able to discover no cause whatever to be urged in excuse for the enormity of the offence of those who have led and excited the people to revolt against the Queen's Government." That is the opinion which you entertained on the 14th of August, as regards the state of the natives?—And it is an opinion which I entertain now; for though I admit I have heard these causes of dissatisfaction, I do not admit that they are causes of dissatisfaction to justify the people in rising in arms against the Government.

3701. Your speech leads the reader to understand that the Cingalese have less cause of complaint than any of the inhabitants of India, and that you have not

(92.)

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been

Sir T. H. Maddock.

12 June 1849.

been able to discover any ground for their dissatisfaction?—I do not think that that speech is of such a general tenor. It alludes to the Kandyan province only.

3702. You say: "Where gross oppression is practised by the rulers of a country, where the rights and privileges and legitimate authority of the upper classes are infringed, where the liberties and properties of the people are violated by those in authority, discontent will naturally prevail; and when all peaceable measures of remonstrance and appeal are found to be ineffectual, the people may be justified, as a last resource, in taking up arms in order to rid themselves of intolerable tyranny. Is such the case in Ceylon generally, or in these provinces particularly? Every one of sense and reflection will reply in the negative"?—I adhere to that.

3703. "Contrasting the condition of all classes of the people of these provinces with that of other Asiatic countries, you will find that the Cingalese in this part of the island have been treated by their rulers with a degree of attention and liberality rarely to be met with on the adjoining continent of India"?—And I have now attempted to illustrate what I meant by saying so, by contrasting the proportion of the produce of the land exacted by Government from the cultivator of the land in the Central Province of Ceylon, and that exacted from him by the Government in India.

3704. In speaking of a country you do not speak of one class, I presume, but your opinion would have reference to the inhabitants generally?—I mentioned just now that I think it will be found that the great majority of the inhabitants of the Central Province of Ceylon are growers of paddy; almost every inhabitant has his field of paddy, and grows the paddy for his own consumption, and there is very little buying and selling of paddy; every man has his own.

3705. Do you consider that those who were discontented and appeared against the law in arms, were limited to any particular class, or did they consist of the inhabitants generally?—They were all the villagers; I imagine they will be found to have been almost all of them of that class of people who were cultivators; I look upon it as being the general character of the people that they are cultivators; they may have some other employment, but they cultivate.

3706. You state, as regards their burdens, that you think they have been relieved to a great extent; are you aware what is the amount of taxation in India, the country from whence you have come, paid by each person per head, as compared with Ceylon?—I have not made any comparison of what is paid per head between the people of Ceylon at large and the people of India, because I do not see that such a comparison would tend to any useful result in judging of the question of a rebellion in the Central Province of Ceylon alone.

3707. If you were informed that in Bengal, in Agra, and the North-western Province, the taxation per head amounted to 3s. 3d., and that the taxation in Ceylon amounted to 6s. 3d., would you persist in saying that the people in Ceylon are much better off than the people of India?—I should certainly persist in saying that the people of the Central Province, to whom alone I alluded, are better off, and that they do not pay in any such proportion.

3708. Are you aware of the amount of taxation levied in Ceylon in the year that you were there?—I have seen the papers; I do not remember the exact figures.

3709. About 450,000*l.*?—Yes.

3710. Are you aware that a large portion of that is by indirect taxation, so that everything which those very inhabitants can use pays that tax; for instance, upon a gun which may be valued at 10*s.* or 15*s.*, there is a duty of 5*s.*?—I think it is not so high a duty as 5*s.*; but I think there was a reason for taxing guns.

3711. The opinion you have given is not as regards the general taxation of the country, but only that particular district where the people are rice growers?—I have endeavoured to avoid speaking of Ceylon at large, because I do not pretend to have any correct information regarding Ceylon generally, and only a little information regarding the Central Province, where I resided, which circumstances led me to make inquiries. I feel quite satisfied that if a return were called for, of what per head the native inhabitants of the Central Province of Ceylon pay in taxes to Government, it will be found to be much less than is paid
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in Bengal or in any part of India. They consume scarcely anything which is exciseable ; they buy very little, and they sell very little.

3712. Mr. *M'Cullagh*.] I gather from your answer that you do not think a general average statement respecting districts which are not homogeneous would lead to any just inference?—Not with regard to the observations I have before made as to the state of the country, simply with reference to the justification of a rebellion, which is the only reason why I alluded to its economic position.

3713. Mr. *Hawes*.] Speaking generally with regard to the Kandyan provinces, you think that the majority of the people had no just cause of complaint against the Government, excepting with reference to those special causes to which you have recently called the attention of the Committee?—I continue of the same opinion as I was ; at the same time I am of opinion that the Government is most anxious to redress, and is now deliberating upon the means of redressing, the grievance, if it is a grievance, which I alluded to with reference to the administration of justice.

3714. Mr. *Hume*.] On what grounds do you believe they are so engaged?—I believe there is a committee sitting upon the subject ; I am not perfectly certain.

3715. Mr. *Hawes*.] From your residence in Ceylon, and from the information which you obtained and the observations you made, are you prepared to suggest to this Committee any material improvements which might be made in the conduct of the administration of the government in that island?—That is a large subject which I have not turned my mind to. I myself think that the point to which I have just alluded, connected with the administration of justice, is a most essential matter for the Government to take in hand. I look upon it that the introduction of the English law, with all its forms, delays, expenses, and difficulties, into a primitive state of society such as I have just described that in the Kandyan province to be, where the people live entirely secluded and isolated, each man cultivating food for himself and his own family, and having very little dealings with the rest of the world, is not at all a suitable system for the administration of justice.

3716. Do you think that any advantage would be derived from an elective legislative council, in the place of the system now prevailing, of the members being nominated by the Governor and sanctioned by the Crown?—The great difficulty there is, that there are two almost antagonist interests in the island ; there is the native, and there is the European settler. Of the natives there are very few, I fancy, scarcely any, sufficiently educated to be at all eligible to be elected as legislators ; and if a government of that description consisted entirely of Europeans, I think myself it would be more likely to lead to injustice towards the natives than a government which dispenses with the assistance and advice of a portion of its subjects.

3717. That is to say, if it consisted chiefly of resident Europeans, as contradistinguished from a government consisting of a council of official or nominated members?—I think the resident Europeans who are not the servants of Government are the very persons who would be most likely to be selfish and make laws for their own benefit, without thinking of or consulting the benefit of the natives : that is not likely to be the case with the legislation which is carried on by the Government itself and its officials ; they can have no interest whatever except in promoting the welfare of the whole of the people ; but if you have a legislative council composed simply of the European inhabitants, I think you would run the risk of a class legislation, without any reference to the good of the people at large.

3718. Mr. *Villiers*.] I understand you that there is no disaffection, and that that was the conclusion arrived at at that meeting, among the majority of the people in the Central Province, to the British Government?—It was stated in one of the resolutions, and I took it for granted that those resolutions were framed by gentlemen who lived among the natives, and of course were well informed regarding their feelings. I was myself a stranger, and had no opinion upon the subject.

3719. That was the opinion expressed there ; you referred to it in your speech, and a resolution giving effect to that opinion was actually passed?—Yes.

3720. I believe you do not know much of the island, do you ; you expressed yourself there to be a casual visitor?—I had been two or three times there as a

Sir T. H. Maddock.

12 June 1849.

Sir *T. H. Maddock*. casual visitor ; going for a month or two months at a time, for the benefit of my health.

12 June 1849.

3721. And you know nothing of the people but what you collected at the time when you went to visit your own property in Kandy?—I am quite ignorant of the language of the country, therefore I could not know much in any other way.

3722. You stated that you arrived there just about the time when the rebellion broke out?—About a week before.

3723. You had no time, therefore, to inquire into the cause of the grievances of the people?—No ; it was never contemplated that anything of the kind was likely to occur, and no one heard of grievances. It was only after the outbreak that, in searching for its causes, men began to discover such grievances.

3724. You must have stated in your speech that they had no cause of disaffection, simply from what you heard, and not from what you knew?—Of course, as the result of all the inquiries which I had made.

3725. And your opinion was, that the majority of the people were well affected, but that they had been misled by some of their chief men and priests?—Yes.

3726. With respect to the cause of disaffection of those chief men and priests, you knew nothing at the time, but you made subsequent inquiries?—I heard that the chief men were concerned in it at that time, but I could not hear any ground that they had for such dissatisfaction as would justify a rebellion.

3727. Subsequently, making inquiries after you had made this statement in your speech, you found that they had been discontented for some time past?—Ambitiously discontented ; that they had been seditious, and had been hatching rebellion : but there was no proof that they had sufficient cause for dissatisfaction.

3728. Upon inquiry you found that the two grievances of which they complained, were the introduction of spirit shops among their people and the maladministration of justice?—I subsequently ascertained that those were the only two things that could be discovered which they could put their fingers on and name as positive causes of dissatisfaction.

3729. Upon further inquiry, you found that those grievances were well founded?—With regard to the spirit licences I cannot well judge, but I think, from the inquiries I made, it is very likely that there is great cause to complain of the existing system of proceeding at law.

3730. Do the Government derive any advantage from the establishment of spirit shops?—An excise revenue.

3731. There is a benefit derived from the licences of those shops?—Yes.

3732. You have had no opportunity of learning what effect upon the morals of the people those shops have had?—Not accurately.

3733. You made some particular inquiry with respect to the administration of justice, and you found that it was costly beyond all reason?—Yes, and encumbered with forms.

3734. So as almost to preclude a poor man getting redress?—The law is expensive and little understood, and a man cannot go into court and plead his own cause ; he is obliged to have a pleader, whose fee, I think, is 3*l*.

3735. We collect from you that you consider the complaint on the part of those head men and chiefs to be reasonable, as far as it is connected with the administration of justice?—I think there was this cause of complaint. I never heard, however, that they brought this forward then as a cause of complaint.

3736. But you trace it out, upon subsequent inquiries, to be one of the causes of their previous discontent?—It is one of the evils which they complain of.

3737. Have you any particular reason for supposing that those chiefs are merely idle and ambitious, and have no other object but their own interested views in being disaffected?—I can find no other motive for their disaffection.

3738. Have you any reason for describing them as idle and ambitious, and without reasonable causes exciting the disaffection of the people?—It is considered there, I believe, as notorious, that since the abolition of the rajkaria system of labour, that is, the contribution of labour for public purposes, and since the commutation of the tithe to a money payment, the cultivators of the land in the Central Province of Ceylon live on such easy terms and so luxuriously, that a common labourer is supposed only to find it necessary to work three months in the year, or one-fourth of his time, and may remain idle and unemployed all the rest. If those people are idle and unemployed for three quarters of the year, and are ignorant and unlettered, that very circumstance is one leading them to collect together,

together, and is very likely to engender plots and disaffection against the Government. —Sir T. H. Muddock.

3739. Have not you, in your speech, referred to what generally is a cause of disaffection in India, that the people are overworked and subjected to great privations?—No, I have not alluded to that. 12 June 1849.

3740. Have not you alluded to the contrast of their position with that of the people on the neighbouring continent?—I said that they are so much less taxed than the people in India, that they have nothing to complain of on that score; that there is comparatively very great liberality on the part of the Government as landlord in Ceylon.

3741. You believe they are living an easy life?—Yes, quite so.

3742. Why is that one of the causes of disaffection?—When men are idle they collect together, and that may of itself engender plots and conspiracies, for want of their having something to do.

3743. It is not within your knowledge that that is the operation?—No.

3744. You cannot give the Committee any reason why they should be dissatisfied with the British Government?—It was quite impossible that I could discover any; and what I have alluded to as having heard of since, is all I did hear of in the island.

3745. With respect to the disaffection of the priests, you think they have a good ground of complaint, as the Government have broken faith with them and irritated them?—I think they have a good ground of complaint.

3746. As far as I can collect from you, the people are themselves well affected generally, but the priests and chief men, who have an influence over them, have a good ground of complaint?—I do not say that the chiefs have a good ground of complaint; I never have said so.

3747. I thought they complained of the administration of justice?—That is a general complaint on the part of all the people. In searching out for what abuses there were in the Government, I had that pointed out to me as one, but I never heard it adduced at the time of the insurrection as a moving cause of the disturbances. I look upon that, if I have been correctly informed, as an evil, but one which may easily be remedied.

3748. You made no inquiry before the insurrection broke out?—No.

3749. How long is it that the priests have had reason to complain of this breach of faith and this want of consideration for their religion on the part of the Government?—I think about three years.

3750. That was the reason the Buddhist priests complained of the Government?—I believe so. I think when Lord Torrington went out as Governor, he took with him the orders to enforce this severance of the Government authority from the concerns of the priesthood.

3751. That was the matter with which they were most discontented; was not Lord Torrington directed to surrender the relic of which the British Government was supposed to have the custody?—Yes.

3752. When did the British Government discontinue to nominate or to make those appointments?—I fancy it has done so ever since that time.

3753. It has been during the last three years?—Yes.

3754. Mr. Hawes.] The not making the appointments, I believe, was antecedent to the period of which you speak; the Government before had been occupied in severing itself from the Buddhists, and the appointments had not been filled up previously to that time?—I am not aware of the period when the present practice commenced.

3755. Mr. Villiers.] Do the Buddhist priests, and the chief men, act generally together?—I really do not know; I am not informed.

3756. As I understand you, notwithstanding these causes of discontent, nothing induced them to excite the people to rise till these tax ordinances were published?—This was understood; and I rather think that it may be shown to have been hatching a considerable time before it broke out. There was a rebellion in 1817, in 1818, and in 1819; an attempt at a rebellion in 1820; an attempt at insurrection in 1823, in 1835, in 1842, and in 1843.

3757. Is it possible that, under those circumstances, there could have been a deliberate intention of expelling the British from the Government of that part of the country, and of massacring the proprietors?—The chiefs may have meditated such a thing.

Sir T. H. Maddock.

12 June 1849.

3758. I understood you to say, that one of the reasons why great vigour and energy was required was, that 60,000 people were under arms; that there were only 600 troops in the garrison, and that the people were marching to the seat of Government for the purpose of accomplishing those objects?—The tenants of the chiefs and landed proprietors in Ceylon still retain that sort of attachment to their lords, that they follow them as serfs. As was shown in evidence in some of the trials at Kandy when I was there, a man goes out with an order from the chief that such a village is to furnish 50 men, such a village 60, such 100; they are to assemble forthwith at two o'clock in the morning, or whenever it may be, at such a place. Those orders, though proceeding from men not in any authority under the Government, were obeyed with an alacrity and promptitude that probably the orders of any Government official would not have been obeyed with; such is the hereditary influence which those chiefs have over the people who are subject to them; that will account for a great many people having been collected in rebellion, though they had themselves no decided feeling of disaffection to the Government.

3759. Upon what calculation does the statement proceed, that 60,000 men were assembled?—It is upon the authority of the Government agent; he gives the number of people which was supposed to be coming in from each of the districts which surround Kandy.

3760. Did he give that number because that was the population of each of those districts, and he supposed the whole of the population to have turned out upon that occasion?—No, not in the slightest degree.

3761. You think the calculation was made of the number of men who were seen in arms marching together?—I take for granted he had sufficient information to enable him to form a calculation upon the subject.

3762. Was the agent to whom you have referred Mr. Charles Buller?—Yes.

3763. Were any Europeans supposed to be connected in any way with the disaffection which prevailed in that part of the country?—I never heard that that was the case.

3764. Were any persons who were proprietors of estates, being Europeans, disaffected at that time?—I never heard of any.

3765. Were any persons owning coffee estates said to be dissatisfied with any of those ordinances which were issued?—I never heard of anything of the sort.

3766. Part of the taxes which were proposed to be levied would have affected the coffee estates, would not they?—To a slight degree they would, but not heavily.

3767. Was there not a question of imposing taxes upon the coffee estates in lieu of export duties?—It was understood at the time; I believe that at some future period such a tax was very likely to be imposed.

3768. That future period being when they came to substitute that tax for the one which was to be removed?—Yes; but that had nothing to do with those taxes which were then about to be introduced.

3769. You have no reason to believe that there was any dissatisfaction with the Government on the part of the Europeans?—Certainly not in the Central Province, to which I wish to confine the evidence which I am giving.

3770. That being the only seat of the rebellion?—It is the only part of the country that I have no knowledge of; the only part where the insurrection existed at all.

3771. Did you not refer to the rebellion in 1804?—Not in 1804, I think.

3772. You said the insurgents had in view what they had done in 1804?—They had a successful rebellion in 1805, when a body of our troops, nearly equal in number to the garrison of Kandy at the time when this last insurrection broke out, under the command of Major Davy, laid down its arms, and the greater proportion of the men and officers were put to death.

3773. Mr. Hume.] You must be aware that that was when the king of Kandy was reigning?—We had not dispossessed the king; we had our troops there as we have had at Hyderabad and Lucknow now. We had what the Portuguese had had, and what the Dutch had been attempting to obtain.

3774. Mr. Villiers.] Have you any reason for supposing that in 1848 there was any reference made by the party who were disaffected to what took place in 1804?—

1804?—I do not imagine there was, except that it was an example of what might be effected. Sir T. H. Muddock.

12th June 1849.

3775. Was there any evidence that they had that in view; was there any record of it placed before them at any of their meetings?—If the Committee wish to obtain information as to what really was most at the bottom of this conspiracy, there is one gentleman now in England, Mr. Wilmot, who was counsel for the prisoners who were arraigned for high treason before Sir Andrew Oliphant. Mr. Wilmot possesses, I believe, a vast quantity of information derived from those people, and as he has ceased to be a Government servant, and I believe all his connexion with Ceylon has ceased, probably he would have no objection to state all he knows of what the real motives of those people, as confessed by themselves, may have been.

3776. Mr. *Hume*.] Is he now in London?—I am not certain.

3777. Mr. *Villiers*.] You have had considerable experience in India, and are thoroughly well acquainted with the system of the East India Company in the government of their possessions; and you are of opinion, from being acquainted with the system of the British Government in Ceylon, that the system is far more mild, and far more conciliatory towards the natives, than the system in India?—I beg your pardon, I have not stated so; I refer simply to the demand of the Government upon the cultivator of the soil; that is to say, the burthen of taxation. It was simply upon that point that I meant to make any contrast; that contrast which I drew I did not mean to extend to matters of religious liberty; I did not intend that it should include those matters.

3778. Will you allow me to call your attention to this passage in your speech: “Contrasting the condition of all classes of the people of these provinces with that of other Asiatic countries, you will find that the Cingalese in this part of the island have been treated by their rulers with a degree of attention and liberality rarely to be met with on the adjoining continent of India. The religion of the people has been preserved inviolate, and the most scrupulous regard has been shown to the feelings of the upper classes”?—That was said in connexion with a great number of edicts which were passed in the time of the first Governor, when the Kandyan province was taken possession of, regarding the maintenance of all the ceremonies and etiquette, and regarding the observances of religion, to which I alluded when I spoke in those words; but the contrast which I meant to draw, was a contrast simply as to the taxation.

3779. Mr. *Villiers*.] And you alluded to that particular species of taxation?—There is scarcely any other taxation in that part of Ceylon.

3780. Will you let me call your attention to another part of the same speech: “I can tell you that there is no division of the whole continent of India, under the government of the East India Company, and that government has the character of being just and beneficial to its subjects, where the lands are half so lightly taxed”?—I think I have shown that that is spoken within the bounds of great moderation; I have attempted to show that in India the government takes 40 per cent. of the gross produce, while the government in Ceylon takes but two per cent.

3781. Mr. *Hume*.] Have you compared the amount of the indirect taxes in Ceylon with those in India?—The indirect taxes in this part of Ceylon I imagine must be very light.

3782. Do not the indirect taxes apply over the whole of the island; are not they principally levied on articles of import, and consequently has not every person in the island to pay those taxes?—The consumption of imported articles in the Central Province is far from being great. The wants of the people are few and their habits simple. To a certain extent of course they do pay indirectly the taxes which are imposed upon all imported goods, but it must be to a very small amount.

3783. Taking, for instance, articles of clothing which carpenters and other people who are workmen in the Kandyan provinces wear, if there is a duty on rice and on almost every article which such persons use, they must bear a certain proportion of the taxation?—I think the portion of the duty on rice, which is one of the heaviest duties in Ceylon, and one which yields the largest amount of revenue which is paid in the Central Province, will be found to be paid really by the European coffee planters. The native of the Central Province, as I said

Sir *T. H. Maddock.*

12 June 1849.

before, buys and sells very little of that food; and he does not buy, and in many instances would not eat, the rice which is imported from India.

3784. *Mr. Adderley.*] You said that you thought an elective council could not be carried on in Ceylon, as the natives were not fit to be elected; do you think also that the natives would not be fit to exercise the franchise and to elect others?—I should doubt very much their fitness. I do not profess to know anything whatever of Ceylon generally; but I confine my observations to the Central Province, where, I believe, the persons are much more uneducated and much more in a state of nature than they are in the maritime provinces.

3785. Your opinion of the natives is so low, that you do not think they would be capable of exercising the elective franchise?—They might exercise it; whether it would be any great benefit to themselves, I should doubt exceedingly

3786. Do not the native proprietors who are excluded from office, now show great capacity?—Many of the native proprietors of land are to some extent officially employed: in different capacities, according to their respective rank and possessions, they represent the Government agent in their districts and villages, and are made the medium of communication between the Government and the people. These offices are considered as offices of honour rather than of emolument, but still I believe those who hold them are, on account of the office, exempt from the payment of the tithe or tax leviable on their own lands.

3787. What is the highest office which a native can hold?—He may hold any office, I believe; there is no limit that I am aware of. There is one native gentleman, whose name has been mentioned; Loko Banda and two others who are holding high and important offices under the Government. Loko Banda is what in India would be called a cotwal, or mayor of Kandy; he is the chief of the police, and one of the principal persons employed there.

3788. Do not the natives discharge those duties efficiently?—I do not know.

3789. If the fact be that those persons fill the office which they hold with ability and credit, why do you suppose they would not properly exercise the duties of electing members of the Government?—But there are not many like them.

3790. You say that several of the natives hold office under the Government?—The natives do not understand English; every person who is a landed proprietor may have the official duty to perform which I have alluded to. He becomes the medium of correspondence between the officers of the Government and the cultivators in his village.

3791. With regard to the administration of justice, do you also think that the English forms of trial by jury, and so on, are unsuited to the natives?—I am very much afraid that the trials by juries, when the juries consist of natives, tend to no good whatever.

3792. Can you inform the Committee, with respect to the trials which took place in Kandy, when there was a suspension of martial law, in order that those offenders might be tried who had committed offences before the proclamation of martial law, what was the meaning of the caution which was taken to prepare the jury lists; do you know the circumstances of those trials at all?—The only caution that was taken was, that there should not be a preponderance of natives upon the juries; that if there was an uneven number, there should be a fair proportion of Europeans, or of what are called burghers. I understood that that was the case; and as a matter bearing upon that point I have a memorandum, which was given to me by the gentleman whose name I have mentioned more than once, Major Kelson, who conducted the trials connected with the rebellion in the years 1842 and 1843; I ascertained from him that the principal person who was accused, the person who had assumed the name of king, was acquitted by a jury, that jury consisting of seven natives and six Europeans. The jury there decides by a majority; it was perfectly ascertained that the six Europeans would have pronounced him guilty, having not the slightest doubt of his guilt; the evidence was most conclusive; the seven natives, however, all acquitted him. I merely allude to that as showing the necessity of some care in forming the jury.

3793. *Mr. S. Wortley.*] What was the nature of the charge against him?—Rebellion. He was acquitted, although he confessed.

3794. *Mr. Adderley.*] What was the composition of the juries on the occasion of the trials in Kandy at the time of the late insurrection?—I believe they were pretty

pretty evenly composed ; they were special juries, partly composed of European planters and planters assistants, and partly of native burghers. Sir T. H. Maddock.

12 June 1849.

3795. Were all those who were tried upon that occasion tried by special juries?—I think so ; I was only in court one day, but I think they were.

3796. What was the nature of the suggestion which Lord Torrington made upon that occasion, that “only those parties should be put upon their trial against whom the evidence was complete and conclusive, and the prospect of a conviction certain”?—I believe Lord Torrington wished to diminish the number to be brought to trial as much as possible, and he also wished to confine them as much as possible to men of some standing, and to leave out those of no consideration ; that is what I understood.

3797. Was there any particular classification of prisoners who were to be tried, arising from the nature of their offences, or in what way did Lord Torrington suggest to the judge of the Supreme Court to put those cases only upon trial in which there was the prospect of certain conviction?—I am not informed personally, but I should imagine there was no communication whatever with Sir Andrew Oliphant, the chief justice of the Supreme Court. What I refer to was a consultation between the head of the Government and the Queen’s advocate. It was a consultation as to how they could abridge the number of prosecutions, so as to get the business over quickly ; and in that case they should select those in whose cases the evidence was the best.

3798. Was not it the case that when the convictions were fewer than Lord Torrington expected, the trials were stopped by order of Lord Torrington?—I am not aware that they were.

3799. Can you state, of your own knowledge, whether there was the usual proportion of Europeans and natives upon those juries?—I cannot. I believe they were as even as possible ; it was the intention, I believe, that they should be so.

3800. Do you believe that Lord Torrington’s finding that courts martial more invariably led to conviction was the reason for his continuing the proclamation of martial law?—I am fully certain, so far as I had any intercourse with Lord Torrington, that no such motive induced him to continue martial law longer than he otherwise would have maintained it.

3801. How long did martial law continue after the restoration of tranquillity?—It continued till the 10th of October, a period of about 10 weeks.

3802. What was the state of the people during the whole of that continuance of martial law ; was not it a complete state of terror?—I think not ; I think that generally speaking the people returned to their villages.

3803. Was not it under the threat of confiscation that they so returned?—Whatever was the cause they did return to their villages and occupy their lands.

3804. Was not the effect of martial law that universal terror prevailed ; a terror which paralyzed all the energies of the people?—I believe not in those parts of the country which had not sent forth their inhabitants to join the army, or whose inhabitants had returned.

3805. Mr. *Hume*.] Have you estates at Matelle, where the disturbances first broke out?—In that neighbourhood I have.

3806. Did you visit those estates on your arrival in Ceylon on the 23d of July?—No.

3807. Was any injury done to your property at Matelle?—Yes, considerable injury.

3808. Have you a superintendent there?—I had a superintendent’s assistants there.

3809. What information did you receive from the assistants upon that subject?—I received from the senior of the assistants there information to this effect, that he, quite unaware that disaffection or any disturbance was likely to exhibit itself, was proceeding one morning from my estate where he lived, to Matelle, which is about 14 or 15 miles distant. In passing along the road, he found the road generally crowded with people, many of them with arms, and all hooting him and attacking him, till at last two or three men came with drawn swords, and stood in his path. They made a cut or two at him, and he had to put his spurs to his horse, and ride off as fast as he could, and he escaped and brought the horse to Matelle ; the rebels shortly after arrived there themselves. Another party which was coming from another direction, I believe from Dambool, with

Sir T. H. Maddock.

12 June 1849.

the king, seized his horse, and took possession of a building which I had there, where there was rather expensive machinery put up for cleaning coffee; they broke and destroyed everything which there was there; they broke and destroyed, or carried away, all the household property in the house, and also certain articles which I had sent, consisting of a number of books and clothes, and necessaries which were to be forwarded to the estate for my use when I should arrive.

3810. On what date was that?—The 29th of July.

3811. Consequently, you were in great alarm for your property at that time?—This was after I had been at Kandy for some four or five days.

3812. But you had not then visited your property?—No, I was about to visit it at that very time.

3813. You have stated that you had constant communication with Mr. Buller; Mr. Buller, I think, is the Government agent?—He is.

3814. Mr. Staples was the resident, was not he?—I believe he is the station judge.

3815. You have stated that you had frequent communications with those gentlemen?—I mentioned only Mr. Buller, I think. I did not allude to Mr. Staples.

3816. You obtained your information principally from Mr. Buller?—I did.

3817. You say that, not understanding the native language, you could not yourself obtain information from the natives except through those public officers with whom you communicated?—From no natives except those who could speak English.

3818. When you communicated with Mr. Buller, did you ask what the police had been about; whether the police had attempted to take care of your property or to prevent those disturbances?—No. I might have said, in addition to what I have stated, that I heard that a body of 500 or 600 of those insurgents, quite distinct from those who had plundered the property at Matelle, proceeded in a body to my coffee estates, where they plundered all the buildings, destroyed also a vast quantity of machinery, and committed every injury which they possibly could, destroying my property, and that of the assistants who were attached to the estate.

3819. Is your property within the Matelle district?—It is.

3820. Is your assistant a European, or a half-caste or of what race?—A European.

3821. Has he been long there?—There were three of them on the estate.

3822. Did he inform you whether there had been any threatening meetings, or any collections of natives before that period?—None whatever.

3823. Did you ask him whether the police had been called in to protect the property, or did he tell you what the police had been doing in the district?—There had been no call for the police, inasmuch as there had been no alarm nor any knowledge of any danger till the insurgents made their appearance 400 or 500 in number in my estate, and commenced the work of plunder.

3824. When you were there, had you any communication with Loko Banda, who was at the head of the police?—None whatever.

3825. Do you know whether the police took any measures to prevent those disturbances increasing?—The police, except in the town of Matelle, must have been so exceedingly few in number, that all attempts to put down the insurrection would have been quite futile; and in the town of Matelle, Mr. Waring, the magistrate, with all his police, was quite unable to maintain himself for an hour.

3826. Are you aware whether Mr. Waring made any attempt with his police to maintain himself; did he ever tell you that he took out the police and attempted to put down the disturbance?—I should imagine that the disturbance was too great for him to put it down.

3827. Are you aware whether any meetings of the people had taken place some days before; namely, on the 22d, the 23d, the 24th, and the 25th of July?—I am not aware, except that it appeared afterwards in evidence that about the 23d or 24th, or it may have been the 25th, the king was crowned at Dambool; but I think that would be mentioned in some of the despatches.

3828. Whereabouts is Kaygalle?—Kaygalle is on the direct road from Kandy to Colombo, about on a parallel with Kurnegalle; it is just below the high range of mountains.

3829. In your communication with Mr. Buller, did he tell you that he had received

received information on the 23d and 24th of the meetings of the natives; and did he tell you whether any measures had been taken with respect to them?—He told me there was a good deal of anxiety expressed in some parts of the country, but not as if it was likely that anything would come of it. Mr. Buller seemed to think that upon the former occasion he had been considered too much of an alarmist, and perhaps was averse to express in his reports to the Government what he might have apprehended himself; but that is merely conjecture.

Sir T. H. Muddock.

12 June 1849.

3830. Are you aware, that on the 25th of July the head of the police consulted Mr. Staples and Mr. Buller, and informed them of such meetings. In page 176 there is a communication from Loko Banda, addressed to the secretary to the Government, dated Kandy, July 25th, 1848, in which he says, "Several reports were this morning sent to Kandy, both to me as well as the Government agent, stating that a great number of people are assembled with swords and fire-arms at Matelle, between Dambool and Nalande, for the purpose of creating alarm; that after some consultation with the Government agent and the district judge just now, we have come to the resolution of keeping quiet about it until they (the mob assembled) would commit some disturbance, so as to enable the authorities to bring them to justice." You see that there is evidence there of a knowledge of such meetings. I wish to know, after the active part which you have taken, and the manner in which you have given your opinions upon the subject, whether you had any knowledge of such a communication between the police and the magistrates?—No, I never heard of it till I saw it here.

3831. Would you have given the opinion you have now done of the serious nature of the disturbance and the violence which you anticipated to life and property, if you had been told that the magistrates entrusted with the peace of the country had connived at those meetings, and allowed the people to assemble till they should break the peace; what in such a case would have been your opinion of the care and activity displayed by the magistrates in the discharge of their duties?—I have never given any opinion as to the care and activity of any magistrates, or any police, previous to the breaking out of the insurrection; the only evidence I have given has been confined entirely to what occurred at the period of the insurrection, after it had broken out.

3832. Are the Committee to understand that you have given so favourable an opinion, and spoke so highly of the authorities, and of the measures taken by them, as you have now done, without being acquainted with the previous steps which were taken by the police to prevent the insurrection?—I was quite uninformed of any such proceedings as are here mentioned; and of the correctness of the statement or otherwise I am no judge.

3833. Can you have any doubt of its accuracy when the head of the police addresses the Governor-general's secretary, communicating to him the actual facts which had taken place?—It is to be borne in mind that this is a private communication; it is not an official communication.

3834. Is not a letter from the head of the police, communicating the proceedings in his district, to the secretary of the Governor, a public document?—I should like, before I judged of such a letter as that, to see by the side of it any letter which Mr. Buller may have written officially, or non-officially, to either the private secretary or the public secretary of the Government, on or about the same date, explaining his own views and his own conduct.

3835. Are you aware what is the practice in Ceylon now with respect to communicating between the chief people in the districts and the Governor; has not the private secretary of the Governor, since Lord Torrington went there, been made the medium of such communications instead of their being made through the public secretary, as they had been formerly?—I am not aware of what the practice was before, nor am I aware of what the practice is now.

3836. Then your knowledge of the mode in which business is conducted there is very limited?—I of course know very little indeed of the mode in which business is conducted,

3837. As an officer long in power in India, having been deputy governor there for many years, and having now produced certain statements of proceedings in India to the Committee, what would your opinion be of a magistrate in Tirhoot, for example, who was at the head of the police, becoming acquainted with assemblage of the inhabitants with swords and fire-arms, and meeting day after day, who concealed such a circumstance from you, or at any rate desired that those people might acquire such a head as to commit a breach of the peace,

76 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

Sir T. H. Maddock. and so enable the authorities to punish them?—My opinion of him would not be favourable, certainly.

12 June 1849.

3838. Do you consider that it would be possible, important and absolute as the powers in India are, that you could approve of a man having the confidence of the Government and high in rank, "keeping quite quiet about" such meetings "until the mob assembled should commit some disturbance, so as to enable the authorities to bring them to justice"?—Certainly not.

Jovis, 14^o die Junii, 1849.

MEMBERS PRESENT.

Sir Joshua Walmsley.
Sir James Hogg.
Lord Hotham.
Major Blackall.
Mr. Adderley.
Sir Robert Peel.

Mr. Hawes.
Mr. Hume.
Mr. Villiers.
Mr. Wilson.
Mr. Disraeli.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Sir T. Herbert Maddock, called in; and further Examined.

Sir T. H. Maddock.

14 June 1849.

3839. Mr. *Hume*.] YOU arrived at Ceylon on the 23d of July 1848; when did you leave Ceylon?—I said that I arrived, not in Ceylon, but in Kandy, about that date.

3840. About the 23d?—Yes, about the 23d.

3841. And you remained about a month, did not you?—I remained upwards of a month.

3842. Were you at Kandy all that time?—I remained at Kandy till a date which I cannot recollect, but which must have been about the 20th of August, when I proceeded to Matelle; but I have no memorandum showing the precise dates.

3843. During the time that you remained at Kandy were you in communication with the public officers regularly or daily?—I think I have already mentioned that I was in constant communication with the public officers.

3844. You have given in a note to the effect that there were 60,000 men in arms in different parts during the disturbance; had you any returns made to you, or from whom did you obtain that information?—I mentioned in reply to a question before put to me, that that information was derived from Mr. Buller, the Government agent.

3845. Did you derive also the information from him that there were 24,000 stand of arms?—I did.

3846. Then all the information upon that subject which you have given is what you received from Mr. Buller?—Precisely so.

3847. Did you go from Ceylon to Bengal?—Yes.

3848. When did you return to Ceylon?—In March last.

3849. How long were you then in Ceylon?—One month.

3850. Will you state to the Committee why you applied to Major Wilkinson for the cases of insurrection in India, and why you have produced them to the Committee at the present time?—Simply because I thought it most probable that in consequence of my long residence in India I should be asked by this Committee to state what I knew of the ordinary proceedings of the government of India on the occasions of insurrections like that which recently occurred in Ceylon.

3851. In the case of 1832, where you have stated that power was given to try and sentence criminals connected with that disturbance, there being a reference to the Governor-general, were you cognizant of any part of those proceedings at the time?—Certainly not.

3852. Therefore

3852. Therefore all you know about them is derived entirely from Major Wilkinson?—Entirely. Sir T. H. Maddock.

14 June 1849.

3853. Will you state why you selected Major Wilkinson?—As the only officer whom I happened to meet with who had himself been personally concerned in the suppression of insurrections in India.

3854.—In the insurrection in the jungle mehals of 1832 and 1833, had you any knowledge of what was passing at that time as the servant of the East India Company?—I was in England at that time.

3855. Do you know what was the cause of that insurrection?—I am not at all personally informed upon the subject, and I merely alluded to the information which I had received from Major Wilkinson, therefore I feel I can give no satisfactory replies to any further inquiries upon that subject.

3856. You have merely given as secondary evidence some information which you derived from Major Wilkinson?—Yes.

3857. In 1835 and 1836 you have also stated there were disturbances which were quelled under extraordinary powers; you were in India at that time, were not you?—I returned to India in the last of those two years.

3858. Had you any cognizance at that time of the reports made to the Supreme Government of the proceedings during those two years?—I had not; I was not a member of the Government, or a Secretary of the Government, at that period.

3859. You were a member of the Council in 1837 and 1838, were not you?—I was not a member of the Council then.

3860. Where were you situated at that time?—When I returned to India, the situation I first held was that of special commissioner for hearing appeals under the resumption laws, stationed in Calcutta.

3861. Had you any knowledge at that time of any of those proceedings alluded to, in which Major Wilkinson was appointed agent of the Governor-general, and carried out certain trials and sentences to death, without any reference to the Government?—I had no personal knowledge or official knowledge of any of those proceedings at the time of their occurrence.

3862. Did you know of those transactions at all till you asked Major Wilkinson about them?—I merely knew of them as matters of public interest which were talked of and which were written about in the newspapers.

3863. Did the Committee understand you rightly, that you advised Colonel Drought to issue that proclamation, threatening the confiscation of the property of persons who should absent themselves?—I stated that it was issued, with my knowledge and my concurrence, and it may be said by my advice.

3864. Are the Committee to understand by that, that you were consulted by him?—I have said that I was consulted by the civil and by the military authorities during the early part of the insurrection.

3865. Lord Torrington has stated in a letter to the Secretary of State that you were the person who advised that proclamation; did you communicate with the Governor at the time, or was it after the advice was given?—Lord Torrington writes, "I caused a proclamation to be issued, with the advice of the Queen's Advocate, calling upon the people to return to their villages, and resume their usual occupations, within 20 days, under pain of forfeiture of their lands." He does not there refer to the proclamation of Colonel Drought.

3866. You have read a paragraph of the Governor's letter of the 14th of September, in which he says, "I caused the proclamation to be issued by the advice of the Queen's Advocate." I now call your attention to the letter of Lord Torrington, in which he says he finds there has been a mistake; that it was not the Queen's Advocate, but Sir Herbert Maddock, by whose advice it was issued. Is Lord Torrington correct in saying that it was by your advice that that proclamation of the 18th of August was issued, and not by the advice of the law officers of the Crown?—It is perfectly correct that I advised the issuing of a proclamation of the same intent and purport as that proclamation; but I did not see that proclamation before it was issued.

3867. Were you at Kandy on the 18th of August?—I was at Kandy the day that proclamation was issued.

3868. Was Lord Torrington there?—He was.

3869. In what way did you advise him; was it in writing, or by verbal communication?—I was living with Lord Torrington, and had daily conversations with him, and it was in conversation that I had advised the issuing of a proclamation to an effect similar to that which was issued.

Sir T. H. Maddock.

14 June 1849.

3870. Do you know whether Mr. Selby, the law officer of the Crown, was at Kandy at that time?—He was.

3871. Then it appears that Lord Torrington took your advice to issue that proclamation, and not that of Mr. Selby, the law officer of the Crown?—That I cannot say.

3872. If Lord Torrington is correct in saying it was not by Mr. Selby's advice, you admit that you did advise it?—I have admitted that I did advise it.

3873. And you know that Mr. Selby was at Kandy at that time?—He was at Kandy at that time, to the best of my belief.

3874. Do you think the Governor is warranted on such an important occasion as that in taking the advice of a stranger and a visitor instead of that of the law officer of the Crown?—I really do not feel myself in a position to make any reply to that.

3875. Would you have done it yourself?—That proclamation was not indited by me; it was drawn up by the secretary for the colony.

3876. To whom do you allude?—It was drawn up by the officer whose name I believe it bears, that is, Sir Emerson Tennent; and I perfectly recollect that the first that I knew of it as being written and ready to be issued, was that it was brought into Lord Torrington's room by Sir Emerson Tennent, and read by him while Mr. Selby was present. That was the case as far as I recollect. That was the first I knew of its being written, as it is, in the words in which it has appeared.

3877. Before you saw it written and brought in by Sir Emerson Tennent, you had advised Lord Torrington to issue such a proclamation?—Some proclamation of a similar tendency.

3878. You did not know whether Sir Emerson Tennent received orders from Lord Torrington, or brought it in of his own accord?—I took for granted that he had received his orders from Lord Torrington, and drafted the proclamation in consequence.

3879. Sir J. Hogg.] Did Mr. Selby make any observation or any objection to the terms of the proclamation when it was read in his presence?—None whatever, as far as I recollect. As far as I recollect, it was brought in as a thing which was just prepared, and read as for the information and approval of the Governor, and I do not recollect that any remark whatever was made upon it.

3880. Was it read *in extenso*?—Yes.

3881. Mr. Hume.] When in March last you were at Ceylon, were you requested by Lord Torrington to collect any cases connected with the practice of India, with a view of supporting the opinion you had given in the August preceding?—No, I received no such request from Lord Torrington.

3882. Did you not collect, when you were last there, part of the information which you have stated to this Committee upon the subject?—While I was in Ceylon last March I added very considerably to the information which I had before obtained.

3883. As far as your opinion goes, Lord Torrington was right in issuing that proclamation?—Unquestionably, in my opinion, he was right in doing so.

3884. It being to the same purport as that which you had advised Colonel Drought to issue?—Not precisely to the same purport; but it was quite applicable, in my opinion, to the position of affairs at the moment.

3885. Did you not state that in 1837 and 1838 the Governor-general had given power to Major Wilkinson, as his agent, to try, sentence, and execute any offenders who might be brought before him, without reference to the Government?—Whatever I stated with regard to the powers given to Major Wilkinson, I stated from the information which I had received from him, and I can answer no further than that such was the purport of a memorandum which I received from him.

3886. Is it your opinion, from the advice which you gave, that Lord Torrington had the power of dealing with the inhabitants of Ceylon in the same manner as the Governor-general of India may deal with the inhabitants of India?—I referred to the distinction which exists between the nature of the power of a Governor of a colony like Ceylon, in which British law prevails, and that of the Governor of India, or of any of the presidencies of India, in which British law does not prevail; I said that I imagined it was necessary in the one case that martial law should be proclaimed in order to enable the officers of Government to act with the necessary promptitude and vigour for the suppression of a rebellion,

lion, though in India no such process would be necessary, because it was in the power of the Governor-general, or a subordinate Governor, to empower any of his own civil or military officers to act with all the vigour with which the military officers in Ceylon were enabled to act in consequence of the proclamation of martial law.

Sir T. H. Muddock.

14 June 1849.

3887. You have stated that in 1837 and in 1838 certain persons were convicted before Major Wilkinson and sentenced, and the sentence carried into execution on his own authority, without any further reference to any superior court; do you consider that the natives of Ceylon were in such a situation, or that the Governor had the power to act in respect to them, as Major Wilkinson had to act in respect to the natives of India?—It never occurred to me to consider and to form an opinion as to what was the precise limit of the power of a Governor of Ceylon, and I take for granted that the Governor of Ceylon had full power and authority to do that which he did in issuing a proclamation of martial law in the Kandyan province.

3888. You took that for granted?—I did.

3889. Why did you bring before the Committee, having taken the trouble to ask the information from Major Wilkinson, those instances of extraordinary power exercised by the agents of the Government, if they were not applicable, or if you did not intend to apply them, to the case of Ceylon?—If they are not applicable, they are of no avail. They are so far applicable, and no further applicable, and I did not mean to give them further applicability, than that they show that in the Government of India, where the necessity arises, the jurisdiction of the ordinary courts of justice is suspended by a process familiar to that Government, in the same manner as the jurisdiction of the ordinary courts was suspended in Ceylon in the Kandyan province by the Governor of Ceylon, by the process of proclaiming martial law.

3890. You were under that impression at the time when you gave the advice which has been alluded to to Lord Torrington?—I was under the impression that Lord Torrington had issued a proclamation of martial law, and that there was no doubt whatever of his competency to do so.

3891. Your opinion was that he had a power in Ceylon, after the proclamation of martial law, to do that which the Governor of India could do?—No, I do not see any analogy; I understood, and understand now, that when martial law came in force in the Kandyan province, and afterwards in the Kurnegalle district, called the Five Corles, the military officer who commanded the troops virtually was at the head of the Government there for the administration of justice, the suppression of rebellion, and the preservation of the peace.

3892. Do you consider him to be at the head of the Government, without any rules or laws, or any necessity of paying respect to the rights of the inhabitants of Ceylon?—He continued subject of course to the ordinary orders of the head of the Government, as also to the orders of the Commander of the Forces.

3893. Do you consider the head of the Government, after the proclamation of martial law, to be in the same situation with the Governor-general, or to have the same power as the Governor-general over life and death?—As I said before, I understood that the officer commanding the troops was the authority responsible for the exercise of the power which he did exercise under martial law.

3894. Am I to understand you to say that Colonel Drought having proclaimed martial law, you considered him the arbiter and governor of the provinces over which that martial law was proclaimed?—I can only express an opinion upon the subject; Colonel Drought did not proclaim martial law; the Governor proclaimed martial law, and I conceive that there was no existing authority for the ordinary administration of justice in those provinces where martial law prevailed but Colonel Drought and the officers acting under his control and authority.

3895. Was the Supreme Court sitting at that time?—I think I have already answered that the Supreme Court was not sitting.

3896. You have admitted that you were cognizant of and communicated with Colonel Drought in respect to the proclamation issued by him, of the 8th of August; was it your opinion that Colonel Drought, after the proclamation of martial law in July, was authorized to order “the seizure and attachment of the lands, houses, and other property of all persons, of whatever rank or description, who had joined in the wicked rebellion against the authority of Her Majesty”?—I had no doubt that he did possess such authority.

Sir *T. H. Maddock.*

14 June 1849.

3897. Did you consider that it would be necessary first to ascertain whether the persons were really guilty of the rebellion or not?—No doubt I did.

3898. Are you aware that the lands and property of various persons utterly unconnected with and innocent of that rebellion have been seized under that proclamation?—I have never heard so.

3899. When you were in Ceylon in March, were you not acquainted with the fact of property having been seized and sold before the persons were found guilty; and further, that the property of the persons who were afterwards declared to be perfectly innocent had been seized and sold under that proclamation?—I heard and believe that there was property seized and sold belonging to persons apprehended as being concerned in the rebellion, and who were afterwards acquitted; and very likely property belonging to persons who were never apprehended or brought to trial may in like manner have been seized and sold; but I understood at the time, that all the property which was sold was property which if not sold would have deteriorated from being kept, such as cattle and grain; and that the sale was more likely to be beneficial to the parties, to whom the value was afterwards restored, than if the property itself had been kept in order to be restored to them.

3900. Did you not in Ceylon see lists of property which had been seized and sold, for example, consisting of copper cups, gold images, razors, dresses, handkerchiefs, and a variety of other articles, of which we have long lists in the newspapers?—I have heard of such lists; I do not recollect that I have ever seen any.

3901. Having been the adviser of that proclamation of Colonel Drought, of the 8th of August last, had you no curiosity to ascertain what had been the result or fruits of that proclamation as respects the confiscation of property?—I had no particular curiosity upon the subject.

3902. On your return to Ceylon did not you collect every kind of information in order to support the proceedings of Lord Torrington and the military authorities in the preceding August and September?—I cannot say that I took much pains to collect any information.

3903. Did you not see any of the newspapers in Ceylon, publishing the reports of the discussion which took place on the Indemnity Bill, in which reference was made to property amounting in value to upwards of 10,000*l.*, which had been seized, being in many instances the property of parties who were absent from their homes, and who were proved afterwards to be altogether innocent?—I have seen such remarks in the newspapers.

3904. Are you not aware that Mr. Wodehouse, a member of the Legislative Council, called for those returns, and that they were laid before the Legislative Council?—No.

3905. Had you no curiosity to see the results of that discussion on a matter of so much importance?—I was not aware that there had been any particular discussion in the Council at Colombo upon the subject.

3906. Are you aware that any Indemnity Bill was passed by the Legislative Council?—I have heard of it.

3907. Had that Bill passed when you were in Ceylon?—No, I had left Ceylon, I believe.

3908. Are you aware that Colonel Drought's proclamation was to the following effect: "I also hereby declare to all innocent and loyal subjects who may chance to be absent from their houses, but who have not been engaged in any act of treason or robbery during the present insurrection, and can account for their absence, that they are not by this my proclamation prohibited from returning"?—Yes.

3909. Are you aware that the property of parties who were absent from their homes was seized under that proclamation?—As to the details of the proceedings, I have no particular information.

3910. Did you, when at Colombo, hear or see a petition, published in the newspaper, of two priests who were 60 miles from Colombo, whose property was seized and sold under Colonel Drought's proclamation?—I have never seen it.

3911. *Chairman.*] Would not the absence from their homes be a sufficient justification, under that proclamation, for the seizure of their property?—Not if they returned within the time fixed by the proclamation.

3912. If they did not return within the time fixed by the proclamation?—In that case I should read it so,

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117

Sir T. H. Maddock.

14 June 1849.

3913. If you were informed that cups and utensils of metals of various kinds, clothes of silk and different textures, had been seized and sold, would you adhere to the opinion which you now give, that perishable articles alone were seized?—I understood that the rule laid down was to preserve property of that description, and to sell perishable articles.

3914. You did not ascertain at Ceylon that that rule had been violated, and that a considerable portion of property not perishable had been sold?—I certainly made no investigation upon the subject.

3915. You did collect information when you were there on various points, which you have already detailed?—I did.

3916. But to that subject of confiscation you did not direct your immediate attention?—I heard that there had been property restored, and also the value of property that had been sold.

3917. Did you understand that property had been restored to parties who were proved to be altogether innocent of any charge, or any connexion with the rebellion?—I have mentioned before, that I understood in many instances such property, or the value of such property, had been restored to persons who were acquitted by the courts of justice, but I did not hear that the property of any persons who had been proved to be innocent had been either seized or restored.

3918. You were not aware that parties who had never been put on trial had their property seized and sold?—I think it is very probable.

3919. You are not aware of its having actually taken place?—No; but I should think it very probable as there were some hundreds of persons apprehended on charges of rebellion, of whom a very small portion were selected by the Queen's Advocate to be prosecuted in the Supreme Court.

3920. Is it your opinion, that when Lord Torrington, and those acting under him, seized the property of persons who were merely absent, and sold their property without any proof of their guilt, that was a mode of proceeding consistent with justice?—The very absence from their homes in the villages, where it was well known that almost the whole of the inhabitants had joined in the rebellion, was assumed, I suppose, as a sufficient proof, after the proclamation of Colonel Drought, that they were absent with the army of the rebels, and had been engaged in the rebellion.

3921. You are aware that you appear here as a witness on behalf of the Secretary of State, to give your opinion, from your own experience in India, of the proceedings which took place in Ceylon. As Deputy Governor of Bengal, would you have so acted, or would the practice in India have warranted you in permitting or approving of such proceedings?—I am not aware that I appear here to give evidence for the information of this Committee on behalf of a Secretary of State; I come here because, having been present in Ceylon during the late insurrection there, I believe I possess information which may be of value to the Committee in its present investigation. With regard to the latter part of the question, I am fully prepared to say, that as the head of the government of one of the presidencies of India, I should have felt myself justified in a course of proceedings similar in their character to the proceedings adopted by the Governor of Ceylon for the suppression of the late rebellion there.

3922. In your opinion those proceedings of the Ceylon Government were proper?—I have no hesitation in saying, that in their general character they were proper, that they were applicable to the exigency of affairs, and that they were absolutely necessary to prevent very serious calamities from falling upon the colony.

3923. In what do you believe the exigency of affairs to have consisted?—In the existence of an assemblage of armed men in open rebellion against the constituted authorities of the island, threatening the capital of the Central Province, and meditating the expulsion of the British from that part of the island.

3924. To what assemblage do you now allude?—I allude to those assemblages of armed men to which I alluded in my former reply to question No. 3564; that is to say, a portion of the 60,000 men, formerly alluded to, who met the detachment under Captain Lillie, on the 29th of July, and another detachment which made the attack upon Kurnegalle, and other large bodies of men which were understood to be assembling and marching upon Kandy.

3925. Captain Lillie says, "We marched at 10 p. m. on the 28th. There were no persons to be met with on the road, as not an individual appeared. About 9½ miles from hence a shot was fired within a few yards of the troops;

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Sir *T. H. Maddock*. but no one was hit. I have however to remark, that it was pitch dark, with a drizzling rain, until the day broke at the Rest House at Balacadua. Half a mile further on two more shots were fired close in rear of it; but as from where they were fired, I think they were merely intended to give warning of the approach of the troops, as they could not, from the position they were fired, hit any of the men. Half way down the pass a shot was fired from a gingall gun. I concluded from the report, as it was some distance off, this was with the same object—a signal.” Is that the alarming part of the proceedings to which you allude?—That is only a part of the proceedings alluded to by Captain Lillie.

14 June 1849.

3926. “Soon after daylight, and a mile from Matelle, being with the advanced guard, I saw some natives armed on the road leading to Wariapoola, and some on the side of the Matelle road, close in my front. As I approached them those next me seemed disposed for a parley, and I went up to them without any molestation, and left some of my party to look after them, and went for Mr. Buller, the Government agent, who was close in my rear. I told him of the circumstances, and he came with me, and we went to the natives who seemed to command the party. I then asked for his instruction how to act, and I was directed to make them prisoners. When they perceived a party moving on their flank, which I had ordered to get in their rear, they made an attempt to escape, but almost all those in front were secured. When this was perceived by the insurgents in the jungle on a hill, from 200 to 300 yards distant, they commenced firing, and the balls were hitting the trees about, and one man of the 15th Regiment was slightly wounded. I then ordered the Rifles under Captain Watson to enter the jungle on their flank, and to endeavour to intercept them. They soon came up with a party, and a conflict ensued, in which the rebels were completely routed, with loss of six killed and several wounded.” What is there in this letter which could have rendered martial law necessary?—The letter of Captain Lillie merely details the occurrences of an encounter between the detachment under his command and a body of insurgents which he came up to at a place called Wariapoola; but it was well known that that body formed but a small detachment of the mass of men who were at that very time marching on Kandy, and that, in fact, Captain Lillie’s detachment passed during the night the main body of the insurgent force near Balacadua, on its way to Kandy; and although there is nothing very alarming in the nature of the conflict which is described in Captain Lillie’s letter, it will be found from the letter of Mr. Buller, the Governor’s agent, of the same date, that the rebels had on the previous day commenced to destroy property, and to set the authority of the Government at defiance, which may be considered to create the emergency to which I referred.

3927. You state that that was but a small part of the force which was marching upon Kandy; where is the information to be found to which you allude?—It was obtained by me from the Government agent; whether it is to be found in any official despatch, I cannot say.

3928. Referring to Mr. Buller’s letter in page 227, or to any other of his letters, will you state whether they bear out the statement which you have now given?—I have given the information as I received it.

3929. Captain Lillie, to whom you have referred, used these words: “From the circumstance of my keeping the 15th Regiment in reserve, they had no opportunity, except at the outset, of taking any part in the brush which we had;” he therefore thought the whole business, to use a common military phrase, a brush of little importance; do those words warrant your referring to what Captain Lillie states as an authority for the proclamation of martial law?—I see no reason why, because an insurrection is suppressed at its commencement, and therefore suppressed with little difficulty, and with the exhibition of but a small military force, the occurrence of such an insurrection should not be considered an alarming emergency in that or any other country.

3930. When any rebellion or disturbance commences, do you consider the authorities warranted in appealing to the last and most powerful means they have, namely, the suspension of all civil law, without having some information showing that their fears of future consequences are well founded?—On the 28th of July the Government agent reports to the colonial secretary at Colombo, “During Thursday night” (that is to say, the 27th of July) “many reports were received by me from various parties, among others from Duleeve Maha Nilleme.

Sir *T. H. Maddock*.

14 June 1849.

Nilleme, and from the two rattermahatmeyas of the northern and eastern divisions of Matelle, and from the police magistrate of that station, to the effect that the people were gathering in great numbers, and armed with guns, swords, and spears. Early this morning I conferred with the commandant, laying before him the intelligence which had reached me. The issue of our consultation was, that it would be desirable for me in the first instance to proceed to Matelle, and ascertain, by personal inquiry and inspection, the real state of affairs before any troops were ordered to proceed to the disturbed district. The commandant moreover suggested that Captain Lillie, the staff officer, should accompany me in order to make arrangements for the accommodation and provisioning of the troops, should it eventually appear necessary to march them towards Matelle. I accordingly proceeded, accompanied by Captain Lillie, at 11 o'clock this morning towards Matelle. On our way we met many residents of Matelle flying in alarm into Kandy. About six miles from Matelle we encountered Mr. Waring, the police magistrate of the district, hastening into Kandy, having remained at Matelle until the armed rabble had begun to enter the town, when having no force but a few policemen to aid him, the superintendent of police and all the headmen having quitted the place, he considered it utterly useless to remain there any longer. Mr. Waring informed me that about 12 o'clock this day the rabble entered the town of Matelle, beating tomtoms, blowing horns, and armed with guns, spears, and swords; that shortly after he had left Matelle he met with a Mr. M'Farlane going into the bazaar, as he said, to see what the commotion was. This gentleman very soon returned, and informed him that he had seen the mob in the act of battering down the doors and windows of the Rest House, and that he considered it advisable, for his own safety, to proceed with Mr. Waring into Kandy. I should mention that on the previous day Mr. Waring had induced a Mr. Clark, a gentleman from an estate in the neighbourhood, to proceed to the spot where the rabble were collected; who reported, that having approached very closely, as near as he judged consistent with his personal safety, he estimated the number of people then visible to him at about 4,000 men, armed as stated by Mr. Waring. This intelligence was fully borne out by the information I received this morning from a respectable native, who, at my request, had gone among the body of people. After the information thus communicated by the police magistrate of Matelle, I thought it proper to return without delay to Kandy, and to intimate to the commandant the intelligence, and to state that in my opinion the military should be held in a state of preparation for immediate service. I then called together the several justices of the peace, and individuals mentioned in the accompanying document, marked (A.) Finding my own judgment fortified by their unanimous opinion, I accordingly transmitted the document marked (A.) to the commandant. The commandant has apprised me that 100 men of Her Majesty's 15th Regiment, and 100 of the Rifles, will march from Kandy at eight o'clock this evening. I am now preparing, together with the Deputy Queen's Advocate, to accompany the troops." I consider, having read this letter, that that letter itself, and the information which it contains, is a justification for the immediate employment of a military force, without any further attempt at suppressing the rebellion by other means, as I am thoroughly convinced that if at that period Mr. Buller had attempted with his police force, or with all the civil force which he could have collected, to have approached the rebels, and to have dispersed what Captain Lillie calls the mob, he must have failed in his object, and most probably with disastrous consequences to himself and his followers.

3931. My question was not as to whether it was fit and proper to employ the military, but what are the exigencies upon which you approved the proclamation of martial law; do you refer to that letter as the ground of such approval?—I refer to the whole state of affairs; but the question I understood not to be as to the propriety of the proclamation of martial law, but as to the propriety of the military having been called out to disperse the troops assembled at Matelle, instead of trusting for their dispersion to the efforts of the civil power.

3932. Does the letter support you in the opinion that it was fit to proclaim martial law at that time?—I think the circumstances of the country justified and required the proclamation of martial law at that time.

3933. You being a stranger there, and having only arrived five days before, will you state what were the circumstances which induce you to give that opinion?

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Sir *T. H. Maddock*.—All the circumstances I have since known as to the state of the country at that period.

14 June 1849.

3934. Are the Committee to understand that the opinion you gave at the time has been supported by the information which you have received since?—I beg leave to say that I gave no opinion at the time as to the issuing of a proclamation of martial law.

3935. The question was asked you, did you approve of martial law having been proclaimed at the time by the Government; you said you did, under the exigencies of the case. Will you point out the exigencies which rendered that step necessary?—I have replied to the best of my information.

3936. You trust to that letter of Mr. Buller, of the 28th of July?—I allude to that, as of itself a sufficient justification for the measures which were adopted by Mr. Buller.

3937. Does that in any way enable you to state to this Committee that 60,000 men, in different parts, were collected?—I have already given my authority for that statement.

3938. What value would you put on Mr. Buller's authority, when you are informed that on the 25th of July, only four days before, Mr. Buller having been told that a mob was assembled, deliberately passed the opinion that it was not worth while interfering with them, but that they should wait till they, the mob, should commit some disturbance, to enable the authorities to disperse them by force; would you attach much value to the opinion of Mr. Buller, if that be correct which is stated there?—I should hesitate before I accepted the testimony contained in this letter of Loko Banda's as to the conduct of the Government agent, and the motives which actuated him either in proceeding against the insurgents or refraining for a time from action. But I can believe that while Mr. Buller had doubts of there being anything of a serious political nature in those assemblies of which he may have had intelligence on the date on which Mr. Banda's letter is written, that is, the 25th of July, he may not have seen reason to proceed to apprehend, even if he had the means of apprehending, persons suspected of being concerned in seditious movements, until he had such proof against them as would ensure their conviction when brought to trial in the Supreme Court, as I am aware that on a former attempt at rebellion, which occurred in the year 1842, the whole of the prisoners who were arraigned before the Supreme Court were acquitted of treason, although many of them, I understand, confessed their guilt previously to their being brought to trial. I was aware also at the time, as I believe I mentioned in my evidence the day before yesterday, that Mr. Buller was personally apprehensive of being considered by the authorities under whom he served as making too much of those native reports of disaffection and insurrection; and I recollect his telling me that he was doubtful whether he should report upon matters of this kind to the Government, as he had been set down as an alarmist.

3939. *Mr. Villiers.*] To what matters do you allude?—I allude to the state of the country generally. There are some accounts from the Government agent, in which he stated that reports had been flying about the country for some time previous.

3940. *Mr. Hume.*] You will find on page 175 those reports in the following words: "I, however, consider it necessary to inform these matters to his Excellency the Governor, through you, in a private manner, as there is no means of doing so officially, the information received being without any grounds"?—Yes; and I imagine that Mr. Buller himself partook of the doubts which Mr. Banda seems to have entertained, as to there being any real foundation for those reports previously to the time when he thought it necessary to act, which seems to have been on the 28th of July.

3941. You express a doubt as to that letter of Loko Banda's; do you think Lord Torrington was warranted in sending home any document in which he did not place confidence?—I do not pretend to form an opinion upon that subject.

3942. You know Lord Torrington very well, I presume, from your staying with him recently; do you believe that he would send home any document which was not to convey true information to the Government?—I do not suppose Lord Torrington holds himself responsible for the absolute correctness of the contents of every paper which he submits to the Government.

3943. Is not every paper sent to the Government with a view of giving them information,

121

information, and is not this intended to show the opinion of the station judge, and of the magistrate and head of the police at the time?—Very likely; but the officer who wrote that document may have been right, or he may have been wrong.

Sir T. H. Maddock.

14 June 1849.

3944. Would you as Governor of Bengal, or in any other situation, retain an officer at the head of the police in whom you had no confidence?—I have no answer to make to that question.

3945. Do you mean by that that you have not made up your mind, as an old officer of the Government, what your conduct would be under such circumstances?—I do not see the applicability of the question and the answer which I may give to the subject matter of this examination.

3946. Have you not expressed a doubt as to the accuracy of the report of Loko Banda, to which reference has been made?—I have merely said that I should doubt the sufficiency of that authority to enable me to decide upon any proceedings of the Government agent.

3947. If the head of the police should state, as he does here, that he had consulted the Government agent and the district judge, would not you consider his report as the joint opinion of those two authorities as well as his own?—I must say myself that I should consider it very doubtful whether a letter from a person in Mr. Banda's position, commencing "Dear sir," and disclaiming to be an official communication, is one which should either be placed upon record or referred to as a document condemnatory of the conduct of a person who was his superior officer.

3948. Do you consider it was not a public document, when Lord Torrington sends it home in his despatches to the Government?—I cannot pretend to give an opinion upon that subject.

3949. Does not he refer especially to it in his letter: "A second report," he says, "was sent to me by the superintendent of police at Kandy, and by the Government agent, dated the 25th July (enclosed), to the effect that a great number of people were assembled at Matelle 'with swords and fire-arms;' that they were headed by thieves and robbers, but no mention was made of the pretender;" is not that the document now referred to?—Admitting that it is, I should doubt whether expressions used by a person like Mr. Banda, very imperfectly acquainted with the English language, should be taken literally as applying to the opinions, or the conduct, or any of the proceedings of the Government agent.

3950. In reading Mr. Buller's letter, you have referred to a consultation which Mr. Buller had, the result of that consultation being that he should proceed with Captain Lillie to where the assemblage took place. Will you look to Captain Lillie's letter; Captain Lillie says, "As far as I can judge, the well-disposed have gained confidence, and the reports from the vicinity state that the insurgents are dispersing and abandoning the pretender." With that report before you, are you prepared to support the propriety of the proclamation of martial law?—Although such may have been the individual opinion of Captain Lillie on the 30th of July, the rebels remained assembled in large numbers in the mountains not far distant from Matelle for many days subsequent to that date, and on the second or third day after that date another detachment of them made their attack upon Kurnegalle, and other officers entertained very different opinions.

3951. Will you refer to page 4 of No. 29, and see what Lieutenant Annesley, who was the officer at Kurnegalle, states the number of rebels to have been. He says, "I met the Government agent within two miles of the place, who informed me that the cutcherry court-house and bazaars had been sacked, and the place in the possession of the rebels, about 1,500, some armed"?—Lieutenant Annesley states that the place was in the possession of the rebels, there being about 1,500 men, some armed. "On our entering we were fired upon, when I immediately ordered the men under my command to return it, which they immediately did, and drove them out of the town; there were 16 killed and several wounded, and 23 prisoners."

3952. Does not he state that scouts were out in every direction, who reported no rebels to be seen?—"They let all the prisoners out of the gaol before our arrival. We were just in time to save the treasury and the public buildings, as a part of the town was on fire. My men are stationed at the court-house, where I have had the treasure removed to, in order to have my men together there.

Sir *T. H. Maddock*. Scouts are sent out in every direction, who report no rebels to be seen. We have since heard that they intend paying us another visit." Then comes the next letter, of the 1st of August. "About 4,000 rebels," he says, "approached my post within about 100 yards at one o'clock. I went out with the right subdivision, and left Mr. Bovill with the remainder in charge of the court-house and treasure. I opened my fire upon them, when they immediately fled in confusion. About three o'clock they again made their appearance, but when they saw me advancing with the right subdivision they retreated, and did not allow me to get within gun-shot."

14 June 1849.

3953. In those two letters is there anything so alarming as to render martial law necessary at that time, the rebels having fled at the appearance of the troops?—I am decidedly of opinion that the early suppression of this rebellion is attributable to the existence of martial law.

3954. Do you state that opinion when Lieutenant Annesley states, "They did not allow me to get within gun-shot"?—That was on the third encounter.

3955. Was any one man of the King's troops injured in those conflicts to which you allude?—I have not heard that there were any casualties.

3956. Mr. *Adderley*.] Are you aware of a single soldier having been killed through the whole of the civil war?—Not one.

3957. Have you heard of a single officer or soldier being wounded?—There was one reported by Captain Lillie.

3958. Mr. *Villiers*.] Do you know when Colonel Drought's report was made to Lord Torrington; was it after the rebellion had been suppressed, or was it merely after one of those engagements with the rebels?—The Governor's proclamation is dated on the 29th day of July, on which day he must have been in possession of Mr. Buller's report of the 28th of July; whether he had any report from Colonel Drought upon that day I do not know, but it would appear that the proclamation was issued upon this letter of Mr. Buller, in which Mr. Buller reports the troops having been ordered to proceed to put down the assemblage of rebels near Matelle.

3959. Mr. *Hume*.] Do you know where Lord Torrington was at that time?—In Colombo.

3960. Besides those two cases which you have now alluded to, are there any other proofs which you can offer of the necessity of proclaiming martial law?—It would appear, from reference to those dates, that martial law was proclaimed before the occurrence of the engagements at Matelle or Kurnegalle, and in my judgment the Governor was justified in the proclamation of martial law upon the strength of the report made to him by Mr. Buller on the 28th of July.

3961. You can offer no other cases to the Committee to make up that number of 60,000 reported to you by Mr. Buller to have been in arms?—No, he was my authority.

3962. Mr. *Villiers*.] Were you at Kandy on the 30th and 31st of July?—Yes.

3963. What was the feeling which existed then; was it that of confidence restored, and the certainty of no danger existing?—Very far the reverse. Subsequently to the 29th and 30th of July the greater proportion of the planters, and the managers upon their estates, left their estates and came into Kandy from alarm, and to provide themselves with arms and ammunition; and subsequently to that there was a general apprehension through the whole of that province that the rebellion was not put down.

3964. Has your attention been called to that part of Captain Lillie's report, dated the 31st of July, in which he says, "As far as I can judge, the well disposed have gained confidence, and the reports from the vicinity state that the insurgents are dispersing, and abandoning the pretender. So quiet did I find things, that I have ordered the company of the 15th Regiment to join head quarters, and they will be in Kandy this afternoon with the prisoners"?—I have already replied, that notwithstanding that expression of Captain Lillie's opinion, there remained assembled for a long time afterwards in the mountains adjacent to that very place from which he wrote large bodies of the rebels.

3965. You are of opinion that Captain Lillie miscalculated the intentions of the rebels, and over-rated the confidence which the people felt?—That was Captain Lillie's opinion merely; I do not think it was borne out by the subsequent state of affairs.

3966. Mr.

3966. Mr. *Disraeli*.] What do you mean by a long time afterwards?—For three weeks. Sir T. H. Maddock.

14 June 1849.

3967. *Chairman*.] You have expressed a very strong opinion in favour of martial law as a means of putting down the rebellion; was that opinion founded upon your belief that in the Supreme Court the Government would not have been able to obtain verdicts?—It was founded upon the opinion that in consequence of the delay of the prosecution, and in consequence of the difficulty of obtaining verdicts, it would have been difficult, if not impossible, that justice should have been fairly administered, and with the promptitude requisite to meet the emergency of the case.

3968. Was it not the case that the Supreme Court sat during the same time that the courts martial were sitting in Kandy, and that verdicts were obtained against the prisoners?—The Supreme Court or a Commission of the Supreme Court sat for a short time during the continuance of martial law, but not I think before the month of September; and, if I recollect rightly, the opening of the Commission was delayed, or the date when the Court was to sit was deferred, in consequence of a suggestion of the Queen's Advocate, that it would require him, I do not recollect how long, but 20 or 25 days, to prepare the cases to be brought before the Supreme Court.

3969. The Supreme Court held its sittings before martial law was put an end to?—Yes.

3970. And verdicts were obtained in the Supreme Court during the time that the courts martial were sitting?—During the time that martial law was in force.

3971. And the courts martial sitting?—The courts martial sat every day for the ordinary administration of justice and police.

3972. The priest who was shot in Kandy was shot after the Supreme Court was sitting, was not he?—That I cannot say; I was not at Kandy at the time.

3973. Did not the chief justice assign as his reason for recommending those who were condemned in the Supreme Court to mercy, to be the numerous executions which had taken place under martial law?—So I see by reference to his letter to the Governor.

3974. Are you aware that in a minute addressed to the Governor by Sir Emerson Tennent, he expresses an opinion that the recommendation of the chief justice for mercy ought not to be complied with, upon the ground that if none of those tried by the Supreme Court suffered death, people would conclude that those executed under martial law had been murdered?—I have read that minute.

3975. Have you also read the opinion expressed by another Government officer, Mr. Templar, who says that in his opinion it would have a very extraordinary appearance to the world that not one prisoner tried by the Supreme Court should have been executed, when so many sentenced by the courts martial should have undergone the full penalty of the law?—I have read the whole of those papers.

3976. Do you think that death ought to be inflicted for the purpose of convincing the people that they are in error if they suppose that the Supreme Court is a more merciful tribunal than a court martial?—I am not called on to concur in the opinions of those gentlemen, or to express my dissent from them.

3977. *Chairman*.] When you stated that those special commissioners were appointed in India, instead of courts martial, for the purpose of holding courts for the trial of offences, you said you considered such a tribunal to be analogous to a court martial. Would not such a commissioner have some knowledge of the law?—Of what law?

3978. Of the law in general; if he were instructed to hold a court and try offences, would not he have some knowledge of the law?—In all probability, whether he were a civilian or a military officer, the person selected for such employment would be one who had held some administrative position either under the regulations, or in those parts of our provinces where there is no written law or regulation prevailing.

3979. You suppose he would have some knowledge of the law?—I should imagine the officer to be selected for such a duty would have some knowledge of law generally.

3980. Would you suppose that some forms of law would be observed in his court?—I should think very simple forms indeed.

3981. Do you know whether there were any forms of law observed in the courts martial of Ceylon?—The ordinary forms of courts martial were observed,

Sir *T. H. Maddock.*

14 June 1849.

which I consider to be very excellent for the purpose of investigating criminal charges.

3982. Was the Queen's Advocate present at those courts martial upon all occasions?—I believe not, unless, perhaps, on some occasions.

3983. Is not it the ordinary form of a court martial that he should be?—A military officer generally acts as judge advocate at courts martial; the Queen's Advocate is not the person employed.

3984. Did you attend in court at any of those courts martial?—I did not attend any of the courts at Kandy.

3985. Then you are not able to give the Committee any information as to the proceedings of those courts martial?—I was present at a court martial sitting at Matelle; the forms and proceedings were precisely the same as those which are usually adopted in all courts martial whatever.

3986. *Mr. Hume.*] What was the date of that court martial?—I cannot recollect.

3987. Do you recollect what was the offence that was tried?—It was not a case of rebellion; every crime was tried by a court martial during the existence of martial law, and that case related to an ordinary offence.

3988. *Chairman.*] How many officers were present at that court martial, at Matelle?—Five or six, I think.

3989. And a president?—Six altogether, I think; there was a president, an officer acting as judge advocate, and the rest were members of the court; five, probably, was the number altogether.

3990. Do you know the name of the officer who was president of the court martial?—I cannot recollect his name.

3991. You can give the Committee no information respecting the courts martial held in Kandy?—No; I never attended any; but I have always understood that they consisted of a much greater number of officers than what I saw assembled at Matelle, there being a larger number of officers and a greater number of troops in the garrison.

3992. You have stated that the courts martial were held in the usual legal forms of courts martial; you are aware that legally a court martial consists of a certain number of officers; do you believe that that number always was prescribed in the courts martial in Kandy, or can you give the Committee any information of your own knowledge upon that subject?—As to the articles of war prevailing in Ceylon, I am not competent to speak, but in the articles of war which the Government of India lately passed, there is a provision made for courts martial at detached stations being held with three officers, or five or seven officers, there being at those detached posts very few officers available.

3993. You are aware that the courts martial in Ceylon would have been held under the law of England?—Of course.

3994. *Major Blackall.*] There were five officers present at the court martial which you saw held at Matelle?—I believe there were five.

3995. You are not aware of any court martial being held where there were less than five present?—That was the only court martial I was present at.

3996. *Mr. Hume.*] At that court martial did the acting judge advocate take notes of the proceedings?—Of everything.

3997. Have you ever seen any of the proceedings of the courts martial?—Yes; I saw the proceedings of one or two courts martial at Kandy.

3998. Were they courts martial upon any of the prisoners who have been executed?—One of the cases was the case of one of the men who was executed at Kurnegalle, a person who had assumed to be the prime minister of the rebel king. I read the proceedings of that court martial, and of another case, which was not a case of particular interest or importance.

3999. *Chairman.*] Were those courts martial in Kandy?—No; one was at Kurnegalle, and the other was, I think, at Matelle.

4000. What was the object of retaining the courts martial after the Supreme Court commenced its sittings; might not the prisoners have been tried by the Supreme Court?—It was considered inexpedient to abolish martial law as long as there were any bodies of the rebels remaining collected, and as long as the pretender remained unapprehended; that at one time was the opinion why martial law was continued in force.

4001. Might not the prisoners who were taken have been brought to trial before the Supreme Court?—The Supreme Court I believe assembled at Kandy upon

upon that occasion under a Special Commission ; what the terms of that Commission were I cannot say, but of course they would limit its jurisdiction. But I may take this opportunity of mentioning with regard to martial law, that there was a very strong desire on the part of the majority, if not all, the European settlers in the Central Province, that martial law should not too hastily be discontinued.

Sir *T. H. Maddock*,

14 June 1849.

4002. Do you know whether the officers who constituted the courts martial were the sole judges of what constituted a capital offence?—They certainly had no law adviser that I am aware of; at the court martial at which I was present they had not. I believe they had the Deputy Queen's Advocate to assist them in all important trials which took place at Kandy; but there were no professional persons who could have been employed at the other distant places where courts martial were held; that is to say, at Matelle, at Kurnegalle, and at Dambool.

4003. But you cannot speak of your own knowledge as to whether the Queen's Advocate attended at those courts martial?—No, but I heard that the Deputy Queen's Advocate did.

4004. *Mr. Hume.*] You have stated that martial law was continued as long as there were any bodies of the rebels in the field?—What I stated was, that it was thought proper at that time that martial law should be continued as long as bodies of the rebels were assembled, and until the pretended king was apprehended.

4005. Do you consider that it was necessary to continue martial law to the 10th of October?—I had left the island before martial law was discontinued, therefore I am incapable of giving any opinion upon that precise point.

4006. *Major Blackall.*] Do you attribute the speedy restoration of tranquillity in the Kandyan district to the prompt trials which took place under martial law?—I do, unquestionably.

4007. Have you heard any complaints of illegal convictions under those courts martial?—I never have.

4008. *Chairman.*] Did you ever hear of a man being executed for having administered an illegal oath?—I did hear of it.

4009. Do you consider that a capital offence?—That I do not pretend to have formed any opinion on. The object of giving a commission to the Supreme Court to try certain prisoners at Kandy was, that there were certain prisoners there who had been apprehended on the 30th and 31st of July, probably on the 1st of August; at all events who had been apprehended previously to the proclamation of martial law, in consequence of which the military authorities held that they had no jurisdiction over those cases, and could not try them. It was thought very inexpedient that the gaols should remain crowded with those people, and that it would be proper to appoint a special commission of the Supreme Court to proceed to Kandy to try them. That was the object of the appointment of the special commission.

4010. *Mr. Hume.*] Were not those who were taken after the proclamation of martial law tried also by the Supreme Court?—None, I believe.

4011. You believe that no parties taken after the proclamation of martial law were tried by the Supreme Court?—I was not aware that any were, because the courts martial were competent to try them.

4012. You have spoken respecting the king; are you aware whether more than one person has been tried as the king?—No, I have only heard of one.

4013. Are you able to give the Committee any information respecting the trial of a man assuming the title of king in Kurnegalle, and whether he turned out to be the king or not?—I understood during the course of the insurrection, when at Kandy, that it had been a part of the plan of the rebels to set up temporarily two, if not three individuals, to personate the king; that those persons were none of them of the royal stock, or at all related to the ancient kings of Kandy, and that it was intended, if the rebellion should succeed, that they should be cashiered, and that a descendant of the ancient kings of Kandy, of whom there are one or two in the island, should be summoned and placed upon the throne.

4014. From what kind of information do you state that opinion?—I state it merely as what I heard.

4015. From the Government?—It was generally understood to be the case by the Government officers, and everybody else.

4016. Can you state whether either of those two men was taken?—One was taken.

Sir *T. H. Muddock.*

14 June 1849.

4017. If you look at page 184, you will see this statement: "I have the honour to enclose for your Excellency's information a report from Major Layard, commanding a detachment of troops at Kurnegalle, relative to the capture of the pretender"—That is not the man to whom I allude.

4018. Was not he hanged as the pretender?—He was hanged as a rebel; and I understood he did not pretend to be king, but to be one of his ministers or lieutenants.

4019. Does not the officer who presided say that he was the pretender, as far as the information goes?—He says, "Captain Bird has just returned from Kurnegalle, and reports to me that the court martial assembled, and that the prisoner Dingeralle, of Hangurankette, was tried, convicted, and sentenced to be shot to death, which sentence was to have been carried into effect at half-past four this afternoon." He says nothing more.

4020. You have no doubt that he was shot accordingly?—I believe he was shot.

4021. Was not it afterwards found that he was not the pretender?—I believe he was not tried as the pretender. On reference to the proceedings of that court martial, I believe it will be found that he gave himself out to be a minister or deputy of the pretender, if I recollect rightly.

4021.* *Chairman.*] Have you seen the proceedings of that court martial?—I have. I do not recollect anything further of the proceedings than that, that he did not pretend to be the king himself; and I think he described himself as employed by him and acting under his orders.

4022. Did he make a confession?—Yes.

4022.* *Sir J. Hogg.*] You saw the proceedings of that court martial?—Yes.

4023. You have had occasion to see the proceedings of several courts martial in your experience in India, held in the ordinary form, under the Mutiny Act?—Yes.

4024. Were the proceedings which you saw in the case of the trial of those men so tried, similar in their character to the proceedings of the courts martial that you have been in the habit of seeing when you have been in India, under ordinary circumstances?—In this case, from what I saw, the proceedings were conducted under precisely the same forms as are usual in all courts martial, the proceedings of which I have ever seen.

4025. Had they been approved of by the Governor or Commander-in-chief before the man was executed?—No.

4026. *Mr. Hume.*] Were any of those proceedings which you have seen of courts martial approved?—They were all approved or otherwise by the officer who ordered the assembly of the courts martial.

4027. Do you mean to say, with respect to the man as to whom Captain Bird reported, who was found guilty and shot immediately, that the sentence of that court was confirmed by Colonel Drought?—I believe that that sentence was carried into effect without waiting for Colonel Drought's confirmation, and that that was the case at Dambool and at Matelle, as well as at Kurnegalle, and that the officers commanding at all those stations received authority to carry into effect themselves the sentences of the courts.

4028. *Chairman.*] Do you consider that to be the usual form of courts martial in the field?—It would be the usual form of courts martial in the field in an enemy's country, but it is not the custom of courts martial within our own peaceful boundaries, and in our own cantonments.

4029. *Mr. Hume.*] At the time that those courts martial were sitting in Kandy, was not it in our own possession, and in perfect peace and quiet?—I imagine that the existence of martial law infers the existence of a state of things which requires the severe discipline which must sometimes be enforced in an enemy's country.

4030. You admit that the district of Kandy, then not in possession of an enemy, was treated as an enemy's country would be?—I did not say anything of the kind. I explained the course of proceeding; that authority was given to the officers under whose orders the courts martial were assembled at other places besides Kandy, to enforce the sentences upon their own authority; and such I believe to be the case with officers commanding detachments in a foreign country in time of war.

4031. *Mr. Wilson.*] Are you aware that there is no analogy between courts martial

127

Sir T. H. Muddock.

14 June 1849,

martial held under the Mutiny Act, and in ordinary time of peace, as applied to military discipline only, and courts martial during the existence of martial law, as a substitute for civil authority?—I have always conceived that there is no analogy, and that the term martial law is merely meant to convey the idea that the military officers who are in possession of and are ruling the district, are themselves the judges. I imagine that martial law does not require an adherence to the rules of the Mutiny Act, or any other set of rules. But on the late occasion of the enforcement of martial law in the Kandyan province, it was considered desirable to instruct officers to proceed, as far as possible, according to the ordinary forms which would have guided them if they had been sitting on ordinary courts martial at any other period.

4032. As far as the circumstances of the country rendered it advisable?—Yes; and that they did therefore, as far as possible, adhere to the ordinary rules which prevail in military courts.

4033. Mr. *Hume*.] You had some conversation probably with Lord Torrington about the king of Kandy. In a letter of the 14th of August 1848 Lord Torrington says, “On the 4th instant, a man who assumed the title of king in the Seven Korles district, and who turns out to have been the elder brother of the pretended king, who was crowned at Dambool, and who is still at large, was captured in the neighbourhood of Kurnegalle, together with a number of his followers, by a party of the Ceylon Rifles, and on the following day he was tried by court martial and shot. Major Layard’s report, together with Colonel Drought’s, enclosed.” You said he was not the pretended king; is not that the man alluded to in those two letters which were read before?—He may have been called a king by his followers, but in his own deposition he described himself, I believe, as I have stated.

4034. Can you give the Committee any information whether this person alluded to in that paragraph was really one of the two kings who you say were set up?—He appears to be the man called king in Kurnegalle.

4035. Lord Torrington reports to the Secretary of State, “On the 4th instant one of the kings was taken and executed”?—Yes; I suppose this must have been the same person whom I described as having been acting under the orders of the person who was the king that was crowned.

4036. Are you aware that four others were hung who were found in his company, as being accomplices of the king?—I thought he was hanged alone.

4037. Mr. *Adderley*.] Does not it appear that Dingeralle was put to a different sort of death from the other prisoners; he was shot, and his body afterwards hanged in a public place; the rest who were shot for accompanying him, and acting as his accomplices, were simply sentenced to be shot without any such public exposure afterwards; it is clear therefore that there was a distinction made in his sentence?—So it appears.

4038. Mr. *Hume*.] Will you look to page 206; there is there a despatch of Lord Torrington’s of the 16th of August, in which he says, “Nevertheless, the pretended king is not yet apprehended, and his brother, who was at first believed to be executed at Kurnegalle, is also still at large, and the prisoner who was shot on that occasion was only one of the principal adherents of the impostor”?—Yes.

4039. That information came out after the man had been executed?—I understood at the time, at least it was not known at first, but it was afterwards said that there had been two or three persons sent into different parts of the country, each to personate the king, but that those persons in reality were only his ministers or deputies, and I fancy that has been the condition in which this person has been spoken of; that he was first seized as being the king, and he probably was the head of the party that was in arms at Kurnegalle.

4040. Looking to the fact that his body was hung for four days, which was not done in the case of any other criminal, do you believe that that took place under any other belief than that he was the king?—Of course that was the belief; it is stated by the Governor that it was at first believed that he was the king.

4041. And that it was done under a mistake, he being not the king, but only one of his adherents?—In that respect there may have been a mistake; but I observe from the proceedings that he was not tried as the king.

4042. Can you state upon what authority Lord Torrington says that he was not the individual?—I cannot say.

Sir *T. H. Maddock.*

14 June 1849.

4043. Lord *Hotham.*] What is the distance from Colombo to Kandy?—
Seventy-two miles.

4044. During the time you were at Kandy yourself, did the general commanding the forces in Ceylon ever come up to Colombo to make himself master by personal inspection of the extent of the rebellion, and also of the propriety of the measures adopted to suppress it?—No, he never came up while I remained at Kandy.

4045. I think you stated that you were in constant communication both with the Government agent of the province, and also with Colonel Drought, and that they consulted you upon the urgent matters of that moment; did they make you acquainted from time to time with the instructions they received from the Government at Colombo?—Yes, certainly.

4046. In what form did the orders which Colonel Drought received come to him; from whom did you understand he received them?—I understood that he acted in his capacity as chief military authority in those provinces where martial law prevailed, simply and purely by the power of the Governor's proclamation of the 30th of July, without any reference to the superior authority of the commander-in-chief of the forces at Colombo, as to his general government of the country.

4047. You understood that Colonel Drought received his instructions direct from the Governor, and not through the general commanding the forces?—I imagine he received all his instructions which had regard to the peculiar state of the country, and the duties which devolved upon him in consequence of the proclamation of martial law, direct from the Governor, but that he continued to receive all his instructions relative to the discipline of the troops, as under ordinary circumstances, from the commander of the forces; that I believe to have been the case.

4048. But that everything relating to the suppression of the rebellion, and the measures taken for that purpose, came to him direct from the Governor, without the intervention of the general commanding the forces?—I believe so.

4049. Are you aware to whom he made his reports of civil cases?—I believe he made reports of the proceedings of courts martial to both authorities.

4050. He made the reports in duplicate?—For example, with respect to all those courts martial, I imagine he sent copies of them, according to the ordinary practice of the army, to the commander of the forces, and that he made reports to the secretary of the Government of every important occurrence which was going on.

4051. Mr. *Hume.*] Are you aware how many officers there were at Ceylon, who were senior to Colonel Drought?—No, I am not aware.

4052. Are you not aware that there were four or five officers senior to him in Colombo?—There were officers on the staff who were senior to him; I am not aware that there were officers commanding corps senior to him.

4053. Is it within your knowledge that General Smelt complained that orders had not been sent through him, and that he had not known of the proceedings that were going on?—No, I am not aware of the fact; I have heard some rumour of the kind.

4054. Did not you hear, when you were last in Ceylon, a complaint on the part of some of those senior officers, that they had not been deputed on such an emergency, when martial law was proclaimed, instead of Colonel Drought, a young officer compared with them, being allowed to carry out those proceedings?—I never heard any complaint. Colonel Drought was already on the spot, and in command of all the troops in the Kandyan province.

4055. Had you no communication with Lord Torrington upon the subject?—I never heard him speak upon the subject; and I never conversed with any other person upon the subject when I was recently in Ceylon.

4056. *Chairman.*] Are you aware whether or not the people of Ceylon enjoy the right of trial by jury?—I believe they do.

4057. That is not the case with the people of India, is it?—No, it is not.

4058. Mr. *Wilson.*] With regard to the persons whose property was sold upon the supposition that they were rebels, and who afterwards turned out to be innocent, the proclamation upon which those proceedings took place gave public notice that all who did not return to their homes within 20 days would be considered as rebels, and as parties who had risen against the Queen; are the Committee to understand that those parties who have been referred to, whose property

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was sold, and who ultimately turned out to be innocent, did not return to their homes within the time specified by the proclamation?—I am unable to give any specific answer to that.

Sir *T. H. Maddock.*

14 June 1849.

4059. Mr. *Hume.*] It is not within your knowledge?—It is not.

4060. You have stated certain cases of extraordinary power exercised in India, and you have said that you consider that the exercise of a summary power, such as that of martial law, had a good effect in Ceylon; will you state whether you are aware of the 4th Article of the Convention of 1815, which is to the following effect: "The dominion of the Kandyan Provinces is vested in the Sovereign of the British Empire, saving to all classes of the people the safety of their persons and property, with their civil rights and immunities, according to the laws, institutions, and customs established and in force among them"?—I recollect the terms of the convention.

4061. Do you consider that that places the inhabitants of Ceylon in a different situation from the inhabitants of India?—In point of fact I can scarcely see that it would create any very palpable difference between their position and that of the subjects of the British Government in India.

4062. In those provinces to which you have alluded, where Major Wilkinson was invested with this extraordinary power, was there any convention or treaty guaranteeing to them the same rights as are guaranteed by this convention to the people of Ceylon?—No, there was no convention; but without any convention the Indian Government has always felt it to be its duty to deal with its subjects in all the various countries which it has conquered and acquired upon the same just principle that the British Government agreed to follow in the treatment of its subjects in Ceylon.

4063. Do you consider that the natives of Ceylon, who have had their civil law superseded by the proclamation of martial law, are placed by that convention in a different position from the inhabitants of India?—No. I consider that either they or the inhabitants of India, when they have broken their allegiance, have forfeited all claims which they could possibly have upon the British Government resting on the condition of their loyalty.

4064. Your opinion is that the overt acts to which you have alluded on the part of the Kandyans did amount to such breach of allegiance, and that martial law was warranted on that account?—I think so. I think there were sufficient indications that it was a breach of allegiance on the part of the people.

4065. Mr. *Hawes.*] You mean that the public crowning a person as king, and taking up arms to enforce his sovereignty in opposition to British supremacy in Kandy, was in fact a breach of their allegiance?—There was every manifestation of rebellion that is necessary, in my opinion, to deprive subjects of any terms which they may have originally obtained from the Government.

4066. Mr. *Hume.*] That opinion you have stated to be founded upon the facts communicated to you by Mr. Buller and others, to whom you have previously alluded?—And upon the facts which are communicated in those official documents.

4067. Mr. *Hawes.*] And upon all which you heard yourself while you were in Kandy?—Upon what I heard there, combined with what I gather from these official papers.

4068. Mr. *Hume.*] At the time that you approved of the proclamation of martial law you were not in possession of any of the information which is now contained in the papers before you?—At the time when martial law was proclaimed it was proclaimed in Colombo, and I was in Kandy. I had nothing to say to approving of it beforehand. I approved of it after I saw it in the Gazette, because the country was in such a state that it appeared to me to be absolutely necessary that there should be some extraordinary power created to put down the rebellion that was then existing.

4069. You gave the Committee some account of the proceedings in 1842; do you know what were the causes of the disturbances which then took place?—As far as I gathered, there was a general disposition to throw off the British yoke throughout the Central Province. I do not recollect what particular grievance was brought forward then as justifying the intended insurrection.

4070. You said that the priests supported the disaffected at the time?—I understood so.

4071. Is Major Kelson in this country?—He is not.

4072. When did you communicate with Major Kelson; was it in March last?

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Sir *T. H. Maddock*. —It was just before I embarked. He is commandant at Galle, and it was just before I embarked for this country.

14 June 1849.

4073. He could not tell you whether the disturbance related to taxes or to religion, or what was the origin of it?—I do not recollect precisely what the grounds for the insurrection were said to be.

4074. Upon what ground did you make the statement that you did on the former day, and what did you wish the Committee to understand by laying that fact before them?—Major Kelson, as I gathered, was of opinion that this insurrection had met with better success on this occasion than the attempt at insurrection did in 1842, because the priests had got a much stronger grievance against the Government than they had had on the former occasion, as also, because the common people, who on all former occasions had been very slow to be excited to rebellion, were misled upon this occasion by various misrepresentations and exaggerations as to the nature of the taxes which the Government was about to impose.

4075. That in fact the disturbance of 1842 was but trifling, in consequence of their not having been then supported by the priests, as you think they were supported by them on the occasion of the late disturbance?—Yes.

4076. Do you know what measures took place in 1842; did Major Kelson state to you what was the extent of the disturbance?—Not in any of its details; a great many persons were apprehended.

4077. Was martial law proclaimed?—There was nothing of the kind.

4078. Were there any trials under special commission, or was the ordinary course of justice followed?—A judge of the Supreme Court, I believe, tried the prisoners, who were apprehended and committed, at the Station at Badulla; whether it was in an ordinary session, or an extraordinary one, I cannot say.

4079. Did he give you any written statement of the facts, or was it mere conversation?—No, he did not; he mentioned one very singular fact, that one of the persons accused, who was one of the chiefs, or a principal adviser of the insurrection, had in his evidence not only confessed his own guilt, but had implicated almost all the chiefs in the Central Province, naming among the rest the foreman of the jury before which he was tried: that circumstance I recollect.

4080. Did he state in what way that was made known; would not that have shown the extent of the conspiracy to be much greater than that which had taken place in 1848?—I fancy not; I fancy it will be found from the statement of the man, who called himself king, and was apprehended, and has been punished, that almost all the chiefs in the Central Province were implicated in this late attempt.

4081. Having made that singular statement of so many being concerned, do you know on what grounds they had formed that conspiracy; were their grounds of complaint religious or civil?—As I said before, I fancy it was from ambition, and from a desire to shake off the British yoke mainly; but I speak not of my own knowledge, merely from what I have heard.

4082. You stated that you thought the people of Ceylon ought to be satisfied with the British rule; after what you have stated of the interference with religious practices, and the taxes which have been lately passed, do you consider still that they have reason to be satisfied?—As I said before, I do not think that they labour under any grievances or disabilities which justified them in attempting to rebel against the British Government; I do think there are grievances, which require redress, in that country as in India, and probably in all countries.

4083. Do you believe that there was a deliberate plan for rebellion at first, and that that would have taken place if the excitement caused by the imposition of the new taxes had not been raised?—I think it is very doubtful whether the outbreak would have taken place at the time it did, if it had not been that those exaggerated accounts of the taxes prepared people's minds, and made a far greater number adhere to the cause of the pretender than otherwise there would have been any chance of collecting together.

4084. *Chairman.*] You speak of exaggerated accounts of taxes; do not you consider that the gun tax, as it was imposed and carried into effect, was a very oppressive tax?—I hardly feel prepared to say that it was an oppressive tax; I think it was a tax of 2s. or 2s. 6d.; I have heard there was a general complaint of some difficulties and annoyances attending the registry of the guns.

4085. Did not you state in your speech at the meeting at Kandy, that there were

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were districts of the country where the face of a European had not been seen for 20 years?—No, I made no such statement. Sir T. H. Muddock.

4086. You are reported, I think, to have said so?—I imagine you will find that report in a speech of the chief justice, Sir Anthony Oliphant; I never made a speech in which that was stated, that I am aware of. 14 June 1849.

4087. If that were the case there would be very great difficulty in raising the gun-tax in such districts, would there not?—No doubt in some of the mountainous and difficult parts of the country it would be very difficult to levy any tax of the kind.

4088. Or a tax upon dogs?—Or a tax upon dogs.

4089. Are not the guns necessary to the people in some of those districts for defence against wild animals?—I imagine that they may be necessary, but that they are mainly used, not for the purposes of defence, but for the purpose of providing food for themselves and families.

4090. Mr. *Wilson*.] You alluded to the influence which the exaggerated representations as to taxes had upon the public mind at that period; am I to understand that you referred to the exaggerated notions of the effects of the actual taxes to be imposed, or to exaggerated statements as to what the future taxes were to be?—What I meant to refer to by the word “exaggerated” was, that it was found, even before the breaking out of this insurrection, that in many parts of the country the people in the villages had been led by the native officers of Government to believe that those taxes which were announced, that is to say, the gun tax, the dog tax, and the road tax, which were going to be levied, were but a sample of what the people had to expect; that there were taxes almost innumerable, some of them of a ridiculous and some of them of a revolting character, which the Government were preparing to enforce; and it was through these exaggerated accounts of the objects of the Government in taxation that the great majority of the people were persuaded that they had a cause to rebel, and were persuaded to enter into this insurrection.

4091. You do not apply the word exaggerated to the actual taxes imposed, but to the taxes which were wrongly represented to the natives to be intended to be imposed?—So I have stated.

4092. Mr. *Villiers*.] Had you any opportunity while you were there of ascertaining what the general feeling of the natives was towards the British Government?—From my own ignorance of both the languages which are spoken in Ceylon I can scarcely form any opinion, excepting what I have gathered from European settlers, and from what I have heard from the planters; I should say, from what I have thus learned, that in some parts of the country the people are not at all averse to our rule and our supremacy; but that is not the case everywhere; in other places there is disaffection, and the people are said to feel a restraint from the presence of so many Europeans among them, when they used to have their forests all to themselves, and never to see the face of a white man.

4093. Are you alluding to the Central Province?—Entirely; I do not attempt to give any information as to any part of the island except the Central Province.

4094. You would not wish, probably, to convey to the Committee that the disaffection is increasing?—Not by any means, except as far as from my evidence the Committee will have gathered that I understand a great degree of disaffection had followed the misrepresentations of designing persons as to the objects of the Government in point of taxation; but that applies not to any permanent increase of disaffection among the people.

4095. Did any persons of competent experience or authority inform you that they believed that the Cingalese wished to throw off the dominion of the British Government?—I never heard such an object or such an intention attributed to the people, but only to the chiefs; that the chiefs and the priests had combined, and brought about this rebellion, having their own objects in view.

4096. Do you wish to convey to the Committee your impression that the chiefs and priests of the island are anxious still to throw off the British Government?—What they are still anxious for I do not pretend to know: that they have been disaffected, and that they have been plotting against the British Government for some time past, seemed to be the general impression of all the best informed Europeans that I conversed with.

Sir *T. H. Maddock*. 4097. Did you gather that the causes of discontent were of that character that we were unlikely to be able to remove them?—I imagine that the discontent, whatever the ground of it may have been, was principally confined, as I said before, to the class of chiefs, and to the priests, and that it did not extend, and probably does not extend now any lower.

14 June 1849.

4098. Do you conceive, from what then occurred, that, it is the progress of civilization in Ceylon which makes them discontented?—It is hard to say so; but one can scarcely come to any other conclusion.

4099. You do not offer any prospect to us of their becoming better affected towards the British Government?—Until they become a great deal more civilized, I should not expect it.

4100. Mr. *Wilson*.] I understand you always to be speaking of the headmen and priests?—Simply of the headmen and priests.

4101. Not of the general mass of the population?—No. I never heard that the general mass of the people were disaffected.

4102. Mr. *Villiers*.] The people are very docile and submissive to the law, are not they?—I should not say that they were particularly so.

4103. Are they at all irritated by the importation of coolies?—No. As they will not work themselves on our estates, they can have no valid objection to our obtaining labour from another country.

4104. No difference arises between the coolies and the natives?—The latter have been living for several years past in such extraordinary plenty and luxury, that nothing will induce them in most parts of the country to do a day's work upon any gentleman's estate, and they rarely come into collision with the coolies.

4105. Mr. *Wilson*.] Was it one of the representations that were made to the people at that time by the headmen and chiefs, that the British Government were about to restore the old system of forced labour?—No, I think not; I did not hear that specified.

4106. Are you not aware that the road tax was represented by some parties in that light?—No, I do not think that was likely to have been one of the grievances brought forward, because I rather think, from what I heard, that the chiefs considered it a grievance that the *rajkaria* had been abolished; they would have preferred its remaining in existence.

4107. I am speaking of the representations which the headmen made to the masses of the people?—I did not hear that they made use of it, but if they made use of such an argument, I can conceive it to be exceedingly possible that it would have tended to make the people disaffected.

4108. Mr. *Adderley*.] Do not you think that there is some little contradiction between the statement that the progress of civilization caused the rebellion, owing to the irritation felt by the priests at losing their influence, and yet that the strength of the rebellion consisted in the influence of the priests over the people?—I do not think that there is any contradiction between those statements.

4109. How would you reconcile those two ideas?—The priests have to complain that they have lost influence, that they have lost the means of collecting their rents from their lands, and that they have lost the means of enforcing the labour of the people, who, under the *rajkaria*, would have been bound to serve under them. They may have become sore and jealous at the slight put upon their religion by the British Government; but it does not follow from that that their religious influence over the people should be diminished, and I have not said that it was at all diminished.

4110. Mr. *Hume*.] In saying that the natives of Ceylon paid but very few taxes, have you taken into consideration the duty upon salt and other important articles which are essential to the natives of Ceylon; is not the tax upon salt a heavy tax upon the people of Ceylon?—I have not any figured statements before me, but I believe it will be found that the tax upon salt consumed in the interior of the Island of Ceylon is a very trifling tax in amount compared with the tax laid upon all the salt which is consumed by the people in the interior of Bengal.

Martis, 19^o die Junii, 1849.

MEMBERS PRESENT.

Mr. Hawes.
Mr. Hume.
Mr. Gladstone.
Mr. Stuart Wortley.
Sir Joshua Walmsley.
Major Blackall.

Lord Hotham.
Sir James Hogg.
Mr. Villiers.
Mr. Wilson.
Sir Robert Peel.
Mr. M^cCullagh.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Philip Edmond Wodehouse, Esq., called in; and Examined.

4111. Mr. Hume.] YOU have been employed in the civil service of the Government since 1829, have you not?—I have.

*P. E. Wodehouse,
Esq.*

4112. How many years were you colonial secretary and clerk of the council in Ceylon?—I was clerk of both councils from their first institution in 1833 till the end of 1840 or the beginning of 1841.

19 June 1849.

4113. Have you been the district judge at Kandy since that time?—I was appointed district judge at Kandy in order to give me promotion, but I was retained in the colonial secretary's office; I never did duty as district judge.

4114. Were you the Government agent for the Western Province from 1841 to 1847?—I was Government agent in part of 1841. I went home on leave of absence towards the close of the year.

4115. You were acting colonial secretary, were you not, in 1845?—Yes, for six months.

4116. Did you not act as Government agent for the Western Province upon a second occasion?—When I returned to the colony at the end of 1843, I found myself appointed Government agent.

4117. Did you ever act as colonial treasurer?—Yes.

4118. At what time did you do so?—I was for two years a managing commissioner of the treasury, while the treasury was in commission; I had charge of the office, and did the work. Then again, I was appointed acting treasurer soon after Lord Torrington went out to Ceylon, and I acted in that office for several months; I forget exactly how long.

4119. As acting colonial secretary and acting treasurer, were you *ex officio* a member of the council?—I was a member of both councils while acting as treasurer and as colonial secretary.

4120. Under what governors have you been a member of the council?—Under Sir Colin Campbell, and under the present Governor.

4121. Having had an opportunity of knowing, will you state to the Committee what are the powers of the Executive Council?—If the Committee will turn to the Queen's Instructions, which I imagine are on their table, they will immediately see the position in which the Executive Council stand in relation to the government of the colony.

4122. Will you look at page 13 of Paper No. 9. By article 18 is not the Governor enjoined "twice in each year to transmit" to the Government at home, "through one of the Principal Secretaries of State, a full and exact copy of the minutes of the said Legislative Council for the last preceding half year, with an index to the subjects"?—Yes.

4123. Was that done while you were in office?—Yes, always.

4124. Are there any fixed periods at which you send home those despatches?—No, they are sent home as soon as they can be conveniently completed, after the expiration of the term to which they apply.

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4125. Agreeably

P. E. Wodehouse,
Esq.

19 June 1849.

4125. Agreeably to that clause which I have now read, to what period ought the Secretary of State to be now in possession of the minutes of the Legislative Council?—Only up to the end of last year; those of the first six months of this year could not be in this country by this time.

4126. Should not all the proceedings in the months from July to December, last year, have been here?—Yes, of course they ought.

4127. Will you refer to the 36th Article, and state what are the orders therein respecting the publication of draft ordinances?—That they are to be published in the Gazette, or publicly made known for at least three weeks next before the enactment thereof; but if the Committee will consider that, they will see that it is not very clear. It states that ordinances are to be published three weeks before they are enacted, but no one can tell when they will be enacted.

4128. Is not the meaning that there shall be three weeks notice given of every intended ordinance?—It does not say how long the notice is to be before their discussion.

4129. It may be six weeks or six months before the enactment of an ordinance, but does not it mean before the date at which the government who proposes it can fix the enactment?—Yes.

4130. Has that rule been observed while you have been in office?—I think so.

4131. Do you think that in the case of the ordinances respecting the taxes and stamp duties this rule was complied with?—My impression is that it was.

4132. Mr. *Hawes*.] I observed, by the 36th Regulation, it is directed that no ordinance shall be proposed to the Legislative Council, or enacted, till a draft shall have been published in the Gazette, or otherwise made publicly known, for at least three weeks next before the enactment thereof; do not you understand by that that a Bill when introduced into the Legislative Council should be published?—A draft of the ordinance.

4133. That it shall be first published and made known before a debate takes place upon it?—That is what ought to be done, but it does not follow from this clause that it must be done.

4134. Will you state what has been the practice upon that point, and whether you would recommend any alteration or amendment in that respect?—I think some Bills have been brought forward for discussion too soon after they have been first published, certainly.

4135. In your opinion it would be desirable to provide, that in all cases draft ordinances should be made public before they are taken into consideration by the Council?—A certain time, certainly, reserving to the Council a power of dispensing with it in cases of emergency.

4136. Mr. *Hume*.] Do not you consider that the intention of that article is, that the colonists shall have due notice of all intended legislation which may affect them?—Certainly; but three weeks is altogether insufficient for that purpose, looking to the means of communication which exist in the island.

4137. Mr. *Hawes*.] Speaking from your experience, you would recommend some alteration to be made in this regulation, both with reference to the time given for the previous consideration of the ordinance, and also as to the time of its publication before its consideration in the Legislative Council?—Yes; I think the thing to be desired is that ordinances should be well considered beforehand.

4138. Mr. *Hume*.] Will you look to Article 38; does not that article require that the Governor shall “in all cases consult with the said Executive Council, excepting only when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of such advice being given by the time within which it may become necessary for the Council to act in respect to any such matters, provided that in all urgent cases you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you have so adopted, with the reasons thereof.” When you were in the Council, before Lord Torrington arrived, was it the practice to comply with this article?—No.

4139. Have any of the Governors complied with that regulation?—No.

4140. Has Lord Torrington complied with it?—I do not think Lord Torrington has complied with it to the extent here implied; I do not think that any Governor has done so since I have been in the colony.

4141. Mr.

4141. Mr. *Hawes*.] Is not it the fact that Lord Torrington has more frequently consulted the Executive Council than any previous Governor under whom you have served?—That is a difficult question to answer. I think in all cases the method in which business has been brought before the Executive Council there has not been as satisfactory as it might have been: for instance, I know that the Governor has not acted strictly upon this instruction, and did not bring the business before the Executive Council in its first stage. Some matters, in fact, never come before the Council at all; some come before the Council after the Government has advanced to a certain stage in the proceedings, and are, to a certain extent, compromised as to the course of proceeding they have already entered on. It then becomes very embarrassing for members of the Executive Council, who may take a different view of what has been done, to advise as to how the matter is to be proceeded with. On the other hand, some matters pass through the Council to a certain stage, and then drop out again altogether, and the members of the Executive Council have little or nothing more to say to them. My view has always been, that everything, from the commencement to the end, should be brought, as this instruction requires, before the Executive Council.

P. E. Wodehouse,
Esq.

19 June 1849.

4142. Is it or not the fact, that Lord Torrington has frequently consulted his Executive Council, and that he has done so upon the whole more frequently than preceding Governors?—I think very possibly it is the fact. Lord Torrington arrived in the colony with instructions to carry out a series of changes, principally in the financial concerns of the island, and those matters were specially ordered by the Secretary of State to be brought before the Executive Council, and of course in the consideration of them very numerous meetings of the Council did take place.

4143. Mr. *Hume*.] You have stated that by not calling the attention of the Council to measures in the early stage of them, many measures have passed without the members who might have differed from them having an opportunity of expressing their opinion upon them; were any matters of importance, while you were in the Council, brought forward by Lord Torrington, without his bringing them duly before the Council?—Not while I was in the Council; while I was a member of the Council they were brought under its consideration.

4144. In due form?—Yes.

4145. Then they were not under the circumstances you have now stated?—No; I have just stated that Lord Torrington arrived with instructions to carry out certain financial measures recommended by a committee in Downing-street; he was specially instructed, as the despatches will show, to bring those measures under the consideration of the Executive Council, and he did do so.

4146. Were you a member of the Council at the time that he arrived?—No; I was very shortly afterwards; before anything was brought forward. I was in the Council when Lord Torrington laid before the Executive Council Lord Grey's despatches, containing all the reports upon the finances of the colony.

4147. You made an observation to the effect that the members, under the circumstances you stated, were not able to state their opinions, or to oppose the measures which were brought forward; did not you?—No; the question put to me was whether all the Governors were in the habit of consulting the Executive Council as ordered by this instruction; I spoke distinctly of the general administration of the Government, and not at all as referring to those financial measures which Lord Torrington then introduced.

4148. Will you explain in what way any member could be placed in embarrassment as to the course which he should take?—I endeavoured to explain that before. Supposing the Governor brings before the Executive Council a series of correspondence which may have been going on with public officers or with individuals in the colony, and he does not so bring it before the Executive Council till he has so far advanced in the proceedings that he is committed to a certain line of conduct, it then becomes frequently very embarrassing to members of the Executive Council, who knew nothing of the matter before, to give an opinion in that state of affairs.

4149. Mr. *Villiers*.] In those cases the Governor decides first and consults the Council afterwards?—He becomes committed; a question comes before him; he takes certain views, and gets to a certain position, and then being in difficulties, he possibly comes to the Executive Council to ask what is to be done. My answer went to the effect that all correspondence should, from its commencement, go before the Council.

P. E. Wodehouse,
Esq.

19 June 1849.

4150. Mr. *Hume*.] Under those circumstances, should not you consider yourself, as a member of the Executive Council, warranted in objecting to any such proceeding, if you considered it to be improper or dangerous?—Of course I have an abstract power of objecting to such a proceeding; but it is very inconvenient in carrying on the Government that any member of the Executive Council should be repeatedly placed in that position.

4151. Is not it very desirable that every question should be fully discussed, and is not the introduction of any subject to the Council with the intention of obtaining the opinions of the different members thereupon; and if so, in what difficulty can you be placed as to giving your opinion candidly upon any subject submitted to you?—I can only speak from experience, having for many years been in a body of that sort; that it is a very embarrassing thing, and frequently tends to very little good, to try to force abstract opinions when you find the Executive Government, as I said before, committed to an opposite line of proceeding, whereas if you had an opportunity of giving an opinion at the outset of the proceedings, a different course possibly might have been pursued.

4152.—Do you consider yourself bound as a member of the Council, if you differ from the Governor on any measure of importance introduced by him, to give your opinion against it?—Yes.

4153. Is it the practice to do so under the circumstances which you have stated?—Certainly it is; when the Governor brings any measure before the Council it is open to any member to say anything he thinks fit.

4154. Are the Committee to understand you to say that it may be very unadvisable for you, as a member of the Council, to give an opinion on the second, or probably the last stage of any business, which may be against the measure, whereas if you had had the opportunity at first you might freely have stated your objections to it?—I can hardly, I think, express myself more clearly than I have done.

4155. Sir *R. Peel*.] Does it frequently happen that members of the Executive Council connected with the Government have had confidential communications with the Government previously to measures being brought before the Executive Council, in respect to them?—Some may and some may not.

4156. In cases wherein there has been that private and confidential communication, it clearly would be very embarrassing for you to express dissent from measures to which you had given an implied assent before?—Undoubtedly.

4157. The embarrassment there would be very much the same that a cabinet minister would feel in the House of Commons in expressing an opinion different from that of his colleagues?—Yes, certainly.

4158. It would be an indication of weakness on the part of the Executive Council?—Yes.

4159. But in the case of measures which you have never heard discussed previously, which are brought forward for the first time, and upon which you are called upon to give an opinion, do you feel the same embarrassment in giving a perfectly free and unfettered opinion?—Not the same embarrassment, but very often the public service cannot be so well promoted by the opinion then given as if the opinion had been given at an earlier stage of the proceedings.

4160. There is a feeling on the part of the public servants, that unless they have some very strong objection to a measure it is rather their duty to give their support to the Governor?—Certainly. With respect to confidential communications, I consider that any member of the Executive Council who is privately consulted by the Governor is just as much committed to any proceeding as if he were consulted in the Executive Council. Supposing there is no meeting of the Executive Council, if the Governor takes the private opinion of a member of the Executive Council, that member is bound in honour to abide by it.

4161. In that private communication he would have an opportunity of stating his opinions quite as freely to the Governor?—Much more freely.

4162. Therefore a communication having taken place, his acquiescence in the measure would of course be implied?—Certainly.

4163. Does it frequently happen that the Governor says, "This is a matter of great importance; before I bring it before the Council I will call together the most eminent of the public servants, and communicate confidentially with them upon it;" or does the Governor, of his mere authority and from his own will, without

137

without consultation with others, submit the measure to the consideration of the Council?—The Governor is always in communication with one or two of the principal servants of the Government; of course he must be so.

4164. Mr. *Hume*.] Of how many does the Executive Council consist?—Of five besides the Governor.

4165. Mr. *Villiers*.] Are they all officials?—Yes, all of them; they are members of the Council by virtue of the offices they hold in the colony.

4166. Mr. *Hume*.] Do you consider that the embarrassment has been this, that some have been privately consulted previously to the introduction of a measure, and that others not being consulted when the measure is brought in, at an advanced stage of the proceedings, the individual who has not been consulted is placed in the situation of embarrassment to which you allude?—Yes.

4167. Has that frequently occurred in the course of your acting as a member of the Executive Council?—I think the Committee may gather from my previous answers to what I allude. Speaking generally, I have seen it often happen under different governors of the colony.

4168. Consequently parties have been placed in considerable embarrassment as to what they should do?—Yes. I began by stating that I thought all that might be avoided if this 38th clause of the Queen's Instructions to the Governor were carried out in the sense which the words convey.

4169. Mr. *Hawes*.] The 38th Rule is this: "And we do hereby direct and require that in the execution of the powers and authorities committed to you by our said commission, appointing you our Governor and Commander-in-Chief as aforesaid, you do in all cases consult with the said Executive Council." Do you think that the insertion of the words, "in the first instance," would remove the difficulty?—My meaning is, that all correspondence and all matters which come before the Government should at once, no matter how unimportant, go before the Governor and the Executive Council.

4170. Mr. *Hume*.] Am I to understand you to say, speaking from your experience in Ceylon, that you would recommend that in all cases, and in the first instance, before any measure is taken by the executive, or any legislative act determined on, the Governor should consult the Executive Council?—I think so.

4171. In the latter part of that clause the Governor is directed that where he shall not, in the first instance, take the opinion of the Executive Council, he shall communicate "at the earliest practicable period to the said Executive Council the measures which he has so adopted, with the reasons thereof;" has that been done during the time you have been in the Council?—It has occasionally.

4172. You say occasionally; do you mean to say it is more frequently omitted than complied with?—I think it is a necessary consequence that if the Governor thinks he can very often act without consulting the Executive Council, he will still more frequently think he need not tell them afterwards what he has done; but in matters of importance, on one or two occasions, this subsequent communication has been made.

4173. Are those reasons recorded in any minute, or are they mere verbal statements?—In a matter of that sort probably the Governor would record his own minute, which would contain the reasons for what he had done.

4174. Will you look to Article 39, in which it is said, "We do require that distinct minutes be kept of their deliberations and proceedings, which minutes it shall be the duty of the said colonial secretary or his assistant to keep, and we do require you to transmit to us such minutes twice at least in each year." Was that complied with when you were in the Executive Council?—Yes.

4175. In all cases?—Yes.

4176. Do you mean to say that distinct minutes will be found on the proceedings of the Executive Council of all the recent important proceedings at Ceylon?—Yes, of all the important proceedings in the Executive Council.

4177. Did the colonial secretary or his assistant, when you were a member of the Council, keep those minutes?—Yes; his assistant from the very commencement always officiated as clerk of the Council. It was held to be very inconvenient that the same person should be both member and clerk in the same body.

4178. Who was assistant when you were there?—From 1833, when the Councils were instituted, till 1840 I was the assistant.

4179. You kept the minutes of the proceedings?—Yes.

(92.)

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4180. In

P. E. Wodehouse,
Esq.

19 June 1849.

4180. In the latter period you spoke of, were you also in that situation, or a member?—I was a member.

4181. Who kept the minutes then?—The assistant colonial secretary, whoever he might have been at the time.

4182. What was his name?—There were frequent changes; I was assistant secretary as well as Government agent for the Western Province from the end of 1843 till I became acting colonial secretary, and during that time another person was specially appointed as clerk of the Council; since that other persons have acted.

4183. How could you be acting when Sir Emerson Tennent was there?—I was not; I acted from May 1845 till November 1845.

4884. But not subsequently?—No.

4185. Has the Executive Council any control over the acts of the Governor; if the opinion of the majority of the Council is against any measure, have they no control over it?—No; the 40th clause distinctly gives the Governor the power of acting in opposition to any advice which they may give if he thinks fit.

4186. In that case is he required to enter his reasons for that opposition?—Yes, that is stated in the 40th clause also.

4187. Mr. *Villiers*.] Does it ever occur that the Governor dissents from the Council or the Council from the Governor?—I cannot at this moment call to mind any case in which the Governor has acted in direct opposition to the majority of the Council.

4188. Has there been any instance of any member of the Council expressing an opposite opinion to that which has been expressed by the Governor?—Yes.

4189. Is there a record kept, or a minute made of that dissent?—Sometimes there is, sometimes there is not; if that member thinks the matter of sufficient importance to record his opinion, he can do so.

4190. Is there any division in the Executive Council; supposing there is a difference of opinion, is it put to the vote?—Yes.

4191. Has there been any instance of that of late years?—Yes, there has been; but I do not think any distinct record is kept of the way in which the members vote.

4192. It is never made known in the colony?—No.

4193. Since you have been a member of the Executive Council has there been any division?—Yes.

4194. Mr. *Hume*.] Were you a member of the Council when martial law was proclaimed in July last?—Yes.

4195. When was it introduced to the knowledge of the Council?—When the first proclamation took place. There were two proclamations of martial law. When the first proclamation was decided on, I and two other members were absent from Colombo in different directions; I believe that the only members of the Council then present were the General Officer commanding and the Queen's Advocate.

4196. You spoke of the proceedings; do you allude to the directions in the 40th clause, in which it is said that in any case where a difference of opinion may exist, the Governor is to report to the Queen, or to what proceedings do you allude?—I refer to the minutes of the proceedings under the 39th clause, which of course would state what members of the Council were present upon that day.

4197. Ought not the Secretary of State to have been in possession of the minutes of June and July 1848?—By this time he ought.

4198. Do you know when the question of martial law was first brought before the Executive Council?—The proclamation will give the date upon which it was published, and as they were all measures of emergency it must have been the same day.

4199. Can you, of your own knowledge, state whether the Council was consulted, and whether any minute was made of that proclamation?—I have stated that I was not present, but I am confident that it was brought before them.

4200. What other members were absent with you?—Mr. Templer, the treasurer, and Sir Emerson Tennent was absent in another part of the island.

4201. Not yourself being present, you cannot state positively whether the measure was brought before the Council before the proclamation was issued or not?—I was not present, but I have no doubt it was.

4202. Sir *J. Hogg*.] Do you know, from subsequent communication from members

139

members of the Council who were present, that they were consulted before the proclamation of martial law?—They were consulted at the time.

4203. Do you know that from subsequent communications with the individuals themselves?—Yes.

4204. Mr. *Hume*.] That is as regards the first proclamation?—Yes.

4205. *Chairman*.] Do you know whether they were consulted in a formal sitting of the Council?—My impression is that they were.

4206. Mr. *Hume*.] With respect to the second proclamation, when was that brought before Council?—I do not know the exact date of it.

4207. Was the Executive Council consulted before that proclamation was issued?—Yes.

4208. Did you concur in it?—I concurred in it, but I should wish to explain upon what grounds. The Government had already issued a proclamation declaring martial law upon the first outbreak in Matelle; they had therefore of course entered upon a certain line of policy in respect to that insurrection, and it would have been most inexpedient, when another town had been attacked by a mob, to have halted in that policy, and not to have declared martial law in that district; a second outbreak tended rather to confirm their previous policy than otherwise.

4209. Are you at liberty in the Executive Council to record your opinion for or against a measure?—Yes.

4210. Did you record any opinion against the issuing of that second proclamation?—No.

4211. Was it your opinion that there was any necessity for issuing a proclamation of martial law upon the occurrence of the disturbances at Matelle?—I had not before me at that time officially, and indeed not in any shape, any information of what had occurred, beyond the common rumour of the town.

4212. As a member of the Council, had you any document laid before you to induce you to think that the use of the military, in support of the civil power, might not have been sufficient if it had been applied in time?—If I had had to deal with the first case and the first discussion, as to whether martial law should be proclaimed, I think such would have been my opinion.

4213. That the support of the military in aid of the civil power would have been sufficient?—Yes.

4214. Did you consider, from anything which subsequently came to your knowledge, that the state of the country was so alarming as to justify the Government in resorting to that last and extreme measure without trying other means at their discretion?—I think the original proclamation of martial law in the then state of the country was a matter upon which the Governor had a very fair right to exercise his own discretion, and was bound to exercise his own discretion as to the necessity for it. The Governor having come to the conclusion that the state of the country did require it, from the outbreak in Matelle, it would have been the height of impolicy to act otherwise after the Kurnegalle disturbance.

4215. When the disturbance took place at Matelle, Mr. Waring being the officer there, could not the civil authorities have called in the aid of the military?—The military authorities did act in aid of the civil power.

4216. Did not the authorities completely disperse those who are called the mob in a letter of Captain Lilley; and if so, are you of opinion that there was any necessity for the proclamation of martial law?—The proclamation of martial law must have been published in Colombo before they could tell how far the country had been quieted. The Governor could not by any possibility have known, when he published the first proclamation of martial law, that they were completely broken.

4217. Mr. *Villiers*.] It was published on the 2d of August, was not it?—On the 29th of July was the first proclamation.

4218. Mr. *Hume*.] Are you aware of any information communicated to the Governor as to the dangerous state of the country which has not been laid before the Committee in the report of Mr. Buller and the two officers?—No, I do not in the smallest degree assume to know what information the Governor received.

4219. Sir *R. Peel*.] When the Executive Council was called on to affirm the previous decision of the Governor, did not the Governor then communicate to them the information upon which he had acted upon his own discretion?—He did not act upon his own discretion, according to my recollection, in the first

P. E. Wodehouse,
Esq.

19 June 1849.

proclamation of martial law; he took the advice of the Executive Council, there being present the General Officer and the Queen's Advocate.

4220. *Sir J. Walmsley.*] With the information which subsequently came before you, do you think that the Governor was justified in the proclamation of martial law?—I think that was a matter in which his personal responsibility was so great, that it was for him to judge what he would do.

4221. Had you been a governor, with the information which you now possess, should you have felt justified in the proclamation of martial law?—I should not have done it in the first instance.

4222. *Sir R. Peel.*] You are now drawing that inference from the information which you now possess; but suppose it had been a matter of great uncertainty, and you had felt pressed with a heavy responsibility, are you quite sure that, with the information which the Governor then acted on, you would not have proclaimed martial law?—I think very great allowance ought fairly to be made for the Governor's position, and for the short time during which he had been in the colony, and therefore for the difficulty which he must have had in judging of how far things were likely to be dangerous or not.

4223. *Mr. Hume.*] You speak of the short time he had been in the colony; do you consider that there were upon that occasion at Matelle any greater number of people assembled or implicated than at any other period during the time of your being in the colony?—That is a question which at this present time it is rather difficult to answer. I did not speak with reference to that; I spoke with regard to the difficulty which Lord Torrington must have had in appreciating the native character, and the importance of their acts. He, very likely, might attach a greater idea of risk to what they did than I should have done.

4224. Had not he officers upon the spot, to whom he might have had recourse for information, and do you know whether he did so?—I cannot say at all whom he consulted at the time.

4225. *Mr. Wilson.*] Was not there an opinion in Colombo at that moment that the military force of the island was so inadequate to the occasion that it was believed by the Governor as well as by the Commander-in-Chief of the Forces, that it was necessary to send immediately to Sir Henry Pottinger, at Madras, for additional military force to enable them to quell the insurrection?—It stands to reason that with so small a garrison as there was in Ceylon, as soon as you called upon it for active operations the troops could not stand the fatigue, and you must have more troops to carry on the duty with; therefore further assistance from Madras became necessary at once.

4226. *Mr. Hume.*] Were you in the Council at the time that the proposition to send for additional troops was made?—No, I was at Galle; an express came to Galle, which brought the news that these disturbances had taken place, and the same express brought an order to a steamer lying there to go to Madras for the troops.

4227. Are you aware whether that was introduced to the Executive Council?—I believe so, certainly; I believe that that was done at the time when the original proclamation of martial law was brought before them.

4228. *Mr. Villiers.*] Do you know what representations were made to the Governor with respect to the character of the outbreak at Matelle?—That I know nothing further of than is to be found in the papers.

4229. I mean before the sending of the troops from Madras, and the proclamation of martial law?—I know nothing further than has been furnished by the Governor.

4230. *Mr. Hume.*] Did you have recourse to the minutes of the Executive Council after your return, to know what had taken place at the time the troops were sent for?—I cannot say that I did; I did not refer to the minutes, inasmuch as in conversation with other parties there I was likely to get quite as much information as I should have done from them.

4231. *Sir J. Hogg.*] How long had General Smelt been in the colony?—He came out shortly after Lord Torrington.

4232. How long had the Queen's Advocate been in the colony?—He has been there a good many years; 10 years I should say.

4233. *Mr. Hume.*] Is he a member of the Executive Council?—Yes.

4234. Do you believe that it was the opinion of the Queen's Advocate that martial law should be proclaimed?—I will not undertake to say anything of that sort.

4235. Was

P. E. Wodehouse,
Esq.

19 June 1849.

4235. Was the proclamation of martial law ever before resorted to during the time of your service?—Not during the time of my service.

4236. During your service was there ever any disturbance or riot in any part of the colony?—No. There were trials for treason; in 1834 some of the principal chiefs were tried for treason, and some trials took place while I was in England in 1842.

4237. Are you aware what the nature of those offences was for which such trials took place?—No. I was absent from the colony, and cannot speak as to what took place in 1842. In 1834 there were apprehensions of disturbances, and the Governor arrested all parties who were concerned, and many were brought to trial.

4238. You know of no occasion before that on which any disturbance like that which took place at Matelle had taken place?—No.

4239. Mr. Hawes.] You have no personal knowledge of any such disturbance?—No.

4240. Mr. Hume.] Can you state to the Committee what in your opinion was the effect upon the natives of the proclamation of martial law, and whether there was any necessity for continuing it for 10 weeks after everything was quiet?—As regards the effect upon the natives of the district in which martial law was in force, it could not but have created alarm and uneasiness. That followed as a matter of course.

4241. What is your opinion upon the necessity for the continuance of martial law in force so long?—It is for the Committee to consider whether, looking to my position under the Government, that is a question for me to answer. Of course, if the Committee hold that I should answer it, I am ready to do so. I cannot say that I should have retained martial law in force for 10 weeks.

4242. Was the question ever submitted to the Executive Council during the time that martial law was in force as to the propriety of repealing it?—I ceased to be a member of the Executive Council at the end of August, on Mr. M'Carthy's return to Ceylon; I was then acting as Auditor-general for him.

4243. You have stated some circumstances which you know by communication with others; can you state from any communication which you had with other members, whether the subject was under the consideration and discussion of the Executive Council?—I must confine what I state to the period during which I remained in the Executive Council. During that time the question of its continuance was not brought under discussion by the Governor.

4244. Are you aware whether the continuance of martial law had the effect of keeping the natives from returning to their homes?—With such persons as the natives of Ceylon there can be no doubt that while martial law existed, and the troops were moving in that particular part of the country, the tendency would be to keep them from their homes.

4245. Consequently its continuation would rather tend to prevent a return to a state of peace than otherwise?—To that extent.

4246. You are not aware that at any time up to the end of August the question of whether martial law should be withdrawn or not was ever submitted to the Executive Council?—Up to the end of August, while I remained in the Executive Council, it was not submitted to them.

4247. Mr. Hawes.] With regard to the second proclamation of martial law in the district of Kurnegalle, I understand you to say that you assented to it as being part of the policy already adopted?—Yes.

4248. With regard to the first proclamation of martial law, what course did you take?—I had nothing to do with it.

4249. As a member of the Executive Council, had you any information as to the number and distribution of the troops in the island at the time of the insurrection?—I cannot say that I had; but I have a sufficient knowledge of the condition and stations of the troops to be able pretty well to know where they are, and what they are doing at any time.

4250. Did you, in point of fact, know the number and the distribution of the force in Kandy at the time that the insurrection took place?—Yes, I know it was the head-quarters of one European regiment and a certain number of Rifles.

4251. What was the number of troops then stationed in Kandy?—I should fancy about 600 men.

P. E. Wodehouse,
Esq.

19 June 1849.

4252. Had you any information as to the extent of the insurrection and the number engaged in it?—No.

4253. Were you or not aware that the priests and headmen were taking an active part in the promotion of the insurrection?—I confess to being very doubtful as to the general participation of the headmen in it.

4254. You were not in Kandy, were you?—Not immediately at that time.

4255. You were not in Kandy at the time?—No; I was there shortly before; just before Sir Emerson Tennent was there.

4256. Do you doubt the fact that any large number of priests and headmen were directly and actively promoting this insurrection?—I do, to a certain extent.

4257. Upon what grounds do you entertain that doubt?—In the first place, I think the Committee are perhaps but little informed as to the extent of country over which that disaffection, or supposed disaffection, was spread. In the papers on the table, and in the questions which I heard put during the last two or three days, the words, "Central Province," and "Kandyan Province," were used so vaguely that I do not think the Committee exactly understand what the Kandyan Provinces used to consist of, or what the Central Province now is, or where those disturbances really existed. There is a map in the original papers laid before Parliament which will make it clear where they really were. If the Committee will refer to the map, I can show them what the original Kandyan Provinces consisted of; the Kandyan Provinces being what we obtained possession of in 1815; they extend from beyond the place called Annuradhapooru in the north, down to beyond Badulla in the south; and from Avisavelle on the west, to beyond Badulla on the east; those were the original Kandyan Provinces which we took in the year 1815. In the year 1833, after a Commission of Inquiry was sent to the island, of which Sir William Colebrook was the principal member, the Home Government came to the determination that it was expedient to break up the Kandyan Provinces as a distinct nation; and they divided the whole island into five provinces. The Maritime Provinces and the Kandyan Provinces were divided into five large provinces; parts of the Kandyan Provinces were attached to each; and the Central Province of course was the one comprising the central districts of the old Kandyan Provinces.

4258. Mr. Hawes.] Will you now describe the district in which the insurrection took place?—Those disturbances were chiefly confined to the districts of Matelle and Doombera in the Central Province, and to a part of Kurnegalle, in the North-western Province.

4259. Mr. Hume.] What is the population of Matelle?—I cannot say; it is a populous district.

4260. Mr. Hawes.] Is the Committee to understand you to doubt whether in those districts the priests and headmen were actively engaged in the insurrection?—There can be no doubt that no disaffection of the kind can exist to any great extent in any part of the country without the knowledge of the priests, and they must assist, or at any rate they could stop it.

4261. Have you any reason to doubt, from any information which you have, that the priests and headmen in that part of the country were active participators in the insurrection?—I think in a great measure too much political importance has been given to what took place upon this occasion; I believe a great number of the most active members of the insurgents were men from the low country, mere marauders. Since the establishment of coffee estates, a vast number of people of extremely bad character have settled all round the interior of the country, who would be ready to take advantage of any opportunity which might be afforded them for the purpose of plunder.

4262. Were the priests and the headmen implicated or not in this late insurrection, and that to a considerable extent?—I think the priests very probably were implicated.

4263. And the headmen?—I will not undertake to say that they were.

4264. Have you any information which leads you to come to that opinion which you can state to the Committee?—No, I have not myself.

4265. With regard to the opinion of the merchants in Colombo, and with regard to the opinions formed by the principal inhabitants and authorities in Kandy, can you state whether or not they considered that the proclamation of martial law tended to preserve the peace and tranquillity of the district?—If you ask me to state my opinion fairly to the Committee, I think the Committee ought to guard very carefully against supposing that the opinions of the coffee planters or the European

European settlers in any way represent the opinions of the natives, or that their interests are in any manner identical. One great difficulty in carrying on the government of Ceylon is the entire opposition between the interests of the natives and the European settlers who have now come into the country.

P. E. Wodehouse,
Esq.

19 June 1849.

4266. Were there any public meetings with respect to the proceedings of the Government in regard to the insurrection?—In Kandy there was.

4267. Have you read those proceedings?—Hastily.

4268. Was there a public meeting in Colombo, or any memorial agreed to, to be presented to the Governor, expressing any opinion on the part of any class of men there?—I attended at no meeting.

4269. Did you hear of any public meeting expressing an adverse opinion?—No; as far as I heard, the European residents took the same view in a great measure.

4270. By that I understand you to mean that they approved of the policy of the Government?—Yes; but I would rather refer to the papers before giving a positive answer upon these subjects.

4271. *Chairman.*] Do you think that the merchants living at Colombo could form a very correct opinion as to the state of the country in the Central Province?—I confess I do not, as to its political condition.

4272. *Mr. Hawes.*] You were in Colombo yourself, were not you?—I was.

4273. *Mr. Hume.*] Was there any meeting of the natives from which may be obtained their opinion of the proclamation of martial law?—I cannot recollect that there was at this moment, but it would of little value.

4274. Will you refer to the list of the names of those who were arrested and tried; from your knowledge of the language and the mode of designating the natives, will you state whether the majority of the people who were put on trial were what is called low countrymen or headmen, and chiefs of the districts?—I think many of those were low countrymen.

4275. Such as might have been induced, as you have stated, by the hopes of plunder to join in the mob?—Here is one man of very notorious character indeed, in the list of those tried by the courts martial, Poorang Appoo. That man was a notorious thief, a highway robber. At that very time there were rewards for his apprehension for other crimes.

4276. Are not a great many of the names of those who were tried men of that class, and not resident and fixed chiefs in the districts in which the insurrection took place?—I am not aware that there is the name of a chief in this list at all.

4277. *Mr. Villiers.*] Is there any difference between a chief and a headman?—They call them generally chiefs in the Kandyan provinces and headmen in the maritime provinces. Those who are numbered 26, in page 250, are petty head men; Koralle is the name of a certain rank.

4278. *Mr. Hume.*] A large proportion of those men are men whom you would designate as low countrymen of bad character?—There are some Kandyans also.

4279. *Mr. Gladstone.*] Are they generally men of low station?—I should think so.

4280. *Mr. Hume.*] Is it your opinion that that assemblage of people may have been brought together as much by speculation for plunder as for any other purpose?—I do not wish to be considered as going that length. I have stated that I think the priests were cognizant of it, and they would not promote anything for the mere purpose of plunder.

4281. Judging from the names of those who were brought to trial, might not the large majority have been brought together rather for the purpose of plunder than for political purposes?—Many might have come for plunder.

4282. What proportion of the original Kandyan provinces do the districts of Matelle and Kurnegalle form?—They cannot be more than one-fifth of the whole of the Kandyan provinces.

4283. Then supposing the whole of the two districts to have been affected; the disturbances extended only to one-fifth of the original Kandyan provinces?—I should say so.

4284. *Mr. Gladstone.*] Does that mean one-fifth of the local surface or one-fifth of the population?—Probably of the population. The insurrection did not extend to the whole of that district of Kurnegalle, which is a very large one.

P. B. Wodehouse.
Esq.

19 June 1849.

4285. Mr. Hume.] It has been stated to the Committee that there were in and around Kandy 60,000 men assembled; have you any means of judging whether that is a fair representation or not?—I have not the most distant idea how that was arrived at.

4286. Is it your opinion, from what came to your knowledge, that any such number could have been assembled?—No.

4287. Have you any means of knowing whether there were 16,000 stand of arms among the rioters?—No; I can have no idea how those calculations were arrived at, nor do I know when those calculations were made. I believe there is no reference to them in any of these papers.

4288. You have been at Matelle, have not you?—I have.

4289. Who was the magistrate at that time?—Mr. Waring.

4290. Is not Matelle a populous town, with shops and houses and public buildings?—Speaking of places in Ceylon, it is.

4291. Do you know what police establishment is maintained there?—I cannot say.

4292. Do you know whether any effort was made by Mr. Waring to collect the police and protect the public buildings, or call upon the inhabitants to protect the town against the mob?—I cannot say what was done.

4293. Are not you aware that Mr. Waring left Matelle to its fate?—I will not undertake to say under what particular circumstances Mr. Waring came away from Matelle.

4294. Are not you acquainted with what took place at the time that Mr. Waring left that town?—I am not sufficiently acquainted with the circumstances to say how far Mr. Waring was driven out of it.

4295. Are you aware that at those estates where the superintendents remained they were able to protect them against any plunder or attempt at injury on the part of the mob?—Undoubtedly, in some of the estates they did defend themselves; there was one estate which was defended by a native superintendent, who was rewarded by the Governor afterwards for so doing.

4296. Were not there many places in which they stayed, and which were defended by them?—There were such cases.

4297. Do you recollect the case of Blackmore, where the men were willing and ready to protect the property?—Yes; and I think the Malabar labourers, if properly managed, would resist the Kandyans at any time.

4298. Have you any doubt that if the magistrate at Matelle had collected the police, with such of the inhabitants as had property there, he might have prevented the destruction of public buildings which took place?—I cannot say that; the native police is not much to be depended on when it comes to a fight.

4299. Are you aware whether Mr. Waring made any resistance at all?—I do not know to what state things had come when he left the place.

4300. Are you aware that Mr. Buller states that Mr. Waring left on the approach of the mob?—I do not know anything of my own knowledge on the subject.

4301. Is it your opinion that any good defence against a mob such as appeared there might have been made if the police magistrate had done his duty?—I think that very much might be done at the outset against a native mob.

4302. Do you know who Loko Banda is?—He is by birth a Kandyan chief.

4303. Is he not the head of the police?—He was the head of the police in Kandy.

4304. Are you aware of a letter written by him to the secretary of the Governor, dated the 25th of July?—I heard the letter referred to here on a former day.

4305. The letter in which he states he had consulted Mr. Buller?—Yes, I saw that letter.

4306. From your knowledge of the communications, do you consider that to be an official communication?—Certainly not.

4307. Not being made to the secretary of the Governor?—I hardly recognise the Governor's private secretary as an official.

4308. If Lord Torrington sends it home to the Government here, as a document to influence their opinion and show the state of things there, do you consider it is not a document deserving the attention of the Committee?—I think that is for the Committee to judge for themselves; the Committee can come to any conclusion they think proper respecting it.

4309. Has

P. E. Wodehouse,
Esq.

19 June 1849.

4309. Has there been any change made in the practice with respect to communications being made to the private secretary of Lord Torrington, from the practice under preceding Governors?—Sir Colin Campbell had no private secretary.

4310. Should not all such communications have gone to the secretary to the Government?—All official communications do go to the colonial secretary.

4311. Do you consider that Loko Banda was not in an official situation, so as to make his communication an official one?—It was open to Loko Banda to have written officially to the colonial secretary at the same time that he wrote a private note to Mr. Barnard.

4312. No such public letter having been received, are we warranted in thinking he did so?—He may have done it, or he may not.

4313. Sir R. Peel.] You said that in your opinion there could be no general insurrection or conspiracy of the natives without the cognizance of the priests?—I think certainly not.

4314. You do not think it likely that an insurrection could be successful unless the priests had direct participation in it?—I think not.

4315. In this case do you think the most influential of the priests did give their sanction to the late outbreak?—I cannot say that I do think so, because the priests are a very organized body, and they act in almost all measures of this kind very much in combination with each other; they move very extensively through the country, and anything that they would like to undertake of this kind would be spread through the whole country. I cannot say that I have seen anything to lead me to suppose that the other parts of the Kandyan country were in any manner at all prepared to rise; therefore I do not think the priests, as a body, were active promoters of the insurrection.

4316. I will read to you a passage from a despatch of Lord Torrington, dated the 14th of September 1848. Lord Torrington in that despatch says: "An influential priest, who was convicted of administering treasonable oaths in favour of the pretended king, was shot at Kandy in full robes. I find only one similar instance of the execution of a priest, which occurred in the insurrection of 1823, when a priest was hanged for high treason; several, however, were transported on former occasions." In a more recent despatch from Lord Torrington, which was dated the 17th of April 1849, and received on the 5th of June 1849, Lord Torrington sends home some information with respect to the character and position of the priest who was described in the first despatch to have been an influential priest, and had been shot in full robes. In the last despatch one of the witnesses states: "The man who was shot was not an ordained priest. I do not know who he was. I consider he must have been a vagrant, and perfectly unconnected with our priesthood." That is the evidence of the chief priest of Asgeri Vihare of Kandy. Which of those should you think to have been a correct description of the priest; the first despatch, which states him to have been an influential priest, or the second account, namely, the account of the chief priest of Asgeri, who says that the man that was shot was not an ordained priest, but probably a vagrant?—I never before heard that there was any doubt of that man having been a priest.

4317. Are you aware that the priests have two kinds of robes, the one their ordinary dress, and the other the full robes in which they officiate?—I think that is a very unfortunate word, "full robes," as introduced into the despatch. My belief is, that the man was shot in his ordinary dress that he wears as a priest, and that he was not dressed in any extraordinary dress for the occasion at all.

4318. You believe this person, who is the second chief priest of Malwatte, who says that the priest was not shot in his robes, but that he had his common dress on at the time, and that he was shot in the same dress?—I do; I think that is what really took place. I believe he was shot in his dress as a priest.

4319. It is said by this priest, "When we officiate we wear our dress in a different manner; when we are at home, or going about, in another manner." The dress in which he was shot, according to your impression, was not the full robes in which he officiated, but the ordinary dress which he wore every day?—Yes; and I think that his object was to be shot in the dress of a layman.

4320. Chairman.] Is not it the fact that the person of a priest is considered sacred among the Budhists?—They always show the greatest possible respect for them; no Budhist native of any rank will sit down in the presence of a priest without his permission.

4321. Is not it the case, that in the event of a priest being accused of a crime he is divested of his priestly character by having his dress taken from him, and that

P. E. Wodehouse,
Esq.

19 June 1849.

he is then handed over to the civil power?—I will not undertake to say that I have known such a thing done; I have heard that that is what they wish, but whether it has been done I will not undertake to say.

4322. Mr. Gladstone.] Did you ever know the case of a priest being treated otherwise than that?—I cannot say.

4323. The Committee is to understand that the priests have a costume which they wear upon ordinary occasions, apart from laymen?—Yes; no priest can at any time be mistaken for any other person; they wear a plain yellow robe.

4324. Besides that they have another costume in which they generally officiate?—A fuller dress.

4325. Are you cognizant of the facts as to the dress in which this man was shot?—I am not cognizant of them myself.

4326. I do not mean from having been an eye-witness to them, but do you know in what dress it was that he was shot, or do you only gather and infer it from what you have seen in the statements which have been made?—I do not think any question ever arose, or was discussed in the colony, as to whether he was shot in his full robes, till it was noticed in Parliament.

4327. You have no doubt he was shot in the yellow robe, which was not the full dress which he wore on religious occasions, but which yellow robe was his ordinary distinctive dress as a priest?—Yes.

4328. Are you able to form an opinion upon the subject whether the priests and the population generally would feel it very much as an indignity that this priest should have been shot in his sacerdotal dress?—I cannot say how far they would attach importance to that fact, but I think they would look upon it as a very serious matter the shooting a priest at all.

4329. You do not think that would be much aggravated by his being shot in his dress as a priest?—I do not.

4330. Therefore it was more a feeling for the individual than as to his being shot in a particular dress?—I think so.

4331. Chairman.] Are the Committee to understand that this man did express a wish not to be shot in the dress of a priest?—I have heard so.

4332. Mr. Hawes.] Have you had your attention called to the notes of the evidence taken before Mr. De Saram respecting the execution of the priest in Kandy?—No.

4333. This passage occurs in it: "If a priest be disrobed by the heads of his order he then cannot wear his priest's dress. The man having been shot in his yellow dress is no shame to us; we do not consider that any indignity to our order was intended by that circumstance; our priests and Buddhists do not murmur against it. When we officiate we wear our dress in a different manner; when we are at home, or going about, in another manner." That is the evidence of the second chief priest of the Malwatte Vihare?—Yes; Malwatte Vihare and Asgeri Vihare are the two colleges of the priests.

4334. Would that be an opinion entitled to weight upon a question of this kind?—No person could give a better opinion than the chief priests of either of those two vihares.

4335. Therefore it is an opinion of weight and authority upon a point of that kind?—Yes.

4336. Mr. Villiers.] Have the priests more than one dress?—Yes, they have a full dress which they wear occasionally.

4337. Mr. M'Cullagh.] Supposing it were true that this man were an impostor, would that in your mind explain his wish to throw aside the assumed dress he had worn, in order that when he was going to be shot he should not degrade the priesthood whose authority he had usurped?—No.

4338. Sir R. Peel.] The same priest, in the same evidence which has been read to you, states that "he had his common home dress on at the time; he was shot in the same dress; he was not shot in his robes, but in his common yellow home dress. A priest would rather prefer to be executed in his robes than in a layman's or any other dress. If a priest be disrobed of his order, he then cannot wear his priest's dress. The man having been shot in his yellow dress is no shame to us; we do not consider that any indignity to our order was intended by that circumstance; our priests and Buddhists do not murmur against it. When we officiate we wear our dress in a different manner; when we are at home, or going about, in another manner," When this second priest says that "the man having been

147

P. B. Wodehouse,
Esq.

19 June 1849.

been shot in his yellow dress is no shame to us," it does not justify the inference that if he had been shot in his full robes as a priest, the general body of the priests would not have felt it to be an indignity?—I dare say not.

4339. Mr. *M'Cullagh*.] With respect to his preferring to be shot in a layman's dress, to what do you ascribe that; either he was an impostor, as I understand the statements which have been read to you, or he was not?—I never heard that he was an impostor till a day or two ago, or even that there was an idea that he was.

4340. Does it strike you that the story becomes more intelligible, that if he was an impostor he should wish to throw aside his usurped dress?—Not at all.

4341. *Chairman*.] You were aware of the charge for which he was shot, were you not?—I have seen it here.

4342. If he had not been a priest the charge could not have been proved against him, because the charge was, that as a priest he officiated in administering an unlawful oath?—I think that is very immaterial, because the Governor, in his previous despatches, distinctly laid stress upon his having been executed as an influential man and as a priest; and if not, there was no particular occasion for taking any notice of him. He is brought forward in the correspondence evidently as a man of consequence, and for that reason he was made an example of. Therefore, I do not see that it alters the position of the matter at all if he should turn out to have been an impostor now.

4343. Mr. *Hume*.] Is not it a matter of importance when the Governor brings forward an individual, and states that he was executed as a man of importance, and evidence afterwards comes forward to say he was an impostor, and not a man of consequence?—As far as I see, it has no effect upon or bearing upon the Governor's conduct at the time. The Governor at the time thought him to be a genuine priest, and he was executed as such.

4344. Do you know anything of the court martial which sat upon the priest; are you aware of the way in which it was conducted?—No.

4345. Are you aware whether the Queen's Advocate was present upon the trial?—I believe not in an official capacity.

4346. Did you never hear in Ceylon that the Queen's Advocate had waited upon Lord Torrington to solicit his pardon or a remission of the sentence?—I have heard so.

4347. Did you not hear that he had been present at the trial, and had great doubts as to the truth of the evidence against him?—I have heard so.

4348. And did you hear also that Lord Torrington told him it was no business of his to interfere?—No, I never heard that he told him that it was no business of his to interfere.

4349. Did you ever read that statement in the newspaper?—I have read it in the "Observer" newspaper many months ago.

4350. Mr. *M'Cullagh*.] What was the general impression with respect to the evidence against that man; was it the general impression that it was true?—No, it was the general impression that it was not true. I think the evidence was reported in the newspaper.

4351. Mr. *Hawes*.] What was the nature of the doubt which was entertained?—That the witnesses were not to be believed.

4352. *Chairman*.] Were not there two witnesses against the man, a father and a son?—So I understand.

4353. Were not they both candidates for Government employment?—That I do not know.

4354. Those were the only witnesses against that party?—I believe so.

4355. Mr. *M'Cullagh*.] What was the condition in life of those men?—They were persons of a certain condition, as natives.

4356. Sir *J. Hogg*.] You say the evidence was reported in the public papers; were the proceedings of the courts martial which were held under martial law public?—The court was an open court.

4357. Anybody might go into the court?—I believe so.

4358. And hear and report the evidence?—I believe so.

4359. Mr. *M'Cullagh*.] How soon after the trial was the man executed?—I think it was the next day. He was tried on the 25th of August, and he was shot at seven o'clock in the morning of the 26th.

4360. Not 24 hours after?—No; that is to say, supposing this return to be correct; I have no other information. This return states that the date of the trial

P. E. Wodehouse,
Esq.

19 June 1849.

was the 25th of August, and there is a remark that the sentence was carried into effect at seven o'clock in the morning of the 26th of August.

4361. Mr. *Hawes.*] I understand you to say that the court was an open court?—Yes.

4362. And the evidence appeared in the newspapers?—I am not sure, but I think so.

4363. It was an open court, to which the public had free access?—Yes.

4364. Do you happen or not to know whether there was any one appointed to defend the priest?—I do not know anything of the actual details of the proceeding.

4365. Mr. *Hume.*] Is it your opinion that this individual, shot in his robes as a priest, was not a priest, and was not an individual of any importance?—I have stated that I never heard before that he was an impostor.

4366. Sir *J. Hogg.*] You believe he was a priest?—I believe he was a priest.

4367. You believe him to have been that which he is represented to have been?—Yes.

4368. Mr. *Hume.*] Was Lord Torrington at Kandy at the time of the trial?—Yes, he was.

4369. Do you know whether he sanctioned the sentence?—I do not think that any of those sentences were sanctioned by him.

4370. By whom were they sanctioned then?—I cannot say.

4371. Sir *R. Peel.*] Lord Torrington in the first despatch reported that this was an influential priest; do you think that he drew that inference from the evidence which was given against him before the court-martial?—No; what made me think that the evidence was in the newspaper is, that I have a vague recollection of having read the evidence somewhere myself in print. I think the evidence only went to bear upon what took place between the two witnesses and the priest upon that particular occasion as to the administration of this supposed oath. I remember so far that the witness stated that he took the oath with a mental reservation of his allegiance to the Queen; therefore I must have seen it somewhere.

4372. Mr. *Hume.*] Are you aware that Lord Torrington, in his letter of the 14th of April 1849, says, "If he were a priest at all, he must have been one of a very inferior order, as he was quite unknown to the heads of the two principal establishments, to whom all other priests are subordinate?"—The Honourable Member is putting questions to me upon those papers; I have never seen them.

4373. Before you left Colombo, were not you aware that that was the general opinion, that the man, if he were a priest, was a priest of a very inferior order, and not known to the heads of the two principal establishments?—No, I never heard any opinion expressed about him as to whether he was an influential priest or not. It was never, in my hearing, particularly discussed as to what rank he held among the priests.

4374. Mr. *Wilson.*] But he assumed the garb of a priest?—He did.

4375. And, therefore, publicly claimed the character and influence of a priest?—Yes.

4376. *Chairman.*] Is not it possible that the priests may now disclaim any knowledge of him, fearing to implicate themselves?—Very likely.

4377. Sir *J. Walmsley.*] They are very jealous of the character of their order, are not they?—Yes; and I do not think they would allow any man to go about as a priest without its being known and stopped by them.

4378. What do you think is the meaning of this expression in the passage which Sir Robert Peel read to you: "A priest would rather prefer to be executed in his robes than in a layman's or any other dress?"—I do not know; that is contrary to my impression of what they would wish.

4379. Mr. *Hume.*] Do the members of the Executive Council see all the despatches from the Secretary of State?—Certainly not.

4380. Do not you consider that they have a right to see them?—As the Queen's instructions stand they have no right, and consequently are not responsible for anything that the Governor does not bring before them. They cannot call upon him for anything, and therefore they are not responsible for anything, unless he brings it before them.

4381. Do they take the Governor's statement of the Secretary of State's wishes on all subjects which he brings forward?—If the Governor refers to the Secretary of State's opinions, he probably will put that particular despatch, or any particular

19 June 1849.

cular despatch in question, before them, otherwise it would be quite open to a member to say, I do not know what the Secretary of State's opinions are, therefore I do not hold myself bound by this mention of them.

4382. Is it your opinion that all public despatches from the Secretary of State, upon matters referring to the government of the colony, should be laid before the Executive Council?—I think so, certainly. Looking to the degree of control which the Secretary of State possesses over all measures affecting the colony, I do not see how the Government can go on satisfactorily unless the despatches and all other correspondence pass through the Executive Council, reserving to the Governor, on his own responsibility of course, if he pleases, the power of writing confidential despatches in his own name.

4383. Mr. *Hawes*.] And of receiving them?—And of receiving them; but all business in the shape of public correspondence on both sides should go, I think, before the Council.

4384. Mr. *Hume*.] Is it your opinion that records or minutes should be kept of all the proceedings in the Council, on matters which are brought before them, with a view of affording information, if necessary, to the Home Government?—Yes.

4385. Has that been done during the time that you have been in the Council?—If the business were properly conducted, in my view the minutes of the Council would go home to the Secretary of State with the despatch bearing upon the subject.

4386. Where a difference of opinion prevails, are you aware that any mode is pursued of recording the opinions of the Executive Council?—The members can record their own views, as I said before.

4387. Of your own knowledge, they frequently do?—They do occasionally, when they think it right.

4388. Are those minutes sent home to the Secretary of State?—They must go at the end of the six months.

4389. Are the Committee to understand that as a regular matter of duty all the proceedings every six months must be sent home?—Yes. Where the thing is defective, in my opinion, is, that there is no safeguard that the Governor sends the minutes of the Council with his own despatch. The matter in question may be disposed of by the Secretary of State two or three months before the other minutes get home to England.

4390. The Committee understand you to state, that in order to put the Secretary of State in possession of the opinion of the Executive Council, the minutes of proceedings ought to accompany the letter of the Governor communicating the result?—Upon each particular subject.

4391. Are you aware that the practice in India is, that upon every question, of whatever nature, on which the Governor sends home a despatch, he accompanies it with a statement of the difference of opinion which may have existed, and the documents connected with it?—Yes; and there, I believe, the members of the Council sign the despatch as well as the Governor.

4392. Do not you conceive that that would be a very proper system to be adopted in Ceylon?—I do not see that it is necessary that they should sign the despatch; the despatch may contain the Governor's own views, provided the other minutes go with it at the same time.

4393. Mr. *Hawes*.] Are you applying those observations to the Legislative Council as well as to the Executive Council?—No; entirely to the Executive Council.

4394. Sir *J. Hogg*.] You said that all the despatches of the Colonial Secretary are not always laid before the Executive Council; will you state what the practice is? Is it the usage to lay all despatches before the Executive Council, except where they are of a particularly confidential character?—No; the rule is not to lay them before the Executive Council. The exception is to lay them before them.

4395. The rule is not to lay them before the Council; the exception being to lay them before the Council?—Yes.

4396. Major *Blackall*.] Is it usual to lay the despatches relating to the subject under discussion before the Executive Council?—No. Very often matters might come under discussion in the Executive Council, brought before it by the Governor, the Council not knowing whether any previous communications had passed between him and the Secretary of State.

P. E. Wodehouse,
Esq.

19 June 1849.

4397. Is it competent for any member of the Executive Council to move for such despatches?—He may not know of such being in existence.

4398. *Mr. Wilson.*] May not he move for any paper which he knows to be in existence?—He may.

4399. But he may not move generally for any despatches which relate to any particular subject?—If he knows they exist he may.

4400. If they do not exist the only answer to his motion would be, there are none: but is it competent for any member of the Council to move generally for papers in the possession of the Governor relating to the subject under discussion?—I have no recollection of a member moving for despatches unless the Governor had made some reference to the opinions of the Secretary of State upon any particular subject. The despatches have always been considered the property of the Governor and the Secretary of State.

4401. *Mr. Hume.*] When you were clerk to the Council, or acting colonial secretary, did you, as a matter of duty, send home regularly every six months the whole of the proceedings of the Executive Council?—Yes. I do not wish the Committee to suppose that they were sent on the day that the half year closed, but they were sent as soon as they could be copied.

4402. The Governor has a private secretary; is he in the civil service?—I do not think he is; I do not think it is one of the situations comprised in the civil service.

4403. *Sir J. Hogg.*] Do the members of the Executive Council see the despatches addressed by the Governor to the Colonial Secretary?—No.

4404. Then when they do see them, is that also an exception rather than the rule?—Yes.

4405. No despatches which are received or despatches which are written are submitted to the Executive Council, except at the discretion of the Governor?—None, unless the Secretary of state writes to say, You will lay this before the Council.

4406. Is it usual, when the Secretary of State desires that the despatch should be submitted to the Executive Council, that he should express that wish in the body of the despatch?—Yes.

4407. Then it would seem from that to be understood that it is not the duty of the Governor, as a matter of course, to submit a despatch to the Executive Council?—That is my impression; I cannot suppose that the Colonial Office have been ignorant of this, because the course of business must have made them acquainted with it; therefore I do not think any blame is to be attached to the Governor at all.

4408. It is the established usage?—It is the established usage, but I have no doubt that it works very prejudicially.

4409. You think it would be for the good of the public service that that usage should be altered?—Yes.

4410. *Mr. Hawes.*] With regard to the minutes of the Executive Council, are you now speaking?—Yes; all this applies to the minutes of the Executive Council.

4411. *Mr. Hume.*] Will you state what are the duties of the private secretary of the Governor?—The duties of the private secretary are to conduct the Governor's private correspondence, and to arrange his papers, and matters of that kind.

4412. It is his duty to carry on correspondence with the Secretary of State?—I should consider not.

4413. Or with any public officer or members of the Executive Council?—Not that I am aware of.

4414. Then he has no public duties to perform connected with the Government?—No public duties; I think he is an officer entirely for the Governor's own use, and to assist him in carrying on his own duty.

4415. Has he any establishment under him?—No.

4416. Is the result of your examination that the Governor has the power in his own hands, and is alone responsible to the Secretary of State for what he may communicate to the Council, or what he may consult them upon or not?—Yes.

4417. And that has been the general practice?—Yes; I am not speaking of Lord Torrington or any individual Governor at all.

4418. *Lord Hotham.*] You have stated that the predecessor of the present Governor had no private secretary?—He had not.

4419. If

P. E. Wodehouse,
Esq.

19 June 1849.

4419. If it has been stated to this Committee that Lord Torrington has adopted the practice of communicating with the Government agents, through his private secretary, instead of through the Colonial Secretary, are you able to tell the Committee whether there is any foundation for such a statement or not?—The Governor of course frequently communicates with a Government agent by means of his private secretary, as with all other persons; his writing through his private secretary would be much the same as if he wrote himself, and I should not hold it as an official communication; I should not hold any order I received from the private secretary as an official order at all; if I acted upon it, it would be upon my own responsibility.

4420. *Mr. Hawes.*] Any official order you would require to be signed by the Governor himself?—Official letters are signed by the Colonial Secretary by direction of the Governor. Warrants are signed by the Governor, and countersigned by the Colonial Secretary.

4421. *Mr. Hume.*] Is it the public duty of any officer to see that the Secretary of State is informed of all matters which pass in the Executive Council?—No, it is the Governor's duty; nobody else communicates with the Secretary of State.

4422. *Mr. Hawes.*] The instructions being addressed to the Governor?—Yes.

4423. *Mr. Hume.*] Have you also been a member of the Legislative Council?
←Yes.

4424. When a measure has been determined on in the Executive Council, are all the members of that Executive Council bound to support it in the Legislative Council?—That is a matter which has been very often discussed, and is attended with considerable difficulties. The question was brought to the notice of the Secretary of State by Sir Colin Campbell, when Lord John Russell was Colonial Secretary. There is in the colony a long despatch from Lord John Russell, stating his views upon that subject.

4425. What is your view of the course which would be for the good government of the colony?—So far as the members of the Executive Council are concerned, I think the rule laid down by Lord John Russell was a very fair one.

4426. What was that rule?—Lord John Russell admitted the difficulties of dealing with the case, that it was one to be treated with considerable delicacy, and that upon all minor matters he saw no objection to the members of the Executive Council expressing any difference of opinion as freely as they pleased in the Legislative Council; he even looked for advantage from this free expression of opinion, inasmuch as it would give greater weight to their concurrence when acting together; but he laid down that upon all matters of importance, if a member of the Executive Council dissented from the Governor and from the majority, he was at liberty to remain neuter, that is, not to vote at all in the Legislative Council; and that if his opinion was so strong that he could not be satisfied with that, but felt compelled to vote against the Governor, he ought to resign, trusting to the Governor to give him another appointment. So far as the last part of Lord John Russell's opinion goes, I am not prepared to say that I would do so; I would not resign.

4427. Has not Lord Grey sent orders pointing out a different course; has he not in his despatch directed that it is the duty of the members of the Executive Council on all occasions to forward the objects of the Governor, and to vote with him?—Lord Grey's despatch applied not only to the members of the Executive Council, but to all the official members of the Legislative Council. There was a difference of opinion in the colony respecting the construction of Lord Grey's despatch. I do not think it did bear that interpretation, that they must vote with the Governor.

4428. What was the interpretation of that despatch, according to your understanding?—Lord Grey states that the official members might express their views in opposition to any measure of the Governor as freely as they pleased in the Legislative Council, and that if the Governor, in opposition to those views, persisted in going on with the measure, then they were not to oppose him, but they were to enable him to carry the measure upon his own responsibility. I understood Lord Grey to mean that they were not to vote; and if the Governor could carry it by a majority of his own, he was at liberty to do so. Other parties in the colony interpreted it to mean that they were to vote for it after having spoken as much as possible against it.

4429. Under the late instructions from Lord Grey, is not every member of the Executive Council bound to vote with the Governor in the Legislative Council?

P. E. Wodehouse,
Esq.

19 June 1849.

—I do not think that Lord Grey's instructions, as I recollect them at this moment, are to that effect.

4430. Mr. *Wilson*.] You appear, from what you have stated, to think that Lord Grey's instructions were similar in their spirit to those of Lord John Russell?—I do not remember that Lord Grey takes up the question of the Executive Council at all; he simply expresses an opinion upon the position of the official members of the Legislative Council.

4431. Your understanding of those instructions is similar to your understanding of Lord John Russell's instructions with respect to the Executive Council?—Yes; no opportunity has occurred since Lord Grey's despatch came out, of ascertaining whether that is the case or not.

4432. Mr. *Hume*.] You have been an *ex officio* member of the Legislative Council since then?—Yes.

4433. For what period have you been a member of the Legislative Council?—I have been either Clerk to the Councils, or a member of one or both ever since they have existed.

4434. With regard to the various Ordinances which lately passed respecting taxation, were you, as a member of the legislative body, at liberty, or did you express your own opinions and act differently from the Executive Council?—Upon many parts of the Stamp Ordinance I acted upon Lord John Russell's despatch, and did not vote.

4435. You did not consider yourself at liberty to vote against it, though your opinion might be against it?—The Government lost the benefit of my vote upon that occasion. I abstained from voting.

4436. Do the members take any oath upon taking their seat, either in the Executive or the Legislative Council?—In both.

4437. What is the nature of the oath?—In the Executive Council the principal oath is, that you will not divulge any business which takes place without the permission of the Governor, and that you will do your duty to the best of your judgment.

4438. Do not you consider that the rules laid down are rather at variance with the oath. If you are bound to deprive the Governor of the benefit of your vote after the oath you have taken, is it not rather a departure from the principle of that oath?—No; I think a person takes the oath as an Executive Councillor to do his duty to the best of his judgment. In deciding what your line of duty is to be, I do not think you are to take it upon any one fact; but upon whether that general conduct is most likely to be beneficial to the colony.

4439. After the oath you have taken, do you consider yourself at liberty to reserve your vote upon any question which is brought before you by the Governor?—My construction of reserving my vote almost amounts to voting against it.

4440. Do you consider yourself bound to obey the order of Lord John Russell or Lord Grey in contradistinction to the oath you have taken?—Practically speaking, I do not consider Lord John Russell's or Lord Grey's interpretation at variance with the oath.

4441. Mr. *Wilson*.] If a case arose of such importance as that the opinion you had of your public duty rendered it necessary for you to vote against the Governor, you would probably consider, in pursuance of Lord John Russell's instructions, that it was your duty first to resign your office?—I would not quite obey Lord John Russell there; I would not resign my office. Lord John Russell says I must trust to the Governor to give me something else; but that would be rather hazardous. If I voted against the Government, of course I should take the chance of being removed from my office; and in that case, instead of my resigning, and throwing myself upon the mercy of the Governor, the Governor would have, under his instructions, to suspend me from office, and he would have to give his reasons. Therefore I should be in a much better position for defending myself than if I had resigned.

4442. You would not feel yourself precluded, in the case of any measure to which you attached great importance, and upon which you felt it to be your public duty to vote against the Governor, from doing so?—No; and that would be acting upon the strict letter of the oath.

4443. Lord *Hotham*.] You have voted against the Governor in the Legislative Council, have not you?—Yes.

4444. In the debate which took place on the 6th of November 1848 it would appear that you differed from the Governor, and maintained that difference of opinion

opinion with your vote?—I was not then in the Executive Council. The Governor, if I recollect rightly, said that it was an open question.

4445. *Mr. Hume.*] Are the Committee to understand that if the Governor had not stated that it was an open question you would not have ventured to vote against him?—Then I should have acted upon Lord Grey's despatch, and should not have voted at all.

4446. Did you ever make any remonstrance against that order of Lord Grey?—No, I consider there is nothing in it to remonstrate against. Taking my construction of Lord Grey's order, I think it is a very fair one.

4447. What is your construction of it?—That I may abstain from voting after having stated everything that I may have to state against the Governor's policy.

4448. You consider that Lord Grey's despatch leaves you at liberty not to vote?—Yes.

4449. But you do not consider yourself at liberty to oppose the Governor?—That is my interpretation of Lord Grey's policy. And I beg to observe, that I think the power of prohibiting members from voting ought to be exercised by the Governor with very great caution, and very great judgment; and that unless upon a matter in which his whole policy is at stake, he ought not to dictate which way the members ought to vote.

4450. That order is dated the 18th of May 1848, Downing Street?—Yes.

4451. You were in the Legislative Council when the order arrived?—Yes.

4452. Did the other members of the Legislative Council entertain the same opinion as yourself?—Some did not; some people put a different interpretation upon it; they inferred that Lord Grey meant that they must vote with the Governor, but practically it was never tested.

4453. Do you consider that order of Lord Grey to be unusual and improper?—No; looking at the fact that we are servants of the Crown, and with the interpretation which I put upon it, I do not.

4454. Were any steps taken collectively by the members of the Council when that order was read?—No.

4455. Have you in consequence of that order abstained from moving any amendments which you would have moved had you been left to your own discretion?—Not any, to my recollection.

4456. Have you abstained from voting upon any measure?—No.

4457. No such occasion has arisen?—No.

4458. Have you never in the Legislative Council opposed any of the measures brought in by the Governor?—Yes, I did, in Sir Colin Campbell's time.

4459. Have you in Lord Torrington's time?—No, I do not recollect having made any distinct opposition, except in the case to which Lord Hotham has referred, as to the Ordinance for amending the Road Ordinance. In that case two of the members of the Executive Council took the same view as I did, though they afterwards voted as members of the Executive Council with the Governor.

4460. Do you not consider that by allowing all the members to vote according to their unbiassed judgment there would be a better chance of measures passing with advantage to the community than under the system by which they are compelled to vote with the Governor?—With that view carried out to its extreme consequences I do not see how the Government could go on.

4461. In the other colonies does not a difference of opinion frequently exist among the members of the different councils, and are not they able with a majority to carry a measure which may be proposed, and might not the same take place in Ceylon?—But in those cases they may not be all persons holding office under the Crown. In the case of Ceylon all the official members are persons holding office under the Crown, and depending for their livelihood upon the incomes which they get from their official position.

4462. If you are not allowed to express your honest opinion, the public lose the benefit of any unbiassed advice which you might think fit to give?—Taking the views laid down by Lord John Russell and by Lord Grey, I think it is open to us to express our opinions. The right of voting and the right of expressing an opinion are two distinct things in my opinion.

4463. *Mr. Hawes.*] The right of expressing your opinions has been freely exercised, has it not?—Yes.

4464. *Sir J. Hogg.*] Have you not the right of expressing your opinion and recording it in the Executive Council before the question comes before the Legislative Council?—Yes, if you are a member of the Executive Council.

P. E. Wodehouse,
Esq.

19 June 1849.

4465. Mr. *Hume.*] If, as a member of the Legislative Council, you do not oppose any measure, is not the Governor at liberty then to report the measure as an unopposed measure, and is not that calculated to deceive the Secretary of State?—There may be measures in which it would be very prejudicial and improper for a Government servant to lead an opposition.

4466. Is not that a reason why a Government servant ought not to form any part of the Council?—I am perfectly certain that in Ceylon a Council composed without public servants would be of no use whatever.

4467. Of what use is a Council composed of public servants who cannot express their opinions by their votes?—If it comes to the extreme case, that a man in his conscience thinks he must vote, he can vote.

4468. But as you say he would be liable to be dismissed, or be obliged to resign?—And then the Governor must give his reasons for the suspension or dismissal of that member, and a Governor's suspension is not final; it comes before the Home Government subsequently.

4469. Is it right that any man should be prevented by his interests from giving his vote honestly on any question which may come before him?—I do not think that with safety, or as a matter of expediency, it can go much further; I think a Governor, dismissing a public servant for voting against him, unless he had an extraordinary strong case, could not sustain it.

4470. In point of practice do not the official members of the Council vote together?—I think so far from that, my experience of the Legislative Council leads me to say that by far the greater number of discussions have originated with the official members of the Council. The objections to measures and discussions upon them originate far more with the official members than with the unofficial members.

4471. What opportunity has the Secretary of State of knowing your own opinion, for instance, if adverse to any part of a measure, if you do not record your vote against it?—I am not saying that the machinery by which the Secretary of State is informed of anything is by any means perfect; I was only confining myself to the degree of liberty to be given to the public servants of the Crown as to voting against the measures of the Crown; if the machinery were improved as to communication with the Secretary of State, then there would be no particular danger that I see in the restriction upon voting, because the Secretary of State, seeing that members abstained from voting, would be just as well informed that they dissented, as by their names being put down on paper on a division.

4472. Mr. *M'Cullagh.*] With regard to the conduct of the members of the Executive Council, and with respect to the utility of their speaking, but not voting, is not there this obvious utility, that they consult and discuss with the Governor, although when they come to action they may not be at liberty to act contrary to him?—There is nothing to prevent the Governor from bringing an Ordinance before the Legislative Council, without any previous consultation with the Executive Council at all.

4473. When the Governor does bring a question before the Council, and invites their opinions upon it, is not there utility in having the question so discussed, although those members who give their opinions, sometimes differing from that of the Government, do not feel themselves free to vote, and thereby to embarrass the action of the Government upon the question?—Of course there is great utility in those discussions; but it does not go far enough.

4474. Major *Blackall.*] Am I to understand you that the Government can originate measures in the Legislative Council which have not been discussed in the Executive Council?—Yes.

4475. Mr. *Hume.*] Are the Committee to understand you to state, that upon all occasions when the Governor sends home an Ordinance, he ought at the same time to send home a statement of all the objections which have been made by the members of his Council?—I think, undoubtedly, looking to the responsibility thrown upon the Secretary of State of confirming or disallowing an Ordinance, he ought to have everything before him.

4476. If he has not had such an advantage, may not he have been led into error in the decisions which he has come to by imagining there to have been unanimity when a difference has really existed in the colony?—He may have been, of course.

4477. You would approve of an amendment of that system?—Yes.

4478. Mr. *Hawes.*] By amendment I understand you to mean, that the members

133

P. E. Wodehouse,
Esq.

19 June 1849.

bers of the Legislative Council should record by minute their dissent, and that those dissenting minutes should be sent over with the despatch of the Governor, recommending any particular measure?—I think some good may result from having a report of the proceedings, and that going home as a matter of course with the Ordinance.

4479. Do you mean a report of the debate?—Of the debate.

4480. Not the recorded minute?—No, that is a most unmeaning thing ; it contains nothing.

4481. Sir *J. Hogg*.] Would not the Secretary of State know that an official member was opposed to any public measure, when he saw that that official member declined voting?—Of course he would. The lists of divisions are taken down, and if a person declines to vote under the authority of Lord John Russell's or Lord Grey's despatch, it ought to be so recorded.

4482. That does appear, does not it, upon the minutes of the Legislative Council now?—The names or offices of the members are taken down.

4483. Therefore it would appear whether a member voted or abstained from voting?—I am not sure as to abstaining from voting ; he might be simply left out.

4484. Major *Blackall*.] That might arise from accident?—Yes. In the Legislative Council, a question is put to the vote ; the ayes are so many, and the noes so many.

4485. Mr. *M'Cullagh*.] Do you think it important that the Secretary of State should not only know that some persons have abstained from voting, but the reasons why they have abstained?—Yes.

4486. Therefore a report of the debate would be requisite as much as the minutes?—Yes.

4487. Sir *J. Hogg*.] Would not the minutes of the Executive Council give the Secretary of State the information you mention?—They would, as to the discussions in the Executive Council.

4488. Is not it the usage of a member of the Executive Council, when he differs from the Governor, to record a minute stating the ground of the difference of opinion?—Yes, in many cases, if it is of importance.

4489. Major *Blackall*.] Are all the proceedings of the Legislative Council taken down at the time by any reporters?—No, the clerk of the council keeps his note of what goes on.

4490. Mr. *Hume*.] Under former Governors, was not there a short-hand writer, and a report of the discussions that took place published?—Yes.

4491. When was that put an end to?—Lord Torrington did not put an end to it ; the Secretary of State would not pay him.

4492. When did it virtually cease?—Only a few months ago, I think.

4493. Has there been any official report published of the discussions since Lord Torrington went there?—I do not think there has.

4494. Mr. *Hawes*.] The discussions have been published, have they not?—The discussions which are published are very imperfect, unless the members send their own reports.

4495. Mr. *Hume*.] Formerly, was not there an official report?—The Government paid a person for taking down a report.

4496. Mr. *Hawes*.] Take the debate upon the Road Ordinance, which is in the blue book before you ; does that contain a tolerably faithful report of what passed?—Yes ; in that case members took care to see that they were properly reported in some newspaper.

4497. I wish to call your attention to clause 16 of the Instructions, and to ask you whether it is acted on: "Provided nevertheless, and it is our pleasure, that if any member of the said Legislative Council shall deem any law fit to be enacted by the said Council, or any question fit to be there debated, and shall of such his opinion transmit a written statement to you, it shall be lawful for any such member of the said Legislative Council to enter upon the minutes thereof a copy of any such statement, together with the reason upon which such his opinion may be founded." Is that ever acted on?—I know of one instance in which it was acted on ; there is nothing to prevent its being acted on.

4498. Mr. *Hume*.] Were you a member of the Executive Council when the new Tax Ordinances were introduced?—Yes.

4499. Were you in favour of them, or of which of them did you approve, and which did you oppose?—I opposed some of them. I was not in favour of the

P. E. Wodehouse,
Esq.

19 June 1849.

tax upon dogs, nor of the shop tax; those were the principal ones that I opposed; there were others brought forward together with them.

4500. Were you in favour of the gun tax?—I was not so much opposed to that, as regards the principle of registration.

4501. Were you opposed to making it an annual tax?—I did not at first anticipate the same difficulties.

4502. Did you abstain from voting in any of those cases?—Most of those taxes were first of all included in a draft of the Stamp Ordinance in the shape of licences; at first there were also several others; there was a tax upon notaries, a tax upon advocates and proctors, a tax upon auctioneers, and a tax upon retail dealers; all of which were included under the head of licences in the original draft of the Stamp Ordinance.

4503. What part did you take in those Ordinances?—They passed through the different stages of the Legislative Council in that Bill till the very end of the committee, or even the third reading, I am not sure which; when they were put to the vote, motions were made for leaving some of them out. Upon the divisions on those motions I did not vote.

4504. Are you aware that Lord Torrington on the 9th of February forwards the Ordinance, and takes no notice of any opposition to the Ordinance?—In the Ordinance he sent home those licences did not any longer remain.

4505. Are you aware, that Lord Grey, on the 15th of June, communicates to Lord Torrington as follows: "I have received and laid before the Queen your Lordship's despatch of the 9th of February last, enclosing an Ordinance, No. 2 of 1848, passed by your Lordship, with the consent and advice of the Legislative Council of Ceylon, entitled, 'An Ordinance to repeal the existing Stamp Duties;'" could his Lordship be aware of the opposition made by you and others to that Ordinance in its progress through the Council?—Lord Torrington of course was present as President of the Legislative Council, when I abstained from voting.

4506. Do you know that Lord Grey was furnished with any official information enabling him to judge of whether that Ordinance passed with unanimity, or was opposed by yourself and others?—I did not oppose the Ordinance itself. The avowed object of the Ordinance was to amend the Stamp Ordinance of Ceylon; in bringing forward that the Governor introduced those licences as a part of the schedule attached to the Ordinance, and when it was put to the vote, item by item, I did not vote upon those particular matters.

4507. You disapproved of them in that form?—Of several of them.

4508. Had Lord Grey any means of knowing that you did so disapprove of them?—Not that I know of.

4509. Then the approbation which he conveys from Her Majesty must have been expressed without a full knowledge of all the facts connected with the discussion?—But those things were taken out of that Ordinance, they were taken out at the last stage, and the Ordinance which Lord Torrington sent for Lord Grey's approval, did not contain them.

4510. Mr. Hawes.] In fact, Lord Torrington yielded to the objections made?—Yes; it was urged at last that it was better not to risk the whole measure by bringing in those things which did not properly belong to it, but to send the Ordinance home, with the omission of the licences, and bring in separate Ordinances afterwards.

4511. Is there anything in the despatch of Lord Torrington which would enable Lord Grey, or any other man, to judge of the opposition given to that Ordinance, and the reasons for the opposition?—I believe not.

4512. Was there opposition to the Ordinance as sent home?—No, I do not recollect that there was; those particular things in the schedule were withdrawn.

4513. Did you vote against any of the licences contained in that Ordinance?—I abstained from voting with reference to two or three of them.

4514. With respect to the shop tax, were you in favour of it?—No.

4515. Did you record any opinion against it?—I did not record any opinion; as I stated before, when those papers were brought before the Executive Council, we had a great many discussions, day after day, in the Executive Council, which resulted in those measures coming forward.

4516. You know Mr. Gibson, who is a member of the Council, do not you?—Yes, he was a member of the Legislative Council.

4517. Did

157

P. E. Wodehouse,
Esq.

19 June 1849.

4517. Did not he oppose the shop tax?—I do not distinctly recollect; he may have done so.

4518. You are not aware that he was strongly opposed to that Ordinance?—I cannot at this moment remember whether he was or not.

4519. Do you know whether he addressed a separate remonstrance to the Governor against the Ordinance?—I cannot at this moment say.

4520. Had you no communication with him to that effect?—I have no doubt I may have had at the time, but there were so many things under consideration that I will not undertake to say at this moment.

4521. In the case of the shop tax, Mr. Gibson, an officer of long standing and great knowledge of Ceylon, not only voted against it, but remonstrated by letter against the passing of that measure; are you cognizant of that remonstrance by communication with Mr. Gibson?—I cannot now recollect that I have heard of such a remonstrance, but I do not wish the Committee to infer that I have not.

4522. How did he vote upon that occasion; do you recollect?—I do not.

4523. Were you in the Executive Council when it was determined to repeal that Ordinance?—No, I was not.

4524. Has the shop tax been repealed?—Yes, altogether.

4525. When was it repealed?—The papers will show.

4526. Did not the tax cause a very considerable excitement in the town of Colombo, and in the colony?—It was very unpopular in the towns to which it applied.

4527. Can you state what the opinions of the merchants and townspeople in Colombo were upon the subject of the shop tax?—The shopkeepers were averse to it, of course.

4528. Did not they address the Governor, and request his withdrawal of that tax?—I believe they did.

4529. Will you refer to Paper 3, page 18. Lord Grey says, "I will not disguise from you that I have received with some regret the intelligence of this abandonment of measures proposed by yourself, and which had received the sanction of Her Majesty's Government at your own strong recommendation, even before that sanction had reached you. Such sudden variations in policy are objectionable for obvious reasons; but frequent changes of taxation are attended moreover with many special inconveniences of their own; new taxes should therefore only be imposed after cautious inquiry and deliberation; but, when imposed, it requires very strong reasons to justify their removal until the revenue, which they were intended to secure, is no longer needed." From the first did not you and a large portion of the community at Colombo object to that Ordinance?—Yes.

4530. If you will refer to the next page you will see these words: "I am compelled to say, that on comparing your present despatch with your original explanation of the grounds upon which the taxes now abandoned were adopted, I cannot reconcile the decision you have now come to with the supposition of your having well weighed beforehand the advantages and disadvantages of these taxes, since the objections which you report as having induced you to repeal them are in great measure such as preliminary investigation would have elicited." Do you believe that Lord Torrington could have fallen into so great a mistake as he did here if he had allowed the members of the Executive and Legislative Councils to give their opinions and votes candidly and fairly while the measure was passing?—I can state that in the Executive Council those measures were very fully discussed indeed. The papers which were laid before the Executive Council were Sir Emerson Tennent's Reports, and the Report of the Committee in Downing-street, and Lord Grey's despatch, and they were all fully discussed.

4531. What opportunity had Lord Grey of knowing what the decisions of the members of the Council were?—I do not know what documents Lord Grey had before him.

4532. Mr. Hawes.] Upon this occasion there was no reservation of opinion in the Executive Council or in the Legislative Council, was there, in reference to those Tax Ordinances; opinions were freely expressed, and the discussion was full and ample?—Yes, in the Executive Council.

4533. What was the case in the Legislative Council?—Those measures came into the Legislative Council first of all in the Stamp Ordinance; they then came forward in a separate shape before the Legislative Council, as distinct Ordinances.

4534. And there they were fully discussed?—There was very little discussion.

(92.)

Q

4535. Was

P. E. Wodehouse,
Esq.

19 June 1849.

4535. Was there opposition?—No.

4536. Therefore there was no adverse opinion to transmit home?—No. I have before stated that I abstained from voting; I did not press the opposition, standing alone as I did, when they came forward by themselves.

4537. *Chairman.*] Having abstained from voting in the Executive Council, you did not oppose them in the Legislative Council?—I abstained from voting in the Legislative Council, which was tantamount to voting against them when they came forward as separate measures. No other member had originated an opposition, and I did not think it right to do so.

4538. *Mr. Hawes.*] Your original objection being a formal and technical one?—No.

4539. You objected to their being all incorporated in one Ordinance?—Because by their being so they could not be discussed upon the principle of that Ordinance. My objection to them was as taxes; but when they came forward in their separate shape, as no other member originated an opposition, being in the Executive Council, I did not think it right to do so myself.

4540. *Sir J. Hogg.*] You approved of all the Ordinances when they were brought in in detail, except the Ordinance for taxing shops and dogs?—Yes, and the fire-arms also.

4541. Am I right in supposing that when they were divided into separate Ordinances the only two which you objected to were the Dog Ordinance and the Shop Ordinance?—Yes; others had been given up which were in the original Stamp Ordinance, which never came forward again.

4542. The question applies to the Ordinances as they were enacted and sent home; the only two of those Ordinances which you objected to were the Shop Ordinance and the Dog Ordinance?—Yes.

4543. The others had your approval?—I must be allowed to say that in the discussion of a series of measures brought forward simultaneously, one member of a government inclined generally to dissent from their introduction must confine his opposition to those most objectionable. I did not offer opposition to the Ordinance as to fire-arms; but there were other propositions objectionable, and I confined myself chiefly to those.

4544. In the discussions in the Executive Council, did you record your objections to the particular parts of the Stamp Ordinance relating to dogs and shops?—No, I did not, the discussions were so voluminous and so long in the Executive Council; matters were postponed from day to day; but the fact of my having opposed them is sufficiently proved, by my having abstained from voting in the Legislative Council.

4545. There is no recorded opinion of yours in the Executive Council?—There is a general minute of mine when Lord Torrington first brought those financial measures into the Executive Council.

4546. *Mr. Hume.*] At page 108, paragraph 2, Lord Torrington alludes to the tax, "as taxing wealthy Moormen, Malabar merchants, &c., whose wants are few, and whose profits are large;" and he adds, that the opinions of intelligent natives and residents had been obtained by him in its favour, and on those grounds he requests Her Majesty's confirmation. Having been on the spot, and taken the part which you have, do you concur in that opinion with respect to its effects, and had you any communication with intelligent natives in favour of that measure?—No; I could not have taken the part which I did if I had.

4547. You did not find that any intelligent natives supported that measure?—I did not search about for natives to support it.

4548. Did not Mr. Gibson strongly oppose that tax?—I have stated that I cannot remember whether he did or not, but I do not wish the Committee to infer that he did not because I do not recollect it.

4549. In that letter do you find any notice of Mr. Gibson's opposition, or of your own?—No.

4550. And yet you did object to it?—Yes.

4551. Do you know any record was made of the proceedings in the Executive Council?—I cannot say at this moment.

4552. *Sir J. Hogg.*] The only way in which the colonial secretary can be made acquainted with a diversity of opinion among the members of the Executive Council, is by the minutes which they record, I suppose?—Yes; or by anything which is stated in the despatch.

4553. *Mr. Hume.*] Will you turn to Lord Torrington's despatch of the 14th of

of November, page 292, in which he says: "The annual shop licence has been the subject of much complaint, and frequent petitions have been presented to me on the subject, asking for its abolition." Further on, he says: "I have thought it better therefore, with the concurrence of my Executive Council, to recommend the repeal of this Ordinance. I am not aware that the people have any other special grievance to complain of." Are you aware that the tax was a subject of very considerable complaint?—Yes.

4554. Did you concur, or was the matter submitted to the Executive Council when Lord Torrington repealed it?—I quite concurred in the policy of repealing it. I was not a member of the Executive Council then, but I know that it was submitted to them.

4555. Were you aware of any circumstances which occurred between the introduction of the shop tax and the time of its repeal to render the tax more objectionable at the end of that time than it was originally?—No.

4556. The same complaints existed?—They would not complain much till they felt it.

4557. Was the repeal carried after the disturbances had taken place?—Yes, long after.

4558. Was the enactment before the disturbances took place?—Yes.

4559. You do not know what effect the excitement may have had in creating dissatisfaction among certain classes who were likely to be opposed to it?—It could directly have had nothing to do with the disturbances, because no disturbances took place in the towns to which it applied.

4560. You were asked whether certain meetings had not taken place in Colombo. The opinion of those in Colombo was decidedly against the measure, was not it?—I believe it was so.

4561. Sir J. Hogg.] Had any of those taxes ever been proposed before by any Governor, or member of the Council, since you have been at Ceylon?—A Fire-arms Ordinance had in Sir Colin Campbell's time.

4562. Had any of the others?—I will not say positively; I do not recollect any other at this moment.

4563. Was the ordinance as to fire-arms proposed and rejected in the time of Sir Colin Campbell, or was it merely thought of and abandoned?—Nothing was done in the way of giving effect to it.

4564. Do you recollect why?—Not at this moment; it was brought forward while I was at home.

4565. Was there any committee which sat either at home or in the island?—A committee of the Legislative Council sat to consider the finance of the island.

4566. Did that committee suggest any of those taxes?—It suggested that, I think, among others.

4567. You do not recollect whether they suggested any of those other taxes?—Not at this moment.

4568. Mr. Gladstone.] Was the tax upon fire-arms, which was suggested in Sir Colin Campbell's time, an annual tax, or was it merely a law for the registration of fire-arms?—It was suggested, at any rate, before Lord Torrington came, as an annual tax, because it was suggested by Sir Emerson Tennent, during Sir Colin Campbell's government.

4569. Was it ever entertained by the Executive Council or the Legislative Council at that time?—Never on that suggestion.

4570. You consider those two things as essentially different, do not you, an ordinance for the registration of fire-arms with a certain payment, and an ordinance involving the annual payment of a sum of money?—Totally different.

4571. Mr. Hume.] Had you before you in the Executive Council, when that shop tax was under consideration, any report from Mr. Wood, of the Colonial Office, in which he suggests that upon the whole no immediate step should be taken to enact that Shop Ordinance?—I never heard of Mr. Wood before to my knowledge.

4572. He says, "But upon the whole I would suggest that no immediate step should be taken, and that a certain time, perhaps six months from this date, should be allowed to intervene, before the ordinance is submitted to the Queen?"—I never saw this before.

4573. If that had been attended to, the excitement caused by the passing of the shop tax might have been avoided?—It was too late then, I should think; the

160

124 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

P. E. Wodehouse,
Esq.
19 June 1849.

ordinance had been passed. I suppose this is a report rendered in the Colonial Office on the 5th of July ; it was much too late to have done any good then.

4574. Looking to the manner in which the shop tax was passed, do you consider it to have been a proceeding of sound policy thus to have roused the feelings of any class of the community in the way which took place by passing and afterwards repealing that shop tax?—I do not suppose that any person originally intended to rouse their feelings by proposing a tax with the view afterwards of repealing it.

4575. There was no intention of repealing the tax when it was forced through the Council?—There was no such intention when it was introduced into the Council.

4576. Mr. Hawes.] Did anything pass to justify its being said to have been a measure which was forced through the Council?—Not to my knowledge.

4577. Mr. Hume.] Did not you say that it passed through the Council after very long discussion?—What I stated was, that all these measures of finance generally were subjected to long discussion ; I did not refer to this particular tax.

Jovis, 21^o die Junii, 1849.

MEMBERS PRESENT.

Lord Hotham.
Mr. Wilson.
Mr. Hume.
Sir James Hogg.
Sir Robert Peel.
Mr. M'Cullagh.

Mr. Hawes.
Major Blackall.
Sir Joshua Walmsley.
Mr. Stuart Wortley.
Mr. Villiers.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

P. E. Wodehouse,
Esq.
21 June 1849.

Philip Edmond Wodehouse, Esq., called in ; and further Examined.

4578. Mr. Hume.] ARE you conversant with the merits of the verandah question, about which so much has been said and done in Colombo?—Yes ; I had to carry out those measures.

4579. Were you in the Executive Council during the agitation of that measure?—I was not when the measure was first introduced.

4580. Were you at any time during the passage of that measure?—That measure has been in progress from the time it was first undertaken by the Government up to the present day, and of course I have been in the Executive Council during that time.

4581. Are you aware of the evidence given by Mr. Anstruther before a Committee of this House on Sugar and Coffee Planting, on the subject of that ordinance?—I have seen the evidence then given by Mr. Anstruther.

4582. Is not Mr. Anstruther an officer of long experience in the colony?—Certainly ; no man more so. I have seen that evidence, but at present I have no recollection of the substance of it upon that point.

4583. Will you explain, as shortly as you can, what the verandah question is?—The Government came to the knowledge that a large proportion of the inhabitants of the town of Colombo were in possession of, and had built upon, ground which at one time formed a part of the public streets ; some of those buildings were of a very old date, 50 or 60 years, some more and some less ; the determination to which the Government came then was to enforce the right of the Crown to all those spots of ground, reserving to itself the option of either removing any which were inconvenient and obstructions of the streets, or selling others to the occupants at a certain valuation.

4584. Mr. Hawes.] At what date was that resolution come to?—It was in February 1846, during the Government of Sir Colin Campbell ; that was the time when the Government went about it in a systematic manner. The question of encroachments had been often under the notice of the Government before.

4585. Mr.

161

P. E. Wodehouse,
Esq.

21 June 1849.

4585. Mr. *Hume*.] Were not there petitions from the inhabitants of Colombo universally signed against that measure?—There were.

4586. Are you aware that some of those petitions were signed by between 2,000 and 3,000 inhabitants?—My impression is that they were very numerous signed at that time; the whole town took an interest in it.

4587. Do you recollect a petition to Her Majesty, in November 1846, signed by upwards of 3,000 persons?—I have a general recollection of the petitions which were brought forward at that time.

4588. You were in Ceylon at that time?—Yes; I was the Government agent.

4589. Is it your opinion that the conduct of the Government in persisting in that measure made the burgher population of Colombo very much dissatisfied?—That is sufficiently proved by the document to which the honourable Member refers, and by the representations which were sent home that the population of Colombo were annoyed by it.

4590. Did not they upon one occasion almost break out into open riot, when Captain Pickering was concerned?—There might have been riots, but they were not of any material consequence.

4591. Have there been any legal decisions upon this point, and can you state what the result of those decisions has been?—I cannot undertake to state positively what legal decisions have been given on this question.

4592. Are you aware that the District Court decided, and that the Superior Court affirmed, that any erections in the streets may be abated as nuisances, but that the sites belong to the public highway, and not to the Crown?—I heard that as a rumour: or rather I heard it stated by a gentleman of the bar in Ceylon, that a decision much to that effect had been given, a very few days before I left Colombo. I brought it to the notice of the Governor officially that I had heard so, but I did not remain long enough to know whether I was correctly informed.

4593. Did not the Government claim a right to all those encroachments, as they were called, and call upon those who were in possession to obtain the right by grant from the Crown on the payment of a fee?—On the payment of a certain valuation, so much per foot.

4594. That was the claim made?—Yes.

4595. You are aware that in Mr. Wilmot Horton's time certain decisions of the court on that question had taken place?—I know that there were such decisions.

4596. Were not those decisions against the Crown and in favour of the holders of those encroachments, as they were called?—To the best of my recollection they were so.

4597. Notwithstanding those decisions, the Government of Colombo persisted in demanding that each man having an encroachment, or having a verandah upon the public street, should pay a certain valuation; is not that the state of the dispute?—I do not consider that the Government should consider itself barred by a single adverse decision in a court of law, from trying the question a second time; and it was a question of policy whether to do so or not.

4598. It was the fact that they made that claim?—It was.

4599. Was not it requisite that a certain fee should be paid to the colonial secretary on each such application?—Yes.

4600. Do you recollect what that fee was?—The Royal Instructions allow a fee to the colonial secretary of 5 per cent. upon all land sold by the Crown, provided it should never exceed 2*l.* in any one case.

4601. Mr. *Hawes*.] To what Royal instructions do you allude; do you refer to the last instructions which were issued?—It was in Sir Colin Campbell's time. They have been modified since.

4602. Sir *J. Hogg*.] Did those verandahs constitute obstructions to the public way?—Some did, and some did not.

4603. Did the Government in every case offer to confirm the title of those who had erected such nuisances, or did they require that the nuisances should be abated for the purpose of increasing the public convenience?—The measure was of a twofold character; to remove those verandahs that were obstructions, and to quiet in possession those to whose remaining there was no objection, upon their paying a valuation of so much per foot.

4604. Those that impeded the passage of the public were to be removed?—Yes.

P. E. Wodehouse,
Esq.

21 June 1849.

4605. Mr. *Hume*.] Are not you aware that the inhabitants, in a deputation to the Governor, stated that they were perfectly prepared to abate everything that should be considered a nuisance ; but refused to admit the right of the Crown to claim that property, and require payment for it?—That is my impression ; but I had rather not give a positive answer as to what those persons stated to Lord Torrington, without seeing some papers before me to refresh my memory.

4606. *Chairman*.] Was it supposed that any amount of revenue would be raised by that ordinance on the part of the Government?—Some revenue, certainly, would have been raised.

4607. Sir *J. Hogg*.] Had the magistrates made any attempt to abate those nuisances in the streets of Colombo?—Yes ; but it is a matter of the greatest possible difficulty to abate encroachments of that sort, or to prevent their being put up.

4608. I believe that in all Eastern countries the tendency of the natives is to erect verandahs, for the purpose of keeping off the sun from their dwelling-houses and from their small shops if they have shops?—That process never ceases, that is always going on ; and after a man has had something of a temporary nature there, perhaps for four or five months, and people have forgotten to notice it, he then gradually puts up sticks of a more permanent nature, and then he puts up a wall, and so on, till he gradually gets forward into the street, inch by inch, and never ceases that process.

4609. And if the magistrates abate it one day, he will wait a few weeks and put it up again?—Yes ; always.

4610. Major *Blackall*.] Under what tenure do they hold the verandahs now, by lease or by purchase?—The Government offered, on their paying this valuation, to give them a *bonâ fide* title or grant from the Crown, as in the case of any other land, but nothing has been done ; the money has been paid in part, and so on, but when I left no deed had been granted for any of those up to the present time.

4611. Mr. *Hume*.] Will you state whether, of your own knowledge, any Colonial Secretary before that occurrence had received a per-centage upon the sale of Government property?—Yes ; Mr. Anstruther, for some years, received the same fee that I have described, and I did myself, during the six months that I acted.

4612. What was the nature of the fee which you received?—Exactly what I have described ; a fee not exceeding five per cent. upon the purchase money of the land, provided that whatever the purchase money was the fee could not exceed 2*l.*

4613. Do you remember how many individuals in the town of Colombo were required to renew or to obtain titles for their property?—The measure, as I stated before, is now in progress. In the first place you cannot call upon a man either to remove the obstruction, or pay for whatever is an encroachment, till you have ascertained, by survey and comparison with his own title-deed, what belongs to him and what does not ; therefore it takes a considerable time.

4614. Did you not hear an estimate made of the amount of the fees which would be paid to the Colonial Secretary, Sir Emerson Tennent, if that interpretation of the right of the Government should be carried out, and all the persons occupying property of that description under the Government should be obliged to take out a title?—I cannot recollect the amount of the estimate now.

4615. Do you recollect that between 15,000*l.* and 25,000*l.* was the estimate of what would be the valuation if all the titles then claimed were made good?—I recollect that it was estimated at a very large sum.

4616. Sir *J. Hogg*.] Do you limit your answer to the encroachments in the town of Colombo?—Yes.

4617. And have you heard that the getting of a title to those encroachments would have amounted to 15,000*l.* or 20,000*l.*, at the rate of five per cent.?—I think I must answer that question somewhat in detail. When the Government resolved upon taking those steps, they sent to me officially an order to carry the measure out. I was Government agent, and it fell to me to carry out the orders and collect the revenue. When they came to this resolution I submitted the proposition to them that the money should be paid first of all by instalments, allowing the people to pay one-third one year and one-third the next year, and so on ; I forget the exact sums ; and also that they should not pay

pay the same price for encroachments in all parts of the town, but that the streets should be classified, and that they should pay so much per foot in the better streets, and so much per foot in the inferior, and so on; therefore, until the survey went on, and that classification were made from time to time, it would be impossible to say what would be the gross sum coming to the Crown. Then after the measure had progressed to a certain extent the Crown reduced those rates, and I think they reduced them a third time. Those which were first made were taken at the higher rates, the rates originally published.

4618. Mr. *Hume*.] Was the question considered in the Legislative Council, of which you were a member, as to the value to be put on the encroachments?—The Legislative Council had nothing whatever to say to the matter.

4619. Was not the subject submitted to the Legislative Council after the great discontent caused by the intimation of the measure?—As far as my memory serves me, there was a petition presented to the Legislative Council upon the subject. I will not speak positively, but the Committee should understand that the Legislative Council have nothing to do whatever with any executive business.

4620. Do not you consider taxation a question upon which the Legislative Council has to express an opinion?—This was not held to be taxation. The Government, as I understood their views at the time, considered that they were merely enforcing a right which existed in the Crown.

4621. Then the Legislative Council had no cognizance of the alteration in the rates which took place?—The matter came before the Legislative Council in some shape, and Sir Emerson Tennent made a long speech in explanation of what had taken place.

4622. In what way did the Legislative Council deal with it; did they give their sanction to it or not?—I cannot say, but it is a thing upon which no motion could be founded, as it was not competent to them to take any steps in such a matter.

4623. Were no proceedings taken upon that petition which you say was presented to the Legislative Council against it?—So far as I recollect, no proceedings were taken by the Legislative Council, nor can I see how they could have been.

4624. Then notwithstanding the opposition on the part of the inhabitants, the Government proceeded by legal process to enforce the payment from those who were considered as encroachers?—Yes.

4625. Are you aware whether any considerable number paid the money which was demanded of them?—Yes, payments were made into my office from time to time, as instalments became due.

4626. Did you from time to time receive the fees to which you have alluded, not exceeding 2*l.* on any one occasion?—I will not say that any fee has yet been paid upon them, because the fee does not become due till a grant is given; at any rate not till all the preliminary steps are at an end.

4627. On what grounds did those parties who paid the money to you pay it?—As instalments of the sum due to the Crown.

4628. How was that sum decided?—As I stated before, the classification of the streets and the valuation was submitted to the Governor, for the approval of him and the Executive Council.

4629. Submitted by whom?—It was submitted by me in the first instance.

4630. On what data did you form that valuation?—To the best of my judgment, as the revenue officer of the Government, it was my duty to obtain the best information I could as to what was the value of the land in the town of Colombo.

4631. What instructions had you as to what you were to find that valuation upon?—I had no instructions whatever; I had simply the orders of the Government to carry out this measure, and in so doing I submitted what I thought the best method of doing so.

4632. Do you recollect the words of the order under which you acted?—I cannot say at this moment, without seeing the words of the instruction.

4633. Mr. *Hawes*.] Were not they something to this effect: that all the encroachments within the meaning of the ordinance should be ascertained, and that all such as interfered with the proper width and ventilation of the streets

P. E. Wodehouse,
Esq.

21 June 1849.

should be removed, together with another instruction that the best inquiry as to the value of the property should be made?—Yes.

4634. Are the Committee to understand that you were the party to fix what you considered to be the value?—To recommend to the Government.

4635. Did it come within your knowledge that the inhabitants represented to you or to the Government that wherever an encroachment could be proved to be a nuisance, they were perfectly satisfied to have it abated?—They made frequent representations to that effect.

4636. While they were willing to abate that which might be considered a nuisance to the streets, they protested against the Government calling upon them, after having held it from a very early period, to pay anything for it?—They did.

4637. Has not the result of the late trial to which allusion has been made, declaring that the Crown have no right to call upon the inhabitants to pay for those sites, except as nuisances to be abated, rendered all the payments which had been made upon that head illegal?—As reported to me, the decision of the Supreme Court was to the effect that those encroachments did not belong to the Crown, but belong to the public; and that therefore the Crown could not sell them; that the Crown could compel the people to abate nuisances, but it could not alienate the land upon which they stood.

4638. Have not the demands of the Government been to make the parties pay according to a valuation to be fixed upon those encroachments?—Yes, I have said so.

4639. Is not the practical effect of the decision of the court, therefore, to have rendered all those payments which have been made under that order illegal?—They will have to be refunded, I suppose, if that is really the decision, and that decision is sustained.

4640. If the courts have come to that decision the Government must be considered to have been in the wrong from the time they asserted that claim?—So far as that judicial decision goes, of course it is so.

4641. Mr. *Hawes.*] That is assuming the judicial decision to be correctly represented?—Yes; I have guarded myself all through as to whether the decision is a correct one or not.

4642. Sir *J. Hogg.*] Were you a member of the Government at the time that this verandah regulation was passed?—I was a member of the Legislative Council.

4643. Did you, as a member of the Legislative Council, approve of this enactment; were you of opinion that the public interests required it?—I certainly did not think it was an expedient regulation.

4644. Did you oppose it?—I have stated already that it did not come before the Legislative Council; I was not a member of the Executive Council.

4645. Do you think the Government were justified in requiring all encroachments in the town of Colombo and elsewhere, which impeded the thoroughfares and created public inconvenience, to be abated?—All of that nature.

4646. You stated that where an encroachment amounted to a nuisance you were of opinion that it ought to be abated?—Yes.

4647. Where it did not amount to a nuisance, are you of opinion that the person ought to have been allowed to continue in possession, although that possession was obtained not from right but by the neglect of the magistrates to remove the erection in the first instance?—I think a great many of them were of such long duration, and in point of fact had actually come to form the line of the streets, that it was an extreme measure to insist upon payment for them.

4648. *Chairman.*] The duration had been from the time of the Dutch, had not it?—In some cases.

4649. Mr. *Hume.*] Are not you aware that at the public meeting which took place, and by the deputation which attended the Governor, it was distinctly stated to the Governor that the parties were willing to remove all that might be nuisances, but that they would not admit the right of the Crown to interfere with the property?—Yes.

4650. Sir *J. Hogg.*] Was there any limitation as to time in the ordinance?—Not that I am aware of.

4651. Mr. *Hume.*] Do you recollect a letter of Mr. Pickering, the assistant surveyor-general, to Mr. Norris, the civil engineer, upon the subject as to what might

165

might be considered a nuisance, and what not?—I cannot undertake to recollect that letter without seeing it. P. E. Wodehouse,
Esq.

4652. Do you recollect an interview on the 24th of June 1847 which a deputation from the inhabitants of the town had with Lord Torrington, praying him to stay those proceedings?—I know such a deputation took place.

21 June 1849.

4653. Are you cognizant of a government notice in the Ceylon Gazette, dated the 26th of June 1847, declaring that the measure should be carried into execution without alteration?—You ask me now to say distinctly whether I recollect particular documents; if I can be referred to them, I will at once admit whether they are genuine or not; I believe such to have been the case.

4654. Are you aware whether Sir Emerson Tennent did not receive an addition to his salary of 300*l.* a year?—Yes.

4655. Was that before the question as to verandahs was raised, or afterwards?—Afterwards; but it is not to be implied from my answer that the verandah question governed that.

4656. Mr. *Blackall.*] Are you aware of the cause of that increase?—I am aware of it.

4657. Mr. *Hume.*] You have stated that general excitement and discontent was caused by these proceedings, and that the court of law, if the decision alluded to be correct, has annulled them; were not the burgesses, Moormen and natives, holding houses in the various streets, generally the parties who were aggrieved by this demand?—Of course. The question includes all the householders in the town.

4658. Are not many of those Moormen who were the parties who had been suffering under the verandah and shop tax, in communication with natives in different parts of the country, and might not they express their discontent with the proceedings of the Government on those two questions?—Of course any measure of that kind forms a matter of general discussion among them.

4659. Would not that tend to communicate discontent to the natives in other parts of the country?—My honest impression is, that the verandah matter was nearly forgotten before the others were thought of.

4660. And the shop tax?—No, the shop tax had nothing to do with the question of the verandahs.

4661. Was not it likely that the discontent arising from the measures which have now been abrogated should have spread into the country?—As you put the question, I cannot say that I believe the verandahs had any share in bringing about the late discontented feeling. As I said before, I believe the feeling about them had greatly passed away. It was not in very active progress, and I do not think the people any longer thought much about it.

4662. Were not the gun tax and the dog tax peculiarly felt by the inhabitants of the villages around?—Of course they were the parties who came immediately under the operation of those taxes.

4663. Those taxes were the grievances to them of which they complained?—It is hardly possible to give the dog tax so serious a name as a grievance. In the villages it could never have been carried into effect.

4664. You are aware of a meeting taking place at Borella?—Yes.

4665. Can you state to the Committee what were the complaints made at that meeting, as being the causes which led to that meeting?—The meeting probably originated in a wish to remonstrate against those taxes, or some of them.

4666. Do you think the Buddhist priests had anything to do with that meeting, or did it originate with the inhabitants alone, in consequence of their own grievances?—I do not think the priests had anything to do with the meeting at Borella, near Colombo.

4667. Were you at that meeting?—No, I was not.

4668. You were not within reach, so as to know the nature or extent of the meeting?—From conversation with people who were there, I have some knowledge of it.

4669. Are you aware that that meeting was held on the day that the alleged pretender to the crown was said to have been sworn in or crowned?—I know it must have been about the same time.

4670. Has anything come to your knowledge to show any connexion between the priests at Kandy and those at Dambool and other places?—I stated in my evidence, the other day, that I did not believe the priests would take an active

P. E. Wodehouse,
Esq.

21 June 1849.

part in anything except as an organized body. If the priests at Dambool were active participators in this, it is probable that the priests in the country were aware of it.

4671. Do not the priests, in different parts of the country, frequently communicate with each other?—Yes.

4672. Might not the discontent arising from those new taxes have tended, in some degree, to encourage the disturbances elsewhere?—Taking all those various circumstances together, it is very probable; in short, I have no doubt they did give rise to those movements.

4673. Mr. *Hawes*.] By “they” do you mean the priests?—No. There were various circumstances, unfortunately, operating at once, which gave rise to those movements.

4674. Mr. *Hume*.] Had not there been causes for dissatisfaction, on the part of the priests, in the neglect of their religion, which led to discontent in different parts?—Yes; I am inclined to think that is the only cause of discontent, of long standing at all.

4675. Do you allude to the possibility of the new taxes to which reference has been made, being to a certain degree the exciting cause of the before latent discontent?—Yes; advantage might have been taken of it. I think the term disaffection is a very strong word; it was more discontent than disaffection.

4676. Having been so long in Ceylon, do you consider there was any necessity for those new taxes?—The Committee is aware that on Lord Torrington’s arrival in Ceylon, or immediately after his arrival, he was furnished by the colonial department here with Sir Emerson Tennent’s Report upon the state of the colony, and with a report upon that drawn up by certain gentlemen in Downing-street. He then received instructions to revise the whole system of the taxation of the colony in compliance with those documents; therefore it became his duty at once to enter upon that revision of the taxation.

4677. What were the instructions which you allude to as having been received by Lord Torrington?—I think one branch of the revenue which Lord Torrington was instructed to get rid of was the export duties. I am not aware that that is precisely stated in the official papers, but I have no doubt whatever that he was instructed to repeal the export duties as bad in principle.

4678. Were you, as a member of the Legislative Council, in favour of the repeal at that time or against it?—I am not at all certain that I would have given up the export duties at that time, because I do not think anybody much felt the pressure of them; they were only $2\frac{1}{2}$ per cent., and there was no great pressure upon anybody in paying them, generally speaking; but the export duty upon cinnamon was most objectionable; it amounted to 75 or 100 per cent. upon the value of the article.

4679. There was no opposition by any one, was there, to the repeal of the cinnamon duty?—No; I should have been glad to have seen the reduction in the cinnamon duty carried further than it was, or even to have seen the duty entirely abolished.

4680. With respect to the repeal of the other export duties, do you consider that repeal to have been politic or prudent at that time?—I have stated that I do not think it was particularly called for, but I am satisfied that Lord Torrington was instructed to repeal them as a matter of principle.

4681. Do those instructions direct Lord Torrington to substitute other taxes, or to consider in what way the deficiency which would arise in the revenue might be provided for?—Unquestionably the latter.

4682. Does the report point out specifically any of those taxes which were afterwards proposed as substitutes for the export duties?—It suggested certain taxes; for instance, a land tax was one of the things contemplated.

4683. Was there any other?—I think that was the principal one.

4684. Mr. *Hawes*.] As a substitute for the export duties?—I stated before that my impression was, and is at this moment, that Lord Torrington’s instructions respecting the repeal of the export duties went farther, and were more binding upon him, than appears in these documents.

4685. Mr. *Hume*.] Upon what ground do you suppose that those documents do not give the actual instructions from the Secretary of State? have you seen any other instructions?—No, but I can conceive that a person in the position of a Governor going out to a distant colony may receive instructions verbally, and
may

167

P. E. Wodehouse,
Esq.

21 June 1849.

may be more generally made acquainted with the views of the Government than may be absolutely put upon paper in the official documents. My impression is that Lord Torrington was directed to repeal the export duties. I may be wrong in that.

4686. Did Lord Torrington make any statement in the Legislative Council, to the effect that he had such positive instructions?—I do not recollect it.

4687. Do you recollect that the question as to the repeal of the export duties was long debated in the Legislative Council?—I do not recollect much discussion in the Legislative Council. I spoke of very long discussions in the Executive Council, as to the measures to be adopted.

4688. Were you in the Executive Council then?—Yes.

4689. Are you aware that the merchants of Colombo met, and forwarded a strong remonstrance to the Legislative Council against the repeal of those duties until they could see in what way the deficiency could be provided for?—I recollect a document to that effect, but I cannot at this moment remember to what extent it was supported by the mercantile members of the Legislative Council.

4690. Did you hear the evidence given by Mr. Acland, on the subject?—I only heard it in part.

4691. Will you see whether the resolution which was contained in the "Examiner" of December 1847, does not approve of Mr. Acland's objections, and express a hope that the Government will not proceed?—The Chamber of Commerce came to a resolution that it is a "very unadvisable course to take off the duty on coffee." "The committee consider that the proposed ordinance for obtaining the return of coffee lands to be of a most impeachable character, and also the committee are of opinion that a tax upon coffee lands cannot be levied with the least prospect of being distributed with any equality;" that measure was not carried out; it was found that from the condition of the tenure of land in Ceylon it would have been altogether impracticable, and will be impracticable for some years to come, to impose a land-tax; consequently further measures for levying a land-tax were not proceeded with.

4692. Are the Committee to understand you to say, that the imposing of a land-tax, as recommended from home, chiefly as a substitute for the amount of revenue lost by the repeal of the export duties, is considered by you not practicable at the present time?—It is clearly not practicable at the present time, chiefly from the condition of the law respecting landed property.

4693. Was there any means possessed by the Executive Council of remonstrating against the imposition of the taxes, and against the repeal of the duties proposed at that time?—Certainly there was a means of remonstrating against them.

4694. You were a member of the Executive Council at that time, and you said that the question was long debated; had you the objections of the merchants before you?—I said that the whole of those questions brought under the consideration of the Council by the minutes sent from Downing-street gave rise to numerous and long discussions in the Executive Council.

4695. Did you, as a member of the Executive Council, attach any importance to the opinions of the Chamber of Commerce, which you have now read?—I cannot say at this moment whether the question of this export duty, and of the coffee tax also, had not been disposed of in the Executive Council before this resolution was come to.

4696. Then your memory does not serve you whether any remonstrance had been made by the merchants to the Executive Council before they decided upon that measure?—I do not think that the merchants could have known what was going on in the Executive Council for some time after the discussions were in progress.

4697. You are aware that in the Legislative Council considerable discussions took place?—I do not recollect much opposition to the repeal of the export duties.

4698. Was it intended, as far as you recollect of the instructions from home, to benefit the merchants by the repeal of the export duties?—I suppose it was intended to benefit the merchants, as it was all the rest of the community.

4699. When therefore the merchants protested generally against their repeal until provision should be made for the expected deficiency, do not you consider that it was improper to have proceeded with the repeal, as the Government of Ceylon did?—I must be allowed to observe, that the merchants in Colombo, or the Chamber of Commerce as it is here called, are a very small section of the

168

132 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

P. E. Wodehouse,
Esq.

21 June 1849.

community of Ceylon; and I think it should be borne in mind that the European settlers in the colony generally are a very small section of the population; therefore the Government is not to be supposed always to be bound to act upon the representations which may come from that body. There is the greatest possible difference between the interests of the Europeans and the interests of the natives; and it does not follow that because a thing is opposed by the mercantile body or the European, that it is in itself bad for the colony.

4700. Are you prepared to say that the repeal of the export duty and the imposition of a land-tax in its stead would be beneficial to the natives, or would be approved of by them?—I have stated before that I do not think there was any necessity for the repeal of the export duty; and I think, many years hence, when it can be done fairly and equitably, the substitution of a land-tax might be a very proper measure of Government.

4701. Do you think that that can be consistently done after the arrangement which was made by the abolition of the raj karia?—I do not think that that has any sort of connexion with it.

4702. You are not aware that there was a payment agreed to be made upon rice lands and other lands after that period?—All rice lands are now subject to a land-tax, varying as the natives hold their land, so much of the crop being payable to the Crown. In a very few districts they redeemed that by the payment of a certain sum. The Government very shortly found that that was a very impolitic measure, and it ceased; and all the rest of the rice lands in the country now remain liable to a tax upon rice cultivation.

4703. Do you consider that, after the natives have redeemed that tax, it would be competent for the Government to enact another tax?—I conceive that some of the natives redeemed the tax upon rice lands, and that it is quite open to the Colonial Legislature, if they repeal other taxes, to impose a land-tax instead of them. I do not see that there would be any breach of faith in so doing.

4704. The Committee understand that you objected to the propriety of levying that tax at that time?—It is utterly impracticable at present to levy a land-tax, and the Government has abandoned it. Government may take measures which may have the result of rendering it possible some years hence, but it is abandoned at present.

4705. Will you look at the report which you alluded to as having come from home; is there any other tax except the land-tax recommended in it?—I do not see that those gentlemen recommended any other of any magnitude.

4706. Will you state by whom the dog tax, and the gun tax, and all the other taxes of which complaint has been made, were introduced?—The Committee will find an allusion made to a tax upon firearms in Sir Emerson Tennent's report; then the Dog Ordinance was introduced in a great measure as a measure of police.

4707. Are you aware that the Committee have an estimate of what each of those Ordinances was to produce in order to make up the deficiency arising from the abolition of the export duties?—Yes.

4708. You were acting treasurer in the colony for some time, were not you?—Yes.

4709. Are you acquainted with the general taxation of Ceylon, and are you able to state whether, if proper precautions had been taken, some ordinance might not have been passed which should have raised the revenue required without exciting the discontent which arose from those taxes which were actually proposed?—My impression is that a sufficient revenue to replace all that was abandoned will be derived, either directly or indirectly, from the Stamp Ordinance and from the Road Ordinance.

4710. Do you consider that the Road Ordinance might have been introduced quietly, without causing discontent, if it had not been accompanied with other taxes which excited dissatisfaction?—It is possibly to be regretted that the Stamp Ordinance and the Road Ordinance should happen to have been embarrassed by the minor ones.

4711. You think the Road Ordinance, under due restrictions, a desirable measure, do you?—Undoubtedly, if properly understood.

4712. After what has taken place, do you think the Government will be able to carry it out without causing great discontent?—Yes, I do, the minor taxes having been got rid of.

4713. Are they got rid of?—Yes, the taxes are all gone.

4714. Mr.

169

P. E. Wodehouse,
Esq.

21 June 1849.

4714. *Mr. Wilson.*] You say that in the island there was a very strong desire for the repeal of the duty upon cinnamon; I believe that feeling had existed for many years?—Yes, the cinnamon interests, from the time when the monopoly was abandoned, in 1832 or 1833, have been absolutely crushed by the export duty.

4715. From the time that the Government had the cinnamon cultivation in their own hands, you mean?—To the year 1832 or 1833 cinnamon was the exclusive monopoly of the Government; that monopoly was abolished, and the trade was thrown open; but an export duty was put on of so enormous an amount that nothing could contend with it.

4716. Will you tell the Committee the grounds upon which the cultivators of cinnamon objected to the export duty?—Any man I should think would object to a duty which was at one time 300 per cent. upon what he cultivated. When the monopoly was abolished, the Lords of the Treasury imposed a duty upon some kinds of cinnamon of 3s. a pound. If they could grow that cinnamon for 1s. a pound, it does not require much explanation to show why they would be opposed to it. Then from time to time that duty has been reduced, generally in opposition to the views of the Lords of the Treasury. It has been done by the local Governors upon their own responsibility, till Lord Torrington found the duty at 1s.; then, when this measure came into the Executive Council, the discussion was whether it should not be altogether abolished.

4717. *Chairman.*] It was a very trifling amount latterly, was it not?—One shilling a pound.

4718. The produce of the revenue was not of any great consequence, was it?—It was some 20,000*l.* a year, I believe.

4719. *Mr. Wilson.*] Are you aware that the high export duty upon cinnamon was objected to by parties interested in its cultivation in Ceylon, partly in consequence of the disadvantageous position in which it placed them of competing with the Dutch growers in Java?—Of course, in competing with anybody.

4720. Can you tell me any reason why the coffee planters should not, upon the same ground, have objected to the export duty upon coffee?—I cannot conceive any analogy between the two, one being a tax of $2\frac{1}{2}$ per cent. and the other a tax of 100 per cent.

4721. Then it is a question of degree in your mind?—Entirely. There can be no comparison between $2\frac{1}{2}$ and 75 per cent. I believe they felt the export duty on coffee very little indeed. When they apprehended a tax upon coffee lands, and a degree of inconvenience which they might be exposed to, the extent of which of course could not be foreseen, people naturally took alarm at a new tax of that kind, and would have been content to remain with their $2\frac{1}{2}$ per cent. rather than have a land tax.

4722. The difference which you see is a difference of degree, and not one of principle?—Of degree, upon so great a scale that the two things can hardly be compared.

4723. Did not you say, in a former part of your evidence, that it would have been considered desirable to have removed the remainder of the cinnamon duty?—Yes, I did myself advocate that, for I could see no justification in point of principle, when you took away $2\frac{1}{2}$ per cent. on anything else, why you were to leave 25 per cent. upon cinnamon.

4724. Was it not understood at the time that the reason why it was not entirely abolished was merely a question of necessity, so far as revenue was concerned?—I think it would have been better to have kept the $2\frac{1}{2}$ per cent. upon coffee, and not to have kept 25 per cent. upon cinnamon.

4725. You stated, I think, that it was chiefly the merchants in Colombo who objected to the export duty on coffee being removed?—No; I think the planters would have preferred paying the export duty of $2\frac{1}{2}$ per cent. to having a land tax; they could not see to what annoyances or inconveniences the imposition of a land tax might subject them. Those inconveniences might turn out to be nothing at all, but they might very naturally view with apprehension any alteration in their existing position; for example, the Government passed an ordinance, calling upon them to send in returns immediately of all their cultivated lands.

4726. Are the Committee to understand that the objections to the export duty upon coffee extended to the coffee planters in the island generally, or were they chiefly confined to the merchants at Colombo?—I do not think the coffee planters

P. E. Wodehouse,
Esq.

21 June 1849.

gave any particular expression to their views; I can say with certainty that no importance was attached by the coffee planters to the $2\frac{1}{2}$ per cent. duty.

4727. Are you aware that in this country, it has been frequently represented to the Government, and upon other occasions in the course of the Committee which sat last year upon Sugar and Coffee planting, that it was a hardship to the colonial coffee grower to have an export duty imposed upon his produce, when he was called on to compete with coffee growers in foreign countries with a less protection than he had formerly had?—It may have been so stated in former years.

4728. *Chairman.*] Have you read the evidence of that Committee?—Yes, I have; some time ago, of course; I had then no expectation of being examined myself.

4729. *Mr. Wilson.*] You are not aware that that was one of the grievances complained of by the merchants in this country connected with Ceylon, with regard to the condition in which their coffee planting was placed in that island?—It very likely may have been, and to the amount of $2\frac{1}{2}$ per cent.; of course it was inconvenient, but still they would have been content to have remained with that $2\frac{1}{2}$ per cent. rather than have had a land tax.

4730. Any expression of opinion, I understand you, came rather from that small body of merchants in Colombo than from the general body of planters in the island?—Very possibly the planters were very glad to get rid of the $2\frac{1}{2}$ per cent. in their competition with other countries, but they would not have gone the length of saying that they would prefer a land tax to paying that $2\frac{1}{2}$ per cent.

4731. What you mean is, they would be glad to get rid of the $2\frac{1}{2}$ per cent. export duty upon coffee, provided it was a reduction of taxation altogether; but they would not wish to get rid of it if the same amount were to be collected from another source?—I would not volunteer to say so; the apprehension would be that they would be put to greater inconvenience in paying a land tax than in paying the export duty.

4732. *Sir J. Walmsley.*] You do not speak generally of any other source, but of the particular source which you have pointed out?—Yes.

4733. You said the removal of the export duties was a matter of principle, in accordance with instructions from England?—That is my impression. Lord Torrington, in one of his despatches, says he was guided by the same principles of commercial policy which distinguish Her Majesty's present advisers.

4734. And you infer from that observation that the removal of the $2\frac{1}{2}$ per cent. was a matter of principle; that is, it will increase the trade of the colony?—It was so intended. I really will not undertake to say how far it will do so.

4735. To the extent of the $2\frac{1}{2}$ per cent., it will no doubt do so?—It ought to do so; I suppose it will.

4736. *Chairman.*] Do you suppose that any coffee planter in Ceylon would be such an idiot as to oppose a duty being taken off, unless he apprehended that some other duty would be substituted in its place?—Of course not.

4737. *Mr. Hume.*] Are you to be understood to say, that at the time the proposal to repeal the export duty was announced, the Governor called on the coffee planters for a variety of returns, which alarmed them as to the future taxation which their land was likely to be subjected to?—The Government did not call upon them for any thing which was very serious, but people take alarm at being called upon for anything.

4738. They did call for returns at that time?—Yes, an ordinance was passed ordering them to send in returns.

4739. *Mr. Villiers.*] That was the particular time when the removal of the export duty was proposed, was it not?—The objection taken was, We had rather see what you are going to put on instead, before you take away this export duty.

4740. I understand your own opinion to be, that the land tax on principle was a just tax, and that after a certain time, after certain difficulties were removed, it would be a proper tax to substitute for the export duty?—The land tax, when introduced as a general measure, will yield a far greater amount of revenue than our export duties; and other taxes ought to be given up also.

4741. I am not to understand you to say that there was any objection on principle on the part of the planters to such a tax?—No.

4742. Your own objection to the export duties being removed was, that from certain circumstances it was not expedient to impose the land tax at that time?—

That

171

P. E. Wodehouse,
Esq.

21 June 1849.

That there was no sufficient reason, had we been altogether left to ourselves, for giving up 10,000*l.* or 12,000*l.* a year at that time.

4743. What is the particular objection at present to the imposition of a land tax?—The state of the law is such respecting land, that no person can say who is the owner of any land, nor can any person say with certainty what are the boundaries of any man's land; it is one of the greatest possible difficulties. The Governor has been in correspondence with the Secretary of State for the purpose of introducing a general settlement survey, to determine all doubts of that nature. That will of course take a great many years to carry through, and will have to be done with the greatest possible caution; but no measure of any great importance can be carried out in the colony till that is done.

4744. Have those doubts existed, as to boundary and title, ever since our first possession of the colony in 1815?—It is the inevitable consequence of the state of law under which land descends there. It is perpetually being subdivided. When a man dies, his land is equally divided amongst all his children; but at the same time they do not actually divide the land, they all enter into possession; if there is a field of three or four acres it may belong to 300 or 400 people, and there is no separation of their respective lands.

4745. And there is no registration?—No.

4746. This has been known to the Government since 1815; has any step been taken for the purpose of establishing a registration of property, or of defining the properties of individuals?—No; the Government is now quite alive to the necessity of doing so; the principal obstacle is the expense of so doing; but my own impression is that it would turn out to be no expense at all, because I believe parties would be very glad indeed to have the land surveyed, and to pay for the survey, for the sake of getting a good title to what they hold.

4747. Has that given rise to many lawsuits?—To perpetual lawsuits; there would be no lawsuits in the island if the land question could be properly decided.

4748. Why should this require so many years to accomplish?—The survey is a matter of such difficulty.

4749. To procure evidence of the property?—To ascertain what a man has. It would not be practicable to do it without having a moveable machinery, which must go about the country with an absolute power of saying to individuals, "That is your land, and that must be your land." That is an enormous power, no doubt, but the country can never be settled till that is done.

4750. There is no reason, is there, why that should require much time if such a commission were at once appointed to define the limits of people's property?—It would require an immense time to carry it out. If you entered upon such a step in any district you would have to give notice to all parties concerned to come before the Commissioners on a certain day; you would have to have every piece of land surveyed, and determine which belonged to them, and which belonged to the Crown, and the relative rights of the Crown and of individuals are exceedingly uncertain and vague, and you would have constant laws brought in to define those rights.

4751. Do you suppose that this could be carried into effect without causing great discontent?—I do not think it would create any discontent if it were properly done; on the contrary, I think people would be very much obliged to you for doing it.

4752. I suppose there would be a great many persons disappointed in the decisions of any authority of that kind?—I do not think so.

4753. Are the Committee to understand you to say that there is something in contemplation of this kind?—Yes, I believe so.

4754. Is there any despatch of Sir Emerson Tennent to the Government, on this subject?—Not of Sir Emerson Tennent; there is of Lord Torrington.

4755. Since the insurrection?—No, I should think not.

4756. Sir J. Hogg.] If the Government had a survey pointing out the boundaries of the property, and the qualities of the soil, it is your opinion that the land tax would be the most productive as regards the public, and the least onerous as regards the natives of the country?—I think it could be so arranged that it would be the most equitable and best mode of taxing the country.

4757. I believe the only land tax now in Ceylon is a tax, not upon the land,

P. E. Wodehouse,
Esq.

21 June 1849.

but upon the produce; there is no land tax except upon the rice lands?—That is all.

4758. And that tax is not imposed according to the productive power of the land, but according to the quantity of rice produced?—The Crown is entitled to one-half, one-fourth, or one-tenth, or one-fourteenth, of the actual crop.

4759. Without any reference to the productive power of the soil?—The Crown may take the actual half, or the actual tenth, or whatever it may be.

4760. Of the actual crop?—Yes.

4761. Irrespective of the quality of the soil?—Yes.

4762. On principle, is not the tendency of any tax upon the produce itself to check production and cultivation?—In such a country as this no doubt it would be so, but I have great doubts how far it would have that effect in Ceylon, because I think Government interference, or rather Government control, is almost indispensable to the prosperity of anything.

4763. In point of fact, is not a great deal of the rice consumed in Ceylon imported from the continent of India?—Yes, a very great quantity.

4764. Have not a great deal of the rice lands which were formerly in cultivation in the island of Ceylon, gone out of cultivation?—They have gone out in many districts from the entire passing away of the population. There are certain districts in Ceylon that were very populous indeed, and there are the remains of very great works which have now gone to decay, and on which the population is little or nothing.

4765. A great extent of the land which was formerly in rice cultivation is now abandoned?—Yes, and is now in forest.

4766. And that notwithstanding a large importation of rice from the continent of India?—Yes, the lower classes of those lands having gone out of cultivation, as there are no persons there to cultivate them.

4767. And yet there is not food enough for the inhabitants without a large importation of rice?—No; but you could not restore the rice cultivation in those districts without an immense outlay of money in the first instance, for the restoration of the tanks.

4768. You would require works of irrigation?—It could not be done without; and the restoration of those would be immensely expensive, and the probability is, it would be attended with great loss of life for some time to come, as the country is very unhealthy.

4769. Were those works of irrigation in a state of decay when the English first became possessed of the island?—Yes, long before that.

4770. They were in this state of dilapidation during the time of the Dutch?—Yes; they are mostly in a part of the country which the Dutch had hardly any control over.

4771. There is very little known of their history?—Not with certainty.

4772. You say that the interests of the coffee planters are in opposition to the interests of the natives of the island; will you state the grounds of that opinion?—Not necessarily so much in opposition, but that matters affecting the natives only create very little interest among the European planters; and it is perfectly possible for any measure to be adopted, which might bear inconveniently upon the natives, in which the coffee planters would take little or no interest whatever.

4773. In your opinion, has not the introduction, upon an extensive scale, of the cultivation of coffee by Europeans, been advantageous to the natives of the island?—It has brought a very large sum of money into the colony.

4774. And employs a great number of people?—Yes.

4775. Does it not follow of necessity that it must be an advantage, not only to the island but to the natives of the island, by the introduction of capital and the employment of labour?—It may, in its ultimate effects; but it is very doubtful whether it does so immediately, I think. There had been great complaint made. One of the causes of grievance among the Kandian population is the extension of arrack drinking, which has created disorder; and an attempt has been made to show that the Government is the sole cause of it, whereas it is only in a great measure because the people, having more money, and therefore having more time at their command, are becoming thereby more disorderly. Then there can be no doubt that the presence of Europeans of a low character and a low order has had anything but a good effect upon the native character.

4776. In

173

P. E. Woodhouse,
Esq.

21 June 1849.

4776. In a country circumstanced as the interior of Ceylon is, there is generally among the natives a jealousy of the introduction of Europeans?—Yes; they must clash more or less.

4777. Have you any doubt that, in point of fact, the introduction of European settlers with capital, and giving employment to labour, must of necessity be beneficial to the island and to the natives?—It is so wide a question, and its beneficial influence may take effect at such a remote period, that it is a very difficult question to answer.

4478. You are of opinion that the introduction of Europeans with capital, giving employment to labour, is no present benefit to the island?—I have stated that it makes the natives more wealthy. It gives them money, and so far it is a benefit to them; but whether it has had a good effect in improving their moral condition I greatly doubt.

4779. It gives them an opportunity of seeing improved methods of cultivation, does not it?—They do not adopt them.

4780. Is the native cultivation at this moment in the island of Ceylon not improved since the cultivation of coffee was taken up by Europeans?—The native cultivation of coffee is hardly to be called cultivation at all. There are just a few bushes which they grow about their houses; they let them grow, and when the coffee is ripe they gather it; but in the few cases I know of where natives have undertaken coffee growing upon a large scale, they have suffered dreadfully and lost a great deal of money.

4781. Has not the native mode of cultivation improved since the cultivation upon an extensive scale was undertaken by Europeans?—I cannot say that I think it has.

4782. Has the price of native coffee, as compared with the coffee produced by Europeans, been increased of late years?—I will not undertake to say positively, but it must be understood that it is impossible for any person to undertake an improved cultivation of coffee without a certain amount of capital. There must be a certain amount of storage required before you can bring about any great improvement in the quality of coffee, and there is hardly any native who is in a position to do that, except where they have made plantations in the European style; and there it is my opinion they have lost very heavily.

4783. Has not the quality of the coffee from Ceylon greatly improved of late years; I believe the Ceylon coffee is called plantation coffee?—That is what the Europeans grow.

4784. Has not plantation coffee considerably improved of late?—I will not undertake to say; it has not improved in price.

4785. Has not its quality improved?—I am not competent to give an opinion upon that.

4786. Do you know whether the native coffee grown in Ceylon is improved or not in quality?—I decline to give an opinion upon that of my own knowledge; no great improvement in the cultivation can take place without an expenditure of capital, which the native does not possess.

4787. Will not the introduction of European skill and capital tend to place the natives in funds, so as to enable them to make improvements?—I am afraid that they have not had time to do it, and I do not think they are now likely to get much more money.

4788. Mr. Wilson.] Are you able to inform the Committee of the cause of the very largely increased exportation of native coffee within the last 10 or 12 years?—The prices at one time got up very high; the attention of the natives was drawn to it, and they took much more trouble, possibly, in collecting it, and very likely, if it paid well, a native would sell a small quantity of coffee, which, if it were not worth the carriage, he would use himself.

4789. You are aware that during the last seven or eight years the price of coffee has been every year becoming lower and lower, while the quantity of native coffee has been becoming larger and larger?—That is from the increase of speculation.

4790. I speak of native coffee now?—Yes, that native coffee is bought up ultimately in Colombo by European speculators, therefore that gives activity to the trade of course. They have agents employed about the country in collecting coffee, which is brought down to Colombo.

(92.)

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4791. Are

174

138 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

P. E. Wodehouse,
Esq.
21 June 1849.

4791. Are the Committee to understand that while within 15 years the importations of native coffee from Ceylon have increased from 1,000,000 lbs. to 10,000,000 lbs., while the price has been diminishing, it has not been caused by the increased production, but is owing to speculation in Colombo, and to a more careful collection of it in the island?—No; unquestionably there is an increased production, but not scientific production; for example, a native who 10 years ago planted a piece of coffee a quarter of the size of this room, will very likely now plant a piece as big as the whole room; but I do not call that a more scientific cultivation of coffee, or anything of the sort.

4792. Still there is increased cultivation by the natives?—There has been, but I conceive it will now go down again.

4793. Up to this time there has been increased cultivation on the part of the natives?—I have no doubt of it.

4794. Mr. *Villiers*.] Are not you aware that there has been a reduction of duty on Ceylon coffee in this country?—Yes.

4795. Therefore if the duty were reduced here it would induce a great demand for coffee, or at least make this a better market for Ceylon coffee?—Yes.

4796. And would lead to a greater amount being imported?—Yes.

4797. When you gave your answer as to the beneficial effects of capital being introduced into the cultivation of coffee in Ceylon, I suppose you do not mean to deny that economically there is an advantage in it, but you question whether there is any social advantage to the natives?—

4798. Is it all native labour which is employed in this increased cultivation of coffee, or is it coolie labour?—The estates of the European planters are almost entirely dependent upon imported labour from the continent of India.

4799. Is that because the natives are unwilling to work, or do the planters obtain those coolies more cheaply?—Both. You cannot very often depend upon the native labour; they will at certain seasons go to work upon their rice fields, whatever you may offer them.

4800. Mr. *Hume*.] You have stated that the passing of a land tax is utterly impossible at the present moment?—I explained, in answer to the questions which have been put to me, that it was so in consequence of the state of the tenure of land.

4801. That has been known to the Government for many years, has not it?—Of course it has.

4802. Have not you had a large engineer's establishment in Ceylon for many years?—Yes, and they have been amply occupied.

4803. In what way have they been employed?—The very fact of the estates which had been opened gave ample employment to the surveyor general's department in the survey of lands for sale.

4804. You have stated that in the recommendation which was made from home as to taxes to be substituted for the export duties, the land tax is the principal tax which is suggested?—Yes.

4805. Must not the authorities in England have been utterly ignorant of the difficulties when they recommend what you have now said to be utterly inapplicable?—Possibly they were.

4806. And consequently they were unacquainted with the state of the country respecting which they gave instructions to the Governor?—If I recollect rightly, the instructions were not peremptory. My impression is that the Governor was ordered to lay those matters before the Executive Council, and give them an opportunity of discussing them as to what measures should be adopted, and it resulted in the land tax not being brought forward; therefore it was not made a peremptory order.

4807. Mr. *S. Wortley*.] With respect to the land tax, I understand you to say that it is your opinion that the land tax, if it had been imposed, would have been more productive than any other taxes in existence in Ceylon?—Yes, I am speaking of a tax on all land.

4808. Would the excess of revenue so obtained, in your opinion, more than cover the expense of the settlement of the boundaries of lands and the title to property?—Ultimately, I think, in its progress the cost of the establishment which will be required would be defrayed by the reasonable fees which the

landowners

175

P. E. Wodehouse,
Esq.

21 June 1849.

landowners themselves would be glad to pay in order to get a clear title to their land.

4809. Would such settlements of titles and of boundaries be acceptable to the owners of property, so as to secure their concurrence with the Government in carrying it out?—I have no doubt about it if it were set about judiciously. I would begin in one district, and extend it from time to time as I saw the working of it.

4810. Would there be any difficulty in imposing a land tax gradually and progressively upon the land, as the titles and boundaries were ascertained?—I am inclined to think that that might give great dissatisfaction. If you did not remove the other taxes, in the first instance, there would be an outcry against the additional taxation. On the other hand, if you did remove them, those who had to pay the new tax would complain of paying it while others were free from it.

4811. Supposing it to be looked on by the owners of property as a privilege to have their boundaries and titles ascertained, is not it probable that they would willingly acquiesce in the payment of a tax for the purpose?—They would pay for the advantages which they gained in the first instance, by paying for the survey, that is, by paying the fees, which would cover the cost of the settlement. I would make them pay so much an acre for the survey, and then pay either the stamp fee, or whatever it might be for the title deed, which stamp fee would go in aid of the salaries, and so on, of the establishment employed.

4812. Do not you think the advantage to them would be so great that they would willingly acquiesce in a land-tax upon their property from the time of its being so ascertained and settled?—I do not think at first they would appreciate it sufficiently.

4813. Sir J. Hoggr.] What is the mode which the Government adopt in levying their proportion of the rice tax?—The Governor is entitled in law to take one-half, or one-tenth, or whatever it may be of a man's crop. The way they do is this: they sell that privilege by auction; when the crops are about ripe, lists are made of the extent of the land and the probable amount of the crop in each village.

4814. While the crop is standing?—Yes; they are sold by auction, and any man who chooses comes and buys the right of the Crown to a share in any particular village.

4815. Is not the result of that system that the native grower of rice is willing to submit to almost any exaction from the person who has purchased the Government share, in order to get rid of the annoyance which his claim upon the standing crop causes to him?—There is undoubtedly great difficulty attending the carrying out of the present mode of levying the revenue. One mode of getting over it is to allow parties to commute the annual payment for a certain sum of money every year by regular agreement, lasting for six or seven years.

4816. There cannot be a doubt that the mode of selling the Government right while the crop is standing must tend to gross imposition and great extortion upon the natives?—The parties require to be most carefully watched; but I am not satisfied whether it is for the advantage of the natives that it should be altogether done away with.

4817. Have you any doubt that a land tax would be infinitely preferable to taking a proportion of the produce as it is now levied?—I think it would, but at the same time I think the natives would lose very much indeed by any measures which tended altogether to withdraw them from the control of the Government. If the Government has no immediate interest in the extension of cultivation, or in the proper management of the land, the natives themselves are very great sufferers. They will do nothing in common; they will carry out no joint operation satisfactorily without the assistance and direction of the Government officers, and if you remove their interests from those of the Government, or prevent the Government interfering with them, they always lose.

4818. Would not the imposition of the land tax give the Government a most direct interest in the welfare and cultivation of the soil?—That would depend upon the machinery under which it was introduced.

4819. Mr. M'Cullagh.] With regard to the extension of the cultivation of coffee, am I to understand you to say that the natives view that extension with

P. E. Wodehouse,
Esq.

21 June 1849.

jealousy?—I said that when European settlers come into a country in which, up to this day, the natives have lived exactly as they like among themselves, it stands to reason that all the views of a European settler should be totally at variance with theirs. For example, his estate may be surrounded with land which they have for generations looked on as common property; he gets into disputes with them immediately respecting the trespass of their cattle, and it is almost impossible to define any fair line between the rights of the natives in respect of that ground and the rights of the Europeans whose cultivation is injured.

4820. Do you attribute the decay of the rice cultivation to the increase of the coffee cultivation?—In some districts that has been the case, because some of the people could earn more money by going away and working upon a coffee plantation than upon their own rice lands; that does great injury to the other proprietors; rice land cannot be cultivated unless all the proprietors join; and if half of them go away, the field is not properly managed, and the other proprietors suffer.

4821. Do you think the decline of irrigation is attributable in some instances partly to the increase of coffee cultivation and the demand for labour it produces?—Yes; what is wanted is, that the Government should have the power of giving to the other shareholders in the property, where a man goes away and will not do his work, the right of entering upon his land, and doing the work which he ought to do.

4822. You stated that there were evils arising from the introduction of the European system among the natives; do you suppose that the natives themselves feel it to be a detriment, and are discontented with it, or have they fallen into the habits of the Europeans without feeling them to be injurious?—I think the more respectable natives cannot but feel annoyed by it.

4823. What are the social evils which you think they must be annoyed at?—I think the whole tendency of everything which has taken place in Ceylon for some years has been to break down almost all restraints upon disorderly characters, and to weaken the influence of the more respectable part of the community. I do not say that it could be avoided, but I have no doubt such has been the case.

4824. Mr. *Hawes*.] What is the nature of the policy which has been adopted, which has produced that result?—I do not mean to say in respect of policy, but the introduction of European settlers, and the introduction of capital, and the removal of restraints of different kinds, have had a tendency to encourage disorderly characters, and of course to weaken the influence of the superior class. The question which has been put to me bears, I think, in a great measure upon what has been called the disaffection and discontent of all the chiefs and head people in the country. There may not be another opportunity of stating that it may be necessary with regard to the future management of the colony that there should be a distinct understanding on the part of the Government, and of this Committee, what the chiefs and headmen really are. Looking to these papers which are before me, and to the expressions which are used, the Committee will be led to infer that the chiefs are a totally distinct set of people from all the rest of the population; that they are a sort of hereditary aristocracy whose privileges are quite at variance with the wellbeing of the community; I do not think that is at all the case. My own impression is, that the whole future prosperity of the country depends upon their being properly treated, and being made contented instead of discontented. In the first place, no chief holds any hereditary rank, they only hold their rank at the option of the Crown; it must be conferred by the Crown, and can be taken away by the Crown at any moment. And also when a chief dies, his property, like that of everybody else, is immediately subdivided equally among all his heirs. Up to 1832 they possessed very great influence in the country, under the system of compulsory labour; they were the means of carrying it out, and so they acquired and exercised perhaps a very prejudicial influence; but that has been entirely abolished, and everything which has happened since then has tended to weaken their influence, and consequently to weaken the influence of everything that is respectable in the country. Then the introduction of coffee planting tended to increase that; as Europeans came in they lost their very superior position, and they were naturally discontented; but to say that it is politic to continue to depress them, I think is most dangerous; for they, in point of fact, represent everything which is at all respectable, and everything that is influential or educated in the colony.

An

117

P. E. Wodehouse,
Esq.

21 June 1849.

An immense amount of the Government work is done by those people, without any salary at all, and it would be very inconvenient indeed to find salaries for them. Therefore, in point of fact, giving them a rank is merely a recognition on the part of the Government either that they have done some work or that they are the most respectable people in their different localities.

4825. The law of the partition of property prevailing in Ceylon, in what way could the authority of the chiefs, do you think, be maintained during any long period of time?—Under the system of compulsory labour, certain great families were congregated around the Government and around the Crown, who had the means of keeping up their influence and bringing in their own dependents upon every occasion which occurred.

4826. In what way could the Government directly uphold the authority of the chiefs, this subdivision of property prevailing always upon the death of a chief?—They cannot uphold it directly; but I think it should be the object of the Government, in carrying on the administration of the country, to support rather than to lower the leading families of the country; nothing is gained by depressing them, but, on the contrary, everything would be gained by giving them a fair influence in the colony.

4827. Mr. *Villiers*.] Are there different grades among them?—Yes, which are all conferred by the Government. A man may rise from one degree to another by the favour of the Government, and in no other way.

4828. They have no hereditary rank?—None whatever.

4829. Mr. *M'Cullagh*.] You say you think it should be the policy of the Government to treat them with confidence?—Unquestionably, taking due care, of course, that it is shown that they gain their rank by acting under the Government and supporting the Government.

4830. In what way do you conceive those social and moral restraints which I understand you to say have been broken down by the increase of the European system, could be safely or gradually restored through the influence of the Government?—I think that the headmen and chiefs, properly superintended, might be intrusted with more power than they now possess in the country. I think in some of these papers it has been stated, as one of the grievances, that cattle stealing and the like goes on in various parts of the country. It is stated by one man that under the king's government such things did not happen; all that was prevented under the king's government through the instrumentality of those chiefs.

4831. You would view those chiefs as unpaid magistrates, in fact?—That is too large a word. I can hardly make it intelligible; but I think the spirit of the Government should be to support respectable men in the country rather than to suppose that there is any class of men which ought to be reduced.

4832. Do you apply the same observations to the priesthood; would you use them in any way to restore those beneficial influences?—That is a much more difficult question.

4833. Mr. *Villiers*.] Did not the government appoint persons to stations from the low caste, and has not that offended the chiefs?—The question of caste is extremely difficult; I do not think it would do for the Government to recognise the superiority of caste at all; but there is no doubt that, practically speaking, a man of low caste cannot be so efficient a servant as one of high caste.

4834. Mr. Buller states in his report: "The raising the lower orders to superior ranks, and employing them in situations formerly considered as the exclusive privilege of chiefs, has been assigned as a cause of the present rebellion;" has it been the practice to do that?—It has been tried occasionally, because the Government has been anxious to overcome that feeling of caste; but it is so rooted in them that it is very difficult to do so.

4835. You do not think it expedient to do it?—I have tried it, and I cannot but affirm that low-caste people have not been able to make themselves as efficient as the high caste, though in point of ability and information they were quite equal to them.

4836. Mr. *Hawes*.] In the early part of your examination, I understood you to say, that you considered Lord Torrington was almost imperatively called on to abolish the export duties, that measure being, as he conceived, in conformity with the commercial policy of this country?—Yes; my understanding was at that time, and I retain it still, that his Lordship left England with a very strong impression that that was expected to be the measure to be adopted.

P. E. Wodehouse,
Esq.

21 June 1849.

4837. Will you let me call your attention to a passage in a despatch, dated the 18th of June 1847, one of those relating to the commercial and financial policy of the colony, which was laid before you: "You will consider the report of the 13th of April 1847 as expressing in general the views which Her Majesty's Government entertain as to the course which ought to be taken for improving the revenue of Ceylon, and for the application of it towards many public works of the highest utility; but your Lordship will understand our concurrence not as absolute and unqualified. It is impossible but that the distance which separates us from the scene of action, and our want of personal acquaintance with the country in which the proposed changes are to be made, should leave us open to many sources of error which no vigilance could entirely detect, and which no industry could altogether surmount. In adopting the conclusions of the report of the 13th of April, we therefore are to be understood as being perfectly aware that, from the causes I have mentioned, errors may have crept into that report, of which neither the authors of it nor Her Majesty's confidential advisers are aware, or even suspicious. I therefore transmit this report as a rule for the guidance of the Government of Ceylon, so far, and only so far, as the members of that Government shall, after duly weighing it, be themselves of opinion that the practical conclusions which it would establish are just, and can be successfully brought into execution."

4838. Do you happen to recollect that passage?—Yes.

4838.* With reference to the abolition of the export duties, coupled with the imposition of a land tax, the Executive Council came to the conclusion that the export duties should be abolished without a corresponding land tax being imposed?—Yes, that was the result.

4839. Had you felt yourself at liberty to deviate from that report, to adopt one portion and to reject another portion, as you thought best for the interests of the island?—Yes; I still retain my own opinion that the export duties were looked on as intended to be abolished.

4840. Still the Executive Council were perfectly at liberty to consider the policy of repealing or retaining them?—Yes, according to those instructions.

4841. What was the amount of the tax imposed upon the coffee lands upon the repeal of the export duties?—I would rather not say without referring to the minutes of the time.

4842. Do you or not recollect that it was simply to be a tax so calculated as to be, as nearly as possible, equal to the then existing export duty?—Yes, I recollect that.

4843. Therefore, supposing the export duties to be abolished, and the land tax to be imposed, the land tax was not to exceed the amount of the export duty upon coffee?—No; but there would have been all the difficulty of arriving at what was an equivalent for that.

4844. I have understood you to say, that you consider such a tax upon coffee land, or a land tax generally, in the present state of Ceylon, to be impracticable?—I think so; I was at first inclined to think that a coffee land tax might have been arrived at, but the more the subject was discussed the more inconvenient and impracticable it seemed to be.

4845. Therefore the Executive Council came to the conclusion that they would abolish the export duties and not impose a land tax?—Yes.

4846. The merchants have had the full benefit of the repeal of the export duties, without any corresponding tax being imposed?—No, not now.

4847. Why not?—Because the Stamp Ordinance imposes a very large amount of additional taxation.

4848. The Stamp Ordinance is a direct tax, is not it?—Yes.

4849. The export duty is an indirect tax?—Yes.

4850. Is it or is it not the fact, that the whole of the alteration of taxation proceeded with this object in view, namely, to remove indirect taxes and to impose direct ones?—I suppose that was the principle kept in view.

4851. You, I think, were the main author of what is called the Road Ordinance in Ceylon?—I was.

4852. The Bill, and the details of the Bill, were prepared immediately by yourself?—Yes.

4853. What effect, in the first place, would that ordinance, if carried into operation, have had upon the revenue?—It was very carefully drawn, so that the

Government

Government should make no direct revenue by it, but that it should only go in aid of the revenue by relieving the Government of the road expenditure.

P. E. Wodehouse,
Esq.

21 June 1849.

4854. The road expenditure of the island had been paid out of the general revenue?—Yes.

4855. You proposed, under the provisions of the Bill, that there should be a direct system of taxation, raised and managed by local bodies, for the improvement of the roads throughout the island?—Yes; keeping a certain degree of control in the hands of the Government, which was absolutely necessary in an experiment of that nature.

4856. Will you explain to the Committee the control which you proposed to retain in the hands of the Government for repairing and making good the roads?—The degree of control which the Government kept, in the first instance, was appointing a chief committee in the province, by which all the provincial administration of the roads was to be carried on, the collecting of the money, and ascertaining what road works should be undertaken, and everything of that kind.

4857. How was that chief committee composed?—It was composed of the agent of the province, the commissioner of the roads, who was entrusted with the management of all the public roads in the colony, and some other members not in the Government service.

4858. Those other members being natives of some standing or authority?—Natives or Europeans, or any gentlemen who wished to serve.

4859. It was intended to compose that committee of a certain number of natives and Europeans?—Yes.

4860. You intended to allow the natives a share in carrying into effect the provisions of the ordinance?—Undoubtedly.

4861. And it was one main object, was not it, which you had in view to lead the natives to take some interest in that branch of the administration of the Government?—Yes, certainly.

4862. With a view to educate them, and bring them more immediately into contact with the authorities of the Government?—Yes, it would have that effect, certainly.

4863. With regard to the revenue, the result of that ordinance would be this: to save the outlay upon the roads, which was provided for by the general revenue of the colony, and to obtain in different districts, by direct taxation, a similar sum?—Yes. Of course the first question which presented itself was, in what manner it was to be assessed; and the same extraordinary difficulty with regard to the tenure of the land, made it quite impossible to assess them in proportion to their property, because you could never have arrived at any conclusion as to what a man's property was, therefore the scheme was to make a moderate assessment upon every man living in the country. It may sound very unfair to have put a similar tax upon all persons, but when it is considered that no man in Ceylon works for his subsistence probably more than 250 days in a year, and can subsist very well only working so much, there is no very great hardship in calling upon him to work gratis upon the roads, or remain idle, when he works more particularly for the improvement of the country, in his own immediate vicinity.

4864. You require the inhabitants of certain districts to work a certain number of days upon the roads, or, in lieu of that, to pay a certain amount of direct taxes?—Yes, not exceeding a given sum.

4865. Will you state the sum?—Not exceeding 6*d.* a day: that is to say, not exceeding 3*s.* for six days' labour, or any less sum at which the Governor might fix it by proclamation.

4866. I believe some apprehensions were entertained as to the operation of this ordinance in Ceylon, and some dissatisfaction was created by its being represented that it was a poll-tax?—Yes.

4867. You, I believe, went through several of the provinces of Ceylon, with a view to ascertain the opinions of the people upon that subject?—I went through my own province with a view of making it understood, and explaining anything which they might object to, and to take care that its provisions were fairly before them.

4868. You went to Kandy, did not you?—No, not for that purpose.

4869. Will you state to the Committee the results of that tour, so far as regards the opinion of the people generally upon the future operation of that ordinance?

P. E. Wodehouse,
Esq.

21 June 1849.

ordinance?—I can safely say that throughout that tour I had no reason to alter my opinion, that it could be carried out without opposition and without difficulty.

4870. You came into contact I believe with large bodies of people, and with all the authorities and native chiefs in the course of your tour, and ascertained, as far as you had an opportunity, their opinions upon the operation of the ordinance?—I did all I could to get together a large number of people at different places throughout my province, on purpose to do that.

4871. And you personally explained the provisions of the ordinance, I believe?—Yes, throughout; and listened to anything they had to say respecting it.

4872. In the course of that tour, and of your communication with the people, did you meet with some who entertained strong opinions adverse to the introduction of the Road Ordinance?—No, I cannot say that I met with any who, when it was explained to them exactly what its provisions were, were adverse to it; certainly no people of any respectability.

4873. Speaking of the people generally, the native peasantry of the country, did you ascertain their opinions?—They were present in great numbers at all times; there was no distinction drawn; they were meetings in the open air, and they all attended in large numbers.

4874. And the result was that there was no expression of opinion adverse to the payment of this direct tax, or to the working for six days upon the roads, as provided for by the ordinance?—I do not mean to say that there were not one or two idle people who said, I cannot pay, and I will not work; it might be so here and there; parties perhaps who were half drunk at the time. I do not take that as any expression of opinion, and I do not think that that should be allowed to stand in the way of any measure at all.

4875. Speaking from your knowledge of the province under your charge, are you of opinion that if that ordinance could be carried into practical operation, it would be most useful and beneficial?—Certainly I think so.

4876. Do you think it would lead to the opening of roads more extensively than the system now adopted?—In many places where they wanted roads the people themselves made applications for local roads to be undertaken for local purposes, under that ordinance.

4877. At what age did you require that a party should be liable to the tax?—I think the ages were from 18 to 55.

4878. I may assume, perhaps, that the effect of the ordinance, as explained by you, would be this: to give the whole body of the people an interest in forming new roads and maintaining the old ones?—Undoubtedly.

4879. Under the old system, I believe the roads had been made to benefit rather particular properties than the public at large?—No, I do not think that. I heard that stated by a witness the other day, but I cannot admit it.

4880. You think, generally, that that charge against the Government of Ceylon is not founded upon fact?—I do not think it is borne out by the facts at all. The road to which that gentleman alluded, as I am sure he will admit, is a large trunk road, leading into many very large districts of the island. It happens to pass through a district in which some of the civil servants have estates, but it leads on to all the main districts in the interior of the island.

4881. Which road are you referring to?—The Amlergan road. It has been often spoken of as a proof that where the Government servants bought land, roads were opened; and that where they did not, roads were not opened.

4882. Do you think there is no foundation for that representation, that roads have been made more with reference to the benefit of particular properties than to the general interests of the island under the old system?—I have heard the case of a road, made more than 20 years before, stated with that view, but I cannot speak with certainty as to its being so.

4883. *Chairman.*] Will you tell the Committee what was the amount paid by the Government for roads under the old system?—It varied very greatly? 50,000*l.*, or 60,000*l.*, or 70,000*l.* a year.

4884. What was the sum calculated to be raised under the new system?—That is a very difficult question to answer; of course the Government would have to be regulated by the demand for work that was brought forward. The Government would have, under the new system, no direct interest in calling upon the people of a district to make a road, because they could only do it for that particular district; but there is another provision which the Government

were

1071

P. E. Wodehouse,
Esq.

21 June 1849.

were to carry out with respect to the Road Ordinance, which was, that if the people furnished a certain amount of labour for making a road or improving a road, Government was to aid them with a certain amount out of the general revenue of the country to carry on the work; which of course would have the effect of reconciling them to it, and also of showing them what an advantage it was to make use of it; that is a very important matter. It is not in the Ordinance, but I was authorized by the Government to state very distinctly that that would be done.

4885. Mr. *Villiers*.] Did you make this tour to explain to the people the character of this tax before the insurrection?—No, after the insurrection.

4886. The Road Ordinance had been introduced before the rebellion, had not it?—Yes.

4887. Do you know whether a similar course was taken with respect to the other taxes, so as to make them intelligible to the people?—The means of getting the people together that I availed myself of at that time was by calling them at the same time to come to me to register their fire-arms. I took with me licences for fire-arms, and they took out licences; and then having got them together for one purpose, it gave me an opportunity of explaining everything to them.

4888. You explained to the people whom you addressed the nature of all the taxes?—Yes, all that remained which they were interested in.

4889. The shop tax was gone?—Yes.

4890. Have you any opinion with respect to the influence of those taxes upon the insurrection which actually took place; do you believe they had anything to do with it?—Yes; I think the taxes coming at that time possibly set it going at that moment. I think they were made a handle of; there was a discontented feeling, and they made it active.

4891. Should you say that if the people had understood the real purport and bearing of those taxes the disturbances might have been prevented?—It is very difficult to say. I have no doubt there was great discontent existing respecting religious matters, and therefore it is difficult to say how far that was increased by the taxes.

4892. Mr. *Gladstone*.] That you consider to have been the groundwork?—That I consider to be the only permanent cause of discontent in the Kandyan provinces.

4893. Mr. *Hume*.] Did you explain to the different meetings in your district the nature of the road tax only, or of the other taxes?—I explained to them that such and such taxes had been abolished, and that the Fire-arms Ordinance had been converted from an annual tax and an annual registration into one licence for good and all; and I explained to them that Government having made that concession, was determined to proceed with the others with the full power of the Government.

4894. Are the Committee to understand you to state that the gun tax and the dog tax, according to the ordinance as passed, had created dissatisfaction among the people; and that on your explaining that one was to be done away with, and the other to be modified, there was less objection to the road tax?—Undoubtedly: but not only that, I found that to a certain extent they did not understand the road tax. Some of their objections to that were removed.

4895. You have stated that you were the person who drew up the ordinance?—Yes.

4896. I find in the first clause that all persons are included between the age of 18 and 55, except officers, non-commissioned officers, and soldiers belonging to the staff, and certain Europeans; to what extent did you mean that exemption to go?—I exempted the Governor, the officers and non-commissioned officers and soldiers, and the Malabar coolies, as not being residents in the island.

4897. Were the clergy of the Church of England, or dissenters, excluded?—No.

4898. Did they remonstrate against that, and were not they afterwards excluded?—No; there was no remonstrance upon that point till a subsequent stage in the matter.

4899. In the clause with respect to the penalty in default, it is stated that in case they "shall fail or refuse to attend and perform the same work when required so to do, any such person shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding 5*l*." Are the Committee to understand that

P. E. Wodehouse,
Esq.

21 June 1849.

to apply to every individual between the ages of 18 and 55 who did not work six days or pay an equivalent of 3s. ?—Yes.

4900. It is stated that the money is to be levied in the same manner as under the Police Act, which includes flogging; was that intended, or was it an erroneous interpretation?—What took place was, that in the subsequent ordinance persons refusing to work or to pay were made liable to any punishment which the police court might impose, which included flogging; that sounds very objectionable; but I consider, practically speaking, it is quite capable of defence. No man of bad character in Ceylon, who is a native, looks upon imprisonment as any punishment whatever, and I am certain it is a notorious fact, and any person in the colony will bear me out, that that is so, that they do not regard imprisonment as any punishment. When this amended ordinance was under consideration, it was brought to notice that a fine of 5*l.*, or less than 5*l.*, might be no punishment at all. A person, for instance, might refuse to work, and be sentenced to pay a fine of 1*l.* He would not pay, but would go to gaol, and while in gaol he would be quite as well off, or better off, than while he was at large. Therefore power was given to the police court of saying to a person, if he was fined the first time, or imprisoned, that if he came there again a second time he might stand a chance of being flogged. It just amounted to whether the ordinance was to be enforced or not, or whether any individual of a very idle and disorderly character could positively refuse to do what the law required him to do, taking the chance of merely going to prison, which he looked upon as no punishment.

4901. Then it was intended that in case a person were refractory, and did not work or pay the tax, he should be flogged?—The way it would have worked I think was this: if he repeatedly and wilfully refused to do what the law required him to do, and if after being punished by imprisonment once or twice he continued to disobey the law, in some way or other he would be punished.

4902. Did you explain at those meetings that it was the intention that the law would be enforced by flogging?—To the best of my recollection I did, undoubtedly, in the same terms as I have now explained it to the Committee.

4903. Do you speak Cingalese?—I understand it; but I had an interpreter with me who explained everything to the fullest extent.

4904. Did you call public meetings, or at what meetings did you explain the intentions of the Government in that respect?—At the best meeting I could possibly get together. All the headmen in office in the whole of the district were ordered to meet me at a certain place. All parties having guns were required to come to get them licensed, and at the same time the headmen were instructed to get together as many as they could, to hear what was going on.

4905. While you were explaining that the law might be enforced by flogging, are you aware that Sir Emerson Tennent reports to the Government that a meeting which he attended were perfectly satisfied, as he told them that the option was, that whereas they were formerly subject to flogging if they did not work, they were now required to work without that liability to be flogged?—I do not wish to be committed as to anything which Sir Emerson Tennent said to the people.

4906. Are you aware that he made a tour round the country, and the Governor reports that he had taken occasion wherever he went to explain the character of the taxes to the natives?—Yes.

4907. And that he found them satisfied with the taxes on his explanation. Does Sir Emerson Tennent speak the native language?—No, but he had the same opportunities through an interpreter of speaking to the people most fully. The Government agents were instructed to meet him in the provinces which he went through, and he had every opportunity of making himself understood by every person.

4908. Can you state whether the tour which Sir Emerson Tennent made was in any of the districts that were afterwards disturbed?—Yes; he passed through them. He was at Matelle and at Dambool, I think, on that tour which he mentions. In paragraph 22 he says, "On the 6th of July I rode to Dambool."

4909. Was he at Kurnegalle, do you know?—I do not think he was at Kurnegalle.

4910. Had you any opportunity of knowing in what way the meetings were held; were they public meetings, or meetings in cutcherries, or of what nature

nature were they?—I know nothing of them further than from report. Sir Emerson Tennent's report states the facts.

4911. Will you look at page 146; he says: "Goompane replied that they did not think it too much to pay once, but they wished only to have one registration, to be free ever after. They could not afford to pay every year for keeping a gun. The colonial secretary asked which they would prefer; the old law, to keep no gun, or the new one, to register them? The new one to pay 2s. 6d. annually, or the old one to be flogged for having fire-arms at all? Goompane could make no reply to this." Are you aware whether Goompane has not contradicted that statement, and alleged that it is altogether false; that he did make a reply, and that he was dismissed from his employment as a public servant for having made that reply?—I know nothing at all about it.

4912. Are you aware that Goompane states: "In consequence of my stepping forward in a public assembly, convened at Kandy, on the 8th of July last, and suggesting that one gun licence ought to answer all purposes, I was threatened to be, and was subsequently dismissed from my office of aratchy, because I had the boldness to step forward in these bright days of liberty to reply to Sir Emerson Tennent;" are you aware of any correspondence in which that is stated?—No.

4913. Do you know Goompane, the person alluded to in page 146?—No.

4914. Did you hear of his having been removed from the public service?—I heard it as a rumour.

4915. Of your own knowledge have you no means of knowing why he was removed?—No.

4916. Sir *J. Hogg*.] Of your own knowledge do you know whether he was or was not removed?—No.

4917. Nor from official sources?—No.

4918. Mr. *Villiers*.] You have said that there was a general report that he was dismissed; was there also a general report as to the cause of his removal?—The general report was, that it was in connexion with this, and also his not being supposed to be well-disposed to the Government or the Government measures at the time.

4919. Mr. *Wilson*.] Was it supposed that he was generally inimical to the proposition of the Government as to the imposition of taxes generally?—It was merely supposed, from his taking this prominent part at this conference, that he did not approve of what was going on.

4920. Mr. *Hume*.] Did not the ordinance to which you have referred include the Bhuddist priests, who were to be subjected to the same tax as every other person in the country?—Yes, originally it did.

4921. Was that in ignorance of the poverty of the Bhuddists, which their situation and vows compelled them to observe?—It was not in ignorance, but it was not giving much regard to it, inasmuch as the vows of the Bhuddist priests to possess no property are a perfect fiction. It is notorious that the priests do possess property; some possess very large property. In theory they cannot possess property.

4922. Is it your opinion that those professions on the part of the Bhuddists are not sincere, and that they do possess property?—There is no doubt about it; priests go into court in law suits to recover property constantly.

4923. Are you aware that Lord Grey approved of that ordinance as it was passed originally?—Yes.

4924. Was there any objection made to that ordinance in the course of its passage through the Legislative Council?—It was impossible for any ordinance of that magnitude to have gone through the Council with less discussion.

4925. Mr. *Hawes*.] By which I understand you to mean, that there was a general consent to its provisions?—Or else the members took no trouble to oppose it.

4926. Mr. *Hume*.] You will see Lord Grey says, "In signifying to your Lordship Her Majesty's pleasure as regards this ordinance, I have to express my entire approbation of the principle on which it is founded, and my hope that it may be productive of very important advantages to the colony; and I have also much pleasure in recording my opinion, that it is drawn up with so much ability as to reflect great credit upon the Council of Ceylon"?—I observe he does.

4927. Will you refer to page 345, in which it is said, "The most important of the new taxes, and those which have been most objected to, are the tax of six

184.

148 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

P. E. Wodehouse,
Esq.

21 June 1849.

days, or 3s. in money, imposed by the Road Ordinance;" are the Committee to understand from you that the ordinance, which was approved of first and afterwards modified, passed through the Council without any objection?—I have already stated that I have no recollection of any discussion; it was a matter of surprise to me when it passed through committee in the Legislative Council that there was no discussion.

4928. Notwithstanding that there is a petition signed, I believe, by 500 Bhuddist priests?—That was afterwards.

4929. Was it in consequence of that that the modification took place?—It was deemed advisable to make that concession to the feeling of the Buddhist priests, looking to what had taken place in the country recently; but I still am of opinion that there was no good reason for exempting them in the first instance.

4930. Do you consider that that Road Ordinance had no effect in exciting the discontent which led to the serious disturbances in July and August 1848?—I have said that I consider that all those measures happening, as they did, to come together, more or less tended to bring that discontented feeling into action.

4931. You drew up that ordinance; will you state whether any measures were taken to initiate "the elements of local self-government." Recommendations had been made by Sir William Colebrook with respect to the ancient village councils, and that was one of the points which Lord Torrington recommends to the attention of Her Majesty's Government; were any steps taken towards the establishment of those councils?—The ordinance, so far as it contains provisions in respect to the election of village officers, does contain the elements of local self-government; I think they are contained in it as it stands.

4932. Was any measure taken towards the formation of those village councils before the repeal of the ordinance?—None that I know of.

4933. Then the principle of the measure in that respect had not been carried out, and no step had been taken towards carrying it out?—There had been no time; there was no discussion as to whether it was advisable that the thing should be attempted immediately or not.

4934. For how many months did the ordinance remain in force?—I do not at all wish to be understood that because I was in favour of the Road Ordinance as it stands, I was therefore for the immediate organization of village councils. I did not see that the two things had any necessary connexion the one with the other. The gentlemen in Downing-street first proposed that some such system should be undertaken as a limited measure, and when that came before the Executive Council, and when the discussion took place as to how the amount which was lost by the repeal of the export duties could be replaced, I took the liberty of suggesting that it was not advisable to restrict this Road Ordinance in the manner proposed in Downing-street, but that it would be better to make it general; there was very great danger if it had been carried out as suggested in Downing-street, that the natives would have said, what I have been asked about this morning, that they were roads undertaken for the benefit of particular estates in particular districts; minor roads hardly exist in Ceylon except as leading to estates. I do not see that the village councils were called for immediately.

4935. Lord Torrington, in page 212, states that the original view of the Government, which was perfectly aware of the prospective difficulties with regard to the Buddhist priests, was, that they would be able to procure substitutes; were you aware of that difficulty at the time of the passing of that ordinance?—Quite so.

4936. That the Buddhist priests were not in a situation to pay the money which was to be exacted from them?—Yes, and I still think they are.

4937. Then you do not believe the allegation which is contained in that petition, on the same page, that "the rites of the Buddhist religion prevent its priests particularly possessing money or other property"?—I have already stated that, according to the doctrines of their religion, they cannot possess money, but that they all infringe those rules and do possess money.

4938. They go on to say, in page 213, "that no ordinance or minute was ever passed in Ceylon imposing any labour or tax on priests against the rites, and, to the contrary, they were always assisted and indulged;" do you believe that this was the first tax which was ever laid on Buddhist priests?—It may have been the first direct tax; but in like manner it was the first tax which was laid

185

laid upon English clergymen, and therefore I think the priests had no particular right to complain.

4939. English clergymen are not required by the tenets of their religion to be without property?—I have already stated that that is a fiction as respects the Buddhists.

4940. Then the legislation took place in violation of what they professed, but in consequence of what you supposed to be in reality their situation?—And which everybody knows to be in reality their situation.

P. E. Wodehouse,
Esq.

21 June 1849.

Martis, 26^o die Junii, 1849.

MEMBERS PRESENT.

Mr. Hume.
Sir James Hogg.
Sir J. Walmsley.
Mr. Gladstone.
Mr. S. Wortley.
Mr. Disraeli.

Mr. Hawes.
Mr. Wilson.
Lord Hotham.
Mr. C. Villiers.
Sir R. Peel.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

The Honourable *Gerald Talbot*, called in ; and Examined.

4941. Mr. *Hawes*.] ARE you attached to the Civil Service at Ceylon?—
I am.

Hon. G. Talbot.

4942. What office have you filled in that service?—I have been principally employed in revenue situations in three different provinces in the island. For the last year before I left Ceylon, from which I have been absent about a year, I was employed as Assistant Colonial Secretary and Clerk to the Executive and Legislative Councils.

26 June 1849.

4943. Can you state what was the period during which you filled the offices of Colonial Secretary and Clerk to the Executive and Legislative Councils?—From within two or three months after Lord Torrington's arrival till just before I came away, in the middle of 1848.

4944. *Chairman*.] Will you state the date when you came away?—I came away in May 1848.

4945. Mr. *Hawes*.] When did your period of service in the island begin?—In June 1838 I was appointed by Lord Glenelg.

4946. Did you act in the office of clerk to the Executive and Legislative Councils when the ordinances which have attracted attention at home were introduced?—I did.

4947. Were those ordinances brought forward in the usual prescribed form?—Yes, as far as I recollect, they all were.

4948. Was the usual notice, the notice required by the instructions, given to the public?—Yes; notice in the Government Gazette was given.

4949. Therefore they were some time before the public, at least the public had knowledge of them for some time before they actually passed?—Yes, they had the notice that all other ordinances have ever had.

4950. Were any remonstrances made to the Legislative Council, any petitions presented, or any general declaration of opinion adverse to those ordinances, made known?—I am not aware that there were any petitions presented to the Council by any member, and I do not think there were any, as far as I recollect.

4951. Can you state from your own knowledge what opinion was entertained of those ordinances by the public?—I can state this more especially in regard to one of them, which was the Road Ordinance, because that was an ordinance which

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Hon. G. Talbot.

26 June 1849.

I happened before I left Ceylon to have taken an opportunity of explaining to the natives of what was then my province.

4952. What province was that?—The Southern Province of the island.

4953. Can you state to the Committee the result of your explanation?—I must premise that it was by no means an official explanation. I had taken my leave of absence; I took an opportunity of taking leave of all my native friends in the Southern Province; I am able to speak the Cingalese language pretty well, and I took an opportunity of explaining this ordinance wherever I went; the result was, after my explanation, but by no means before, an entire approval of the objects of the ordinance, which I explained to them to be that the natives should have a beneficiary interest in their own work. That was the point on which they seemed to express the greatest objection, that the benefit of the work they would have to do would not fall upon themselves; but when it was explained that they were not to be called out beyond a certain distance from their own homes, nor beyond a certain time, they appeared to be, as far as I saw, perfectly satisfied.

4954. Did they apprehend that their labour was to be applied to the formation of roads in other districts than their own?—I do not think they had any very distinct opinion upon the subject. They recollected the regulations in force under the old rajakaria, and they had a sort of idea that this was a partial revival of those customs; they had no very clear apprehension of the ordinance at all.

4955. Were the other tax ordinances the subject of discussion at all in your own province between you and the natives?—I mentioned them, but did not go into them so fully as I did into the Road Ordinance, which I consider, generally, to be the most important ordinance which has passed since I have been in the island.

4956. Have you any reason to suppose that they were decidedly hostile to the new taxes?—No, I have not in the least; nor do I think they were in the Southern Province, in the least degree, hostile to them.

4957. Will you inform the Committee what steps are usually taken in the preparation and discussion of ordinances brought before the Legislative Council?—A Bill is proposed, we will say, by the Governor; it is very often proposed by others; but we will suppose that the Governor proposes a Bill to the Executive Council; it is there discussed and talked about as to whether it will be proper to propose such an ordinance to the public. When that is decided, supposing it is decided that it is a good plan, it is referred to the Queen's Advocate, who is a member of the Executive Council, to put into shape as an ordinance. He brings it back to the Executive Council, and it is re-discussed in all its bearings, and agreed on. After that it is published in the Government Gazette of the island for a period I believe of three weeks, and during the process of that publication a rough copy of the ordinance is sent to the heads of the departments, the Government agents, and so on, of other provinces, who are not in Colombo; it is their business to send it on to their assistants and their native assistants, and to get all the opinions upon it which they may consider to be of any value, and then to return it back again to the Governor, through the colonial secretary, with their report. After this is obtained, and any further alterations made in the Executive Council, it goes to the Legislative Council, and is there read a first time. Then there is an interval of ten days or a fortnight before the second reading. On the second reading it is always understood that the principle of the Bill should be discussed, and any motions or amendments which any member may wish to make are made, and the Council goes into committee upon it. When that is done, in about seven days afterwards it is read a third time and passed. Any verbal alterations may be made upon the third reading; but no alterations affecting the principle of the Bill are then allowed.

4958. It appears therefore that the practice there is very much that which prevails in the House of Commons?—I believe it is founded, as far as local circumstances will admit, upon that practice.

4959. Mr. *Wilson*.] May you put in additional clauses upon the third reading?—Yes, with the proviso, that they do not affect the principle of the Bill.

4960. Mr. *Hawes*.] With regard to an ordinance so passed coming into operation; does it come into operation immediately, or is it deferred?—I do not think the practice is that it should come into immediate operation. Formerly it was the invariable practice that it should not; but I think Lord Grey has allowed of it in some instances, when in their discretion the Governor and the Council consider

187

Hon. G. Tulbot.

26 June 1849.

consider it to be right for it to come into operation at once; but the usual course has been to wait the confirmation of the Government at home.

4961. Are ordinances generally passed with or without suspending clauses?—It depends on circumstances, but generally without, I think.

4962. But the practice is to defer them till the sanction of the Crown has been given?—Generally.

4963. I understand you to say, that even where there is not a suspending clause, the practice is to defer the operation of the ordinance till the assent of the Crown is given to it?—Yes. I am speaking entirely from recollection, and without having the rules of the Council before me; but that has been my impression.

4964. What would be the case, supposing a Bill were passed through all the branches of the Legislature, and received the assent of the Government, which bore upon its face the condition of its coming into operation immediately?—There would be no objection to that. Lord Grey has given the local Government power to bring it into operation at once in such a case as that.

4965. Did the ordinances which I have referred to, the Road Ordinance and the Tax Ordinances, go through all the forms you have described?—Yes, all of them. In respect to the Road Ordinance, it received a much greater publication and circulation than any ordinance I recollect; it was sent to all parts of the island, to persons totally unconnected with the Government, and every opinion was sedulously and carefully applied for and received.

4966. Was there any desire manifested on the part of the Government to hurry those ordinances through the Council, or abridge the discussion upon them?—Not that I am aware of. No Government whatever has any power to act in opposition to the rules of the Council. If they wished to abridge discussion to any amount, I do not see how they could do it.

4967. Referring to particular ordinances, the Gun Ordinance, the Dog Ordinance, the Shop Tax, the Stamp Tax, and the Road Ordinance, will you favour the Committee with your opinion as to the necessity and utility of such ordinances?—I will begin with the Fire-arms Ordinance. I think any one who has been resident in Ceylon for any time will not require any argument to show the necessity of that; the importation of fire-arms has been for many years most extraordinary, and the result has been, that in a common journey along the high road from Colombo to Kandy every other native you meet carries a fire-arm of some sort or other upon his shoulder. The Government had no return of those; they knew not where they were, nor anything about them; and I think, as it has turned out, with the population partially disaffected, it was very right and very proper that the Government should make itself acquainted with who did and who did not possess those fire-arms. The most obvious way of arriving at that information was at first considered to be by imposing a slight tax upon the possession of those fire-arms. I have no doubt myself that it was a very necessary thing; though I am quite prepared to admit it is much better that this one registration has been adopted instead. At the same time, I think, it will require at no very distant period to be renewed, and that this agitation and alarm will occur again, as far as it is connected with this particular ordinance.

4968. You think this single regulation will not, in point of fact, disclose the number of arms in the colony?—Not so effectually, I think, as the annual one would have done, because it makes no provision for what becomes of the arms in the interval.

4969. Did you in your intercourse with the natives, speaking the native language as you do, hear any great dissatisfaction expressed at that ordinance?—I did not, certainly.

4970. Will you proceed to the next ordinance?—The next ordinance which I will mention, is the Shop Ordinance; that was one which has been since repealed, and I feel, therefore, some little delicacy in speaking about it. But as at the time I fully concurred, as far as my opinion was asked, in the propriety of imposing it, I do not flinch from saying so now. I think it affected especially the class of people who perhaps pay less to the Government than any class of the community; I mean the Moormen or Mahomedan traders who have established shops in the large towns of the island.

4971. Of course it only affected the residents in the towns?—Only the residents in the towns, as originally contemplated; but the mistake, I think, was in

Hon. G. Talbot.

26 June 1849.

extending it to small shops and petty botiques along the main lines of road, which I understand to have been done. I think if it had been confined to the large towns, and the proceeds of it applied to local purposes, it would have been a very unobjectionable measure.

4972. It did not affect the people of Kandy generally, did it?—It did not.

4973. Nor the rural population?—No.

4974. Except so far as they might possess shops in the main lines of road?—Only so far.

4975. With regard to the Dog Ordinance, what is your opinion?—I am sure every European resident in Ceylon will join with me in regretting that that ordinance does not exist. I have no hesitation in saying that it was a most useful enactment. I speak with a good deal of feeling upon this point, having had one of my children bitten by one of those dogs, and having had no means of redress in applying to the owner, or anything of the kind.

4976. It is notorious that the number of those dogs is a great nuisance?—In the towns they are the greatest nuisance imaginable.

4977. The difficulty is in ascertaining who is the owner of the dog?—Yes; they have, in fact, no owners. They wander about and pick up what they can; and on moonlight nights they assemble round your house, and bark and bay and bite every one who goes about, and are the greatest nuisance imaginable. Sir Emerson Tennent has mentioned that he had been travelling in a great part of the East, and that neither in Constantinople nor Cairo, nor anywhere else, had he found the dogs so great a nuisance as they are in Colombo.

4978. With reference to the opinion of the natives, as far as you are able to form an opinion, did you hear that there was any objection made?—There was an objection with respect to the dogs in the rural districts, inasmuch as there the dogs form a great protection to the crop, while it is growing, in keeping off wild beasts at night. They are trained to it, and are of great service.

4979. Do they use them for hunting purposes at all?—Yes.

4980. Was the limitation of that ordinance to the towns, as distinguished from the country districts, a subject of discussion in the Council?—I do not recollect it.

4981. No member of the Council moved an amendment to that effect?—I think not; I know that the object of the ordinance was the annoyance received by the people resident in the towns. I think myself it was a mistake extending it to the country.

4982. Was there any general objection raised to that ordinance by the public at large, either through the press or in public meetings?—Not that I am aware of, with the exception of the rural districts.

4983. Was anything done to meet that objection?—I do not know.

4984. With regard to the stamp tax, or rather the consolidation of the stamp duties, what was your opinion?—I can hardly give a distinct answer upon that point, because concurrently with the Stamp Ordinance there were a great many minor enactments passed, all hinging one upon the other, which I believe have since been repealed or altered; but the main object of preventing fraud upon the revenue, and many other points of the same sort, were very effectively attained, I think, by that ordinance, and without any hardship upon the population.

4985. Did the mercantile body, who would be more or less most interested in the passing of that ordinance, raise any objection to it at the time?—Not that I am aware of; I never heard of any objection to it.

4986. Will you state who were the official members of the Council when you were there?—They changed two or three times while I was there.

4987. What was the date of the discussion of these ordinances?—I should apprehend it was July or August 1847.

4988. Will you state who were the unofficial members when those ordinances were under discussion?—Mr. Ackland, Mr. Crabbe, Mr. Armitage, a native, Mr. Edermanesingam, Mr. Giffening, and Mr. Charles Dias.

4989. Those were the whole of the unofficial members?—Yes.

4990. You say there are certain native members of the Council?—Yes; the supposition was, that each class of the community should be represented; that there should be a Malabar member, a Cingalese member, and a member representing the Burgher community.

4991. Has that practice been adhered to?—Quite so.

4992. Can you state whether those native members raised any objection, more particularly

particularly to those ordinances which were supposed to affect the population at large?—They did not.

4993. In your opinion, is there any foundation for supposing that the disturbances in Kandy can be attributed to the enactment of those ordinances?—I must begin by saying, that what I say is merely matter of opinion, because I was absent at the time; and I can only derive my information from documents which have reached England. I am very far from thinking that they have been in anyway the cause of the disturbances, but I have no doubt that their enactment at that time has certainly been made a handle of. The ordinances, when they pass the Government, are published in the English and in the native languages, in the Government Gazette. Those gazettes are forwarded to the representatives of Government in the different provinces, and it is their business to get them explained as well as they can to the native population. And there, I think, has been the great misfortune of all this; I think the headmen being somewhat disaffected, feeling their influence and power diminishing every day, have not given a right explanation of those ordinances to the mass of the people; they have given that explanation which they thought would most advance their own objects. I consider that is a most vital and most necessary part of the government of the island; I think it is absolutely essential that every government servant should speak the language thoroughly, and should go himself and explain those things to all the people, and not trust to the headmen to do it.

4994. Mr. *Villiers*.] Has that been done at present?—It has been done as far as publication according to the usual form of sending it to the headmen for explanation to the people goes; but what I was observing was, that I do not think the explanation given is altogether effectual.

4995. Do the members of the Ceylon civil service generally speak the native language with ease and fluency?—A great number of them do; I will not say they all do.

4996. Is it a requisite before their introduction into the service, or their appointment to any office, that they should be able to speak the language?—It is so, under the recent regulations.

4997. Is that regulation acted on?—Lately it has been.

4998. Mr. *Hawes*.] How recent are the regulations which you refer to?—Every successive Governor, and every successive Secretary of State has sent orders out; but from time to time, and particularly since the service was reduced and its emoluments curtailed, the strictness which had been observed before was relaxed; but for the last three or four years I think the practice has been revived.

4999. Is it within your knowledge that Lord Grey has made it a condition of future promotion?—Yes.

5000. Was that ever done before?—No, not to the extent of Lord Grey's regulation.

5001. Sir *J. Hogg*.] What language is used in the native courts of justice?—It depends upon the part of the island in which they are. In the Northern and Eastern Provinces it is the Malabar or Tamul language; and in the Southern, Central, and Western portions, it is the Cingalese proper.

5002. Is it always the language of the district or locality where the courts sit which is used?—Yes.

5003. If the judge does not himself thoroughly understand that language, how is justice administered; is it through the instrumentality of an interpreter?—Yes, but an interpreter is always used whether the judge understands the language or not. My own district is presided over by a native of Ceylon, who was educated at Calcutta, and who says he so feels his responsibility, that he would not administer justice in his own language without the intervention of an interpreter.

5004. Is the record of the proceedings likewise kept in the language of the district?—No, that is all kept in English.

5005. Are all the proceedings in English?—The proceedings are written in English, and are translated as you go on; it is interpreted to the judge in English, and the judge writes it down and it is preserved in English.

5006. The records kept are in English?—They are, entirely.

5007. But the *ore tenus* pleadings are in the native language?—All of them.

Hon. G. Talbot.

26 June 1849.

5008. In what language is the first written proceeding filed in court?—In English.

5009. Then if a native of the district is compelled to prefer a complaint, has he or not the power of preferring the complaint in his own language?—He may come verbally and make his complaint to the court, if he likes; but then it is interpreted like any other proceedings, and taken down in English.

5010. He has the power of bringing a complaint written in his own language, and filing it or submitting it to the judge or the court?—Yes, he can do that; but it is always translated also. The original Cingalese document would be filed with the translation of it.

5011. He has the right of telling his own story in his own language?—He has, unquestionably.

5012. Lord *Hotham*.] Are copies of the proceedings of those district courts forwarded to the central Government?—Not unless called for.

5013. There is no regular rule that they should be forwarded?—No; there are regulations of the Supreme Court of Justice which enable them to inspect every document of every court, if they please.

5014. Sir *J. Hogg*.] Are the natives in the rural districts able to read and write their own language?—Very generally they are.

5015. Lord *Hotham*.] It has never been the rule that the proceedings in the district court should be forwarded to the Government at Colombo?—No; there is nothing to prevent it, if the Government called for them; but they are not ordinarily sent.

5016. Sir *J. Hogg*.] Are there native pleaders in the country courts?—There are some few who are pure natives; and generally in the minor courts, there are what we call the burgher population.

5017. Is it necessary, in all the local courts, that the plaintiff should employ pleaders?—No; he may appear in person, if he pleases.

5018. Mr. *Hawes*.] You have stated it to be your opinion that the insurrection was not attributable to those ordinances; have you formed any opinion yourself as to the cause of the outbreak?—I think I can form an opinion, in so far that I believe the whole of our legislation has in a great degree tended to provoke it, by diminishing the influence of the chiefs and the influence of the priests. As I said before I do not think that those immediate ordinances have in any degree as enactments tended to produce the insurrection.

5019. Can you explain more fully to the Committee what you mean by the tendency of our legislation hitherto to produce discontent by diminishing the authority of the chiefs?—To explain that will carry me back some little time,—indeed to that before the abolition of compulsory labour. The island of Ceylon has experienced a very great transition within the last 12 or 13 years; it has passed from a state of pure despotism to one of the most liberal governments imaginable. I think the influence of the chiefs and the priests has been diminished, and the Government has not placed anything in its stead. The headman now does by his influence what he formerly did by his power and of right. It appears to me that the whole scope of our legislation has been to elevate the people and depress the headmen, through all these years. I do not agree with that at all; I think the headman ought to be maintained in his position.

5020. What you mean by the tendency of legislation to produce discontent is this, that it has tended rather to impair the authority of the chiefs and headmen than in any way to injure or abridge the privileges of the people at large?—Yes, that is what I meant; the headmen and priests have naturally felt very sore at this. In fact, in travelling through my district I have found that whereas it was usually the case that when the Government agent, or the assistant Government agent, of a province went round, to enable him to get through his district from place to place, the jungle was cut across the path, and many other gratuitous services rendered: all that has not been done of late years; and when you ask why it has not been done, they say they have no power to get it done, and they will not do it, and so forth. They feel the loss of that power very acutely.

5021. Do I correctly understand you to say that you consider the discontent to be chiefly among the better classes of the natives, and that it does not exist to any extent among the people at large?—Such is my impression.

5022. You think the great majority of the people are attached to the British Government?—

Government?—I think so decidedly. I think many impositions which they were formerly subjected to under their own government they are not now exposed to, and many services which they had to render under the Dutch government we do not exact.

5023. *Mr. Villiers.*] Are the people themselves pleased that this great discouragement of the chiefs has taken place?—I do not think they are; they have great respect for their chiefs; the chiefs were in a sort of patriarchal position, which they are not now.

5024. It has been the practice lately of the Government to elevate some of the lowest of the people, has not it?—Yes.

5025. Has that given satisfaction to the people?—It has given satisfaction to the particular race to which the person so elevated belonged.

5026. And that has been particularly offensive to the chiefs?—It has unquestionably.

5027. Looking at Mr. Buller's report upon that matter, are the Committee to infer that it is the policy which is intended in future to be pursued, to depress the chiefs as much as possible, and elevate the lowest caste?—That is taking an extreme view of it; the object appears to have been to show the people, that however low they may be, if they are deserving of promotion they may get it. I do not think the intention has been to depress the one and elevate the other.

5028. In Mr. Buller's report it was assigned as one of the causes of discontent in the island that this policy had been pursued, and he infers from that that it ought to be continued; you are not aware of any change in that respect which is intended, upon finding that it causes discontent?—No.

5029. *Mr. Wilson.*] Do you mean the Committee to infer that the depression of the headmen, and chiefs and priests, has been done by active steps taken by the Government; or has it arisen only as a consequence of the new form of government which has been introduced?—I do not think any active steps have been taken to produce that object; it is the consequence, I think, of previous legislation.

5030. Has not it been the practice of the Government to employ native headmen in places of trust directly under the British Government, acting as their agents between them and the people, throughout the local districts?—Yes; that still continues.

5031. So far as the Government have used any active measures, they have rather been of that kind which would have tended to maintain the influence of the headmen?—To have maintained the influence, but not the power.

5032. When you speak of the power of the headmen you allude to the power which they had under the old native government, before the English took possession of Kandy?—And under the Dutch government; and also up to 1833, under our own Government.

5033. Was not it during that state of things, when the headmen and the chiefs had the power to which you now refer, that the intolerant state of the law that you have previously described existed with respect to the common people?—Yes.

5034. You called it a state of pure despotism?—Yes.

5035. Was not it the fact, that during the period of pure despotism to which you have referred the people generally were very much in the condition of slaves; they were obliged, by forced labour, to do any thing that their chiefs required them, on the terms which they dictated?—Yes; but I believe there was also a proviso that this work was to be for Government purposes. The abuse was, that the chiefs and headmen applied this forced labour to their own private ends.

5036. *Mr. Hawes.*] You left Ceylon, I think, in May 1848?—I did.

5037. Some time before the disturbances took place in Ceylon?—Yes.

5038. Have you been in Kandy yourself?—I have never been stationed there; I have passed through Kandy; I am not well acquainted with the Kandyan districts.

5039. Have you heard from Ceylon the proceedings of the Government there, with a view to suppress the insurrection?—Yes.

5040. As a public officer of Ceylon, were those proceedings, do you think, well calculated to preserve the peace?—I think so; so far as I have been able to understand their object. I think the promptitude and vigour of the proceedings have suppressed the insurrection, without much bloodshed or loss to property.

Hon. G. Talbot.

26 June 1849:

5041. Do you think that a proclamation of martial law in Ceylon would tend to drive the natives from their homes, and prevent their return to them?—I think it might for some time, but not for any length of time. The natives are very easily frightened; they very rarely understand the motives of an enactment of that sort; but that it would keep them away from their homes for any length of time I do not believe.

5042. With regard to one ordinance, I have hitherto abstained from asking a question. I will now refer to that specially: it is the repeal of the export duties. You were, I believe, clerk of the Council when that measure was under consideration?—I was.

5043. Did you hear any objections to that on the part of the merchants in Ceylon?—No, I did not.

5044. Where were there not memorials presented to the Governor or the Council upon the subject?—I do not remember any to the Council. There may have been some.

5045. Have you read the memorials presented by the Chamber of Commerce?—I have read those which are in the Blue Book.

5046. Do you consider that those gentlemen were undergoing the grievances they complain of, or were peculiarly affected by the measures which they so strongly deprecated?—I do not think they were so peculiarly affected as to justify those memorials. It seems to me that they have rested a good deal upon assertion, without coming to proof; and that they have attributed to the Government measures a great deal which may be attributed to other causes.

5047. You heard no decided objection in the Council, or outside the walls of the Council, to the repeal of the export duties?—I did not; there was unquestionably an apprehension that it was a substitution of some unknown imposition for one which was known and defined. Beyond that I never heard any objection.

5048. The taxes have been repealed, and no equivalent tax has been imposed upon any portion of the land of Ceylon?—No.

5049. In your intercourse with the people of Ceylon, have you heard them complain of the burden of taxation?—Never. Their taxation, on the contrary, is much more moderate than it was under their former government, or under former portions of our own. In the rural districts, they had often to perform certain services, as the condition of holding land: now the service is abolished, and they still hold the land. That is one instance out of a good many.

5050. Is the Governor of Ceylon in the habit of regularly consulting his Executive Council?—As long as I was clerk of the Council, he was certainly.

5051. Were you there during Sir Colin Campbell's time?—Not in the Council.

5052. From your experience of the working of the Executive and Legislative Councils in Ceylon, is there any amendment which you would suggest, or any defect which has occurred to you?—That is rather a wide subject. A few things have certainly occurred to me in which I think they might be amended. In respect to the executive I do not know that I can suggest anything; I think if, as a previous witness has stated, everything which came before the Government were to be submitted to the Executive Council, the delay and inconvenience would be far greater than the benefit derived from it, because the members of the Executive Council are not always together. Some are on leave, some are ill, and many contingencies of that kind occur; and if that proposition were acceded to, I think you must diminish your Executive Council to ensure due punctuality in the public business. I think, as far as I have been able to judge from Lord Torrington's practice, all that was intended by the establishment of an Executive Council has been secured; for as far as I know there was never any one matter of any importance which he did not lay before the Council, and allow and request the fullest discussion of, and the expression of opinion of the individual members.

5053. Of what number does the Executive consist?—Six, with the Governor.

5054. Can any less number than the whole act?—Yes; but I believe the Governor must always be one.

5055. Is there any fixed smaller number than six?—I do not know without reference to the instructions. I never recollect a sitting of the Executive Council without three or four being present, besides the Governor.

5056. Supposing

193

Hon. G. Talbot.

26 June 1849.

5056. Supposing the case of there being only one member of the Executive Council within reach of the Governor, would that be considered a valid Council?—I suppose it would, at least I know nothing to the contrary; but I think everything which passed would be reduced into writing, and be submitted to the other members of the Executive as soon as possible.

5057. Is it the habit to reduce to writing the opinions of the members of the Executive Council?—On all important matters.

5058. And they are recorded?—They are recorded.

5059. With respect to the Legislative Council, is there any habit there of entering protests on the minutes adversely to the measure under discussion?—A protest, if such is made, always accompanies the transmission of the ordinance to England.

5060. Do you state that from your own knowledge while you were clerk of the Council?—I state it from my own recollection. With respect to the Legislative Council, it is more difficult to answer as to any amendment that might be made, inasmuch as I am very far from thinking that the natives have arrived at the point at which they can be allowed any voice in the election of members. As the island at present stands, the nomination of members by the Governor I think is the best system that can be adopted. I indulge the hope that I may live to see the time when the natives may have a voice in the election, but it must be by first introducing municipal institutions, and very gradually and cautiously extending them as the natives improve in education and intelligence. As the natives are now, I do not think any better plan than is now in practice could be devised. Since the whole expenditure of the island has been submitted to the control of the Legislative Council I do not quite think that every part of the island is sufficiently represented; besides the members of the Executive Council there are three or four official members, and five or six unofficial members, but they all come with one exception from the metropolis. The Government agent of Kandy is the only official member from any other part of the island. What I should very much wish to see, would be that every Government agent of every province should be a member of the Legislative Council; but as that would give an undue preponderance to the Government, I would also select from each province one or two of the respectable or intelligent merchants or natives to sit with them. The practice now is, that every question of every sort which affects the island finds its mouthpiece in the Colonial Secretary; he, however, has not, and cannot have that local experience which is necessary to explain all those measures properly; and I certainly think that it would be highly beneficial to the colony if, as I said before, the Government agent of each province, and one respectable man from each province, were added to the Council. There is one other point which I wish to be permitted to mention, which one of the members of the Legislative Council has previously submitted to the Government: I think the presence of the Governor in person is prejudicial; it brings him into undue contact with the others, and deprives him of that dignity which, as the ultimate referee of all matters in the island, he ought to have. It would be quite sufficient for him to open the Council with a general statement of the measures to be brought before it during the session of the Council, and in the same way at the close of it.

5061. Of what number would the Council consist, according to the plan you now suggest?—There are 10 official members and six or seven unofficial members at present. The total number would then be 23 or 24.

5062. Do you think respectable natives of the provinces could be found to fill that situation?—I think one or two in every province might, but at present I would certainly have Englishmen in preference.

5063. What is the average duration of the sessions of the Legislative Council?—About six months.

5064. Could the various agents be spared from their duties so long as that?—That is the difficulty of my plan; but I think they might be spared, because each Government agent has or is entitled to six weeks' leave in the year, and I think that with very little management during the whole session it might be arranged that the subjects he is interested in might be brought forward while he is at the metropolis. That, however, is the difficulty, I quite admit. The Government agent, has, however, generally speaking, two assistants, and all his establishment and staff would go on with their duties while he was absent.

5065. Periodically six months' absence from his duties would be very inconvenient,

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Hon. G. Talbot.

26 June 1849.

nient, would it not?—I do not wish him to attend the whole session. I should say if he could attend for one month during the session, and so have an opportunity of stating his opinion upon matters affecting his province, that would be sufficient.

5066. You would make the Government agents *ex-officio* members of the Legislative Council, and summon them specially when any measure was proposed affecting their province?—Yes. There is one Government agent now whose province is 72 miles from Colombo. It is true he has a road, and can come more quickly than the others; I refer to the Government agent from Kandy. I have long thought of this, because, however able a colonial secretary may be, unless he has local experience he cannot give expression to the wants of the particular districts.

5067. *Chairman.*] You have unequivocally expressed your opinion, that the measures adopted by the Government for putting down the rebellion were just and proper; do you know what those measures were?—Yes; the proclamation of martial law, and calling out the troops to repress the insurrection.

5068. Do you know how long martial law was in force?—I do not.

5069. Are you aware that it was in force for 10 weeks after the rebellion was put down?—That I do not know.

5070. Are you aware of the nature of the rebellion?—I am aware of the nature of the rebellion, so far as I have seen it reported; that it was in the Central Province; and that there was an *émeute*, for I will not call it a rebellion, in the neighbourhood of Colombo.

5071. Where have you seen that report?—I have seen it in all the papers which have reached me; I have seen it in the colonial newspapers I take in, and I have also read the Parliamentary Papers.

5072. Have you seen in those papers that there was any serious resistance offered to the troops anywhere?—I cannot say that I have seen that there was any action, or anything of that kind.

5073. Are you aware that the rebellion was put down in the course of a few days?—I have heard that all serious resistance ceased at that time, but I also gather from those papers that there were apprehensions of further risings for a considerable period afterwards.

5074. Do you know that a number of people were executed under martial law during the 10 weeks that the law was in force?—I have read that.

5075. Do you approve of those proceedings?—I really can hardly venture to give an opinion upon them without the evidence before me.

5076. But you have already given an unqualified opinion in favour of the measures which were adopted?—I have certainly given an unqualified opinion that the measures, generally speaking, were perfectly right.

5077. Did that opinion refer entirely to calling out the troops to suppress the rebellion, or to the sittings of courts martial after the rebellion was put down?—What I wished to say was, that I approved entirely of the vigorous measures which were adopted. I speak of the measures; I do not mean to speak of the consequences of those measures. I allude to the proclamation of martial law. I cannot take upon myself to say whether the execution of one man or another was right, without having the evidence before me, which I have not had.

5078. In your opinion was there a justification for the continuance of martial law for 10 weeks?—As far as I can judge from the papers, and as far as I have been able to make out, those apprehensions of outbreaks having arisen from time to time, I should think there was.

5079. Did you see it stated in the newspaper that the Queen's Advocate had applied to Lord Torrington to remit the sentences on some of the prisoners condemned to execution, upon the ground that the evidence against them was false?—I do not recollect seeing that; I do not say I did not, but I do not remember it.

5080. Supposing that to have been stated in the newspaper, and supposing it to have been false, would you not, as a member of the Government, have denied it; suppose, for example, it had occurred with respect to yourself?—If it had occurred in my particular department, I might have found it necessary perhaps to say something.

5081. *Mr. Hume.*] You were employed in the Northern provinces, were you, until 1842?—I was in the Northern and Eastern provinces.

5082. And

5082. And you have been in the Southern province since then?—Yes, till within this last year.

5083. Since then you have been assistant secretary to the colonial secretary, and clerk to the Council?—Yes.

5084. Do you know anything of the central part of the island?—I know less of that than of any other portion of the island.

5085. You know nothing of it, do you?—I have never resided or taken any official duties in it.

5086. You have just stated that the ordinances imposing the taxes, in your opinion, were not the cause of the disturbances?—That is my opinion.

5087. You have expressed an opinion that you entirely approve of the vigorous measures employed in suppressing the disturbance?—Yes, as far as I can judge.

5088. Are you aware whether on any occasion the mob, or the assembly of the people, resisted the military?—I do not know that I have read that they did.

5089. Are the Committee to understand you that you consider the assemblage at Borella as a mere disturbance?—I will not call it a mere disturbance, considering the state of the native population, and their habits of thinking; but I do not consider it as a rebellion.

5090. Were you at Kandy at the time?—No, I was in England at the time.

5091. In speaking of that assemblage, are you aware what their object was; that they met to petition the Governor?—So I have read.

5092. Are you aware that their complaint was that they had presented a petition to the Governor before, and received no answer, and therefore they came in numbers to present that petition?—I have read that they said so.

5093. Was there any violence done to any person at that meeting till the police interfered?—I cannot say; I have heard that two officials were struck.

5094. You say that you approve of the proceedings for suppressing the rebellion; do you mean the disturbances which took place at Kandy?—I mean the one in Kandy.

5095. You were not there at the time?—No.

5096. You know nothing of the circumstances but what you have seen in the books?—What I have seen in the books and newspapers.

5097. Are you aware that martial law was proclaimed?—Yes.

5098. Are you aware that a number of persons were sentenced by the courts martial to be shot?—Yes.

5099. Do you approve of those proceedings, without knowing whether there was any ground for the proclamation of martial law?—I should not approve of them if there were no grounds, certainly.

5100. Are you aware that either of the officers has stated that there was any resistance on the part of the inhabitants?—I am not aware whether they did or did not. I have not seen any of the evidence before the courts martial.

5101. You have seen the Blue Book?—Yes.

5102. Have you seen the reports of the military officers who went out with Mr. Buller to meet the mob and disperse it?—I have read them.

5103-4. Are you aware of any resistance whatever; is not it stated that the people fled before seeing the soldiers, and that the officer designates the meeting as a "mob;" are you aware of that?—I am not aware of that without reference to the particular letter.

5105. Should you, as an officer, think it right to proclaim martial law without attempting to see whether the civil power was sufficient to quell any disturbance?—I could not give the Committee any opinion which would be worth listening to upon the subject.

5106. Then why have you given such a decided opinion in approval of martial law, and the vigorous measures adopted by Lord Torrington?—Because I see a rebellion, which I have reason to apprehend was most serious, suppressed on its very outbreak.

5107. Will you explain what you mean by a rebellion?—Resistance to the Queen's authority.

5108. Where does that appear?—Very decidedly, I think, in the sacking and taking possession of one of the Government stations, and breaking down the district court.

5109. You are aware that the magistrate fled from the station, and left it unprotected?—

Hon. G. Talbot.

26 June 1849.

unprotected?—I am not aware that he fled. In the case of any public officer so unprotected as he was, I should be very sorry to say that he had abandoned his post.

5110. Does not Mr. Waring report that he himself left the station?—I have heard that.

5111. Is there any report of any measures being used by the police to prevent the mischief which was done?—There was no police to take any measures; there were only the peons, as they are called, attached to the district judge.

5112. Are you aware that, on Mr. Waring's coming into Kandy and joining Mr. Buller, a detachment of troops was sent out, and that they completely quelled the disturbance and dispersed the mob?—I have read that, I believe.

5113. Do you consider that to have been a rebellion sufficient to have warranted the proclamation of martial law?—I think, considering the usually submissive disposition of the natives of Ceylon generally, it was quite sufficient.

5114. If the natives are generally submissive, was not that a reason why recourse should not have been had to that measure, which subverted all civil law in the colony?—It appears to me that the natives took the initiative in those proceedings.

5115. What do you mean by their taking the initiative?—The natives in the first instance rose, and the Government quelled them.

5116. By quelled, do you mean they were put down by military force?—Yes.

5117. You do not appear to know anything about it, except from the papers and from hearsay?—I do not know anything personally.

5118. You have stated that the Road Ordinance had not been objected to; were you in the Council when the Road Ordinance was introduced?—Yes; I was clerk of the Council.

5119. Were there any objections taken to the Road Ordinance at that time?—I believe what I said alluded principally to the natives. I cannot charge my memory as to whether there was any memorial, or anything of the kind, presented about it, but I do not think there was.

5120. Are the Committee to understand your answer to refer to the Executive Council or the Legislative Council?—There was no opposition in either the one or the other that I remember. In the Executive Council it was fully discussed. Every opportunity was given for the expression of opinion; and, so far, if any member was opposed to any portion of it, he said so.

5121. When did the Road Ordinance pass the Legislative Council?—The Road Ordinance was passed before I left, or some portion of it.

5122. Will you refer to page 272; you will there find debates on the Road Ordinance for several days continued?—That is upon the extension of the Road Ordinance to the maintenance of public tanks.

5123. Do you mean to say there was no objection made to the original ordinance?—I think decidedly not.

5124. Was there no remonstrance from the merchants?—Against the Road Ordinance I do not recollect that there was; on the contrary, I believe that their representative in the Council approved of the Ordinance.

5125. You say that the shop tax you thought to be a good tax; was there any opposition made to the shop tax when you were there?—Not much when I was there; I do not know that there was any.

5126. Are you aware that since then that tax has been repealed?—Yes.

5127. Do you not know that remonstrances were made by the burghers and inhabitants against that tax?—Subsequently I believe there were.

5128. Not at the time?—Not that I remember at the time.

5129. Will you look at page 292 of the book before you; does not Lord Torrington, in his despatch, say, "The annual shop licence has been the subject of much complaint, and frequent petitions have been presented to me on the subject, asking for its abolition"?—He does.

5130. Are the Committee to understand that no petitions were presented against it in its progress?—Not that I am aware of in its progress as an ordinance.

5131. If you will read on you will see that Lord Torrington says, "I have thought it better, therefore, with the concurrence of my Executive Council, to recommend the repeal of this ordinance; I am not aware that the people have any other special grievance to complain of." With that knowledge are you prepared

prepared still to give the opinion that it was a good ordinance, and not calculated to create offence?—I see no reason to alter my opinion.

5132. You think it a good tax?—Yes.

5133. Therefore the Governor and Council in repealing it have done wrong?—That is a wider question, I think, than I can enter upon; I think the question of repealing a tax, after it has been once imposed, requires very great discretion, irrespective of the merits of the tax; but at the time this was brought forward, with a revenue to make up, I did not see what great harm there was in it.

5134. Are you aware that Lord Grey approved of the shop tax?—Unless it is in the Blue Book, I do not know.

5135. After his confirmation you only know, by the Blue Book, that it was repealed?—That is all.

5136. In your opinion the Governor and Council have not acted wisely?—I cannot say what they had before them to induce them to form their opinion; I am only giving my own individual opinion in this country.

5137. You say with respect to the dog tax, that that also was, in your opinion, a good tax; was it, in your opinion, a tax fitted to raise a revenue by?—No; and I am not aware that that was ever the object of it; it was to abate a nuisance.

5138. Are not you aware that it is stated as likely to produce a certain sum of money to replace the deficiency which arose from the repeal of the export duties?—If it were so, it must be such a trifling amount that it is not worth consideration.

5139. How is it you cannot recollect what passed in the Council; you were a member, were not you?—I was not a member, I was only clerk to the Council, and did not pay that attention to the debates which I might have done if I had been a member; besides which, it is 14 or 15 months since the occurrence took place.

5140. Were you present during the whole sitting of the council?—Yes.

5141. Could such a proposition be made without your knowing it?—Certainly not; no ordinance could be brought forward without my knowing it.

5142. You have no recollection, however, that it was proposed as a means of revenue?—The much more important ground was the abatement of the nuisance; I remember that very distinctly; with respect to the revenue I do not remember.

5143. I think you say that the dogs in many instances had no owners; would there have been any difficulty in the police shooting those dogs?—The greatest difficulty; the difficulty is that it is part of the creed of the Cingalese not to destroy animal life, and you could not get any of the natives to destroy those dogs; that difficulty would not have been found with those of them who were Mahomedans, if you could have procured them.

5144. Will you refer to page 292, and see what the Governor there says; “With regard to the Dog Ordinance, No. 9, 1848, I candidly admit that the operation of it for the abatement of a great nuisance has not been successful, and that the necessity for reverting to the destruction of dogs continues as imperative as before. The only means of enforcing the ordinance even in the towns, was by giving to the police a power of entering houses to search for dogs, for the natives will not voluntarily kill them; and as undoubtedly this was in itself an arbitrary power, I have recommended the repeal of the ordinance altogether.” That is since you left the colony?—Yes.

5145. Do you persevere in the opinion that it was a proper ordinance, notwithstanding the Government have since then repealed it?—I persevere in the opinion that it is necessary to destroy the dogs out there by any means whatever.

5146. Do you consider that the provisions of the ordinance were calculated to prevent the nuisance?—I believe all sorts of schemes have been tried, and this appeared to be as practicable as anything of the kind could be.

5147. Did you read the ordinance at the time it passed?—Yes.

5148. And you approved of it?—I approved of it as a whole.

5149. Did you approve of the propriety of an annual registration, and requiring all the people to come in one or two days to particular places in order to make that registration; do you consider that a wise measure?—I will not say it is altogether wise; but I think it is one of the best measures that could be adopted for the purpose.

Hon. G. Talbot.

29 June 1849.

5150. Do you consider it is possible for all the inhabitants to come in one day 20 or 30 miles to make that registration?—They could come, but they could not be registered possibly.

5151. Notwithstanding its repeal you think it was a good tax?—I think so; with that view, and with that view only, of destroying the number of dogs.

5152. Not with a view to revenue?—Certainly not; the amount to be derived from it would be so trifling as not to be worthy of consideration, in my opinion.

5153. With regard to the gun tax, you have given an unequivocal approbation of that tax. Are you aware that that was introduced as an annual tax?—Yes.

5154. Do you approve of it as an annual tax?—I do. Even with regard to this ordinance also I do not approve of it as an enactment to produce revenue, but more as a means of registration, that the Government may have knowledge of what fire-arms are in the country.

5155. You are aware that Lord Grey approved of this tax?—Yes.

5156. He approves of the annual licence of 2s. 6d., does not he?—He states that he considers that revenue to that extent may be fairly raised.

5157. Do you concur with Lord Grey that guns are kept in Ceylon for the pursuit of game?—In a great measure they are.

5158. What kind of game?—I believe they shoot a description of bird in the rice-fields, for the purpose of food.

5159. Is there any game in the island?—Everything is game, from an elephant downwards; the particular game the natives pursue, I believe, are eatable things.

5160. You consider an elephant game, do you?—Yes.

5161. With that approbation of the ordinance by Lord Grey, will you refer to page 291, in which Lord Torrington says, "I am bound to confess that difficulties have been experienced in carrying out its details, which can be thoroughly appreciated only by those resident on the spot, and which have arisen in a great degree out of native habits and customs;" do you concur in that opinion expressed by his Lordship?—I do not know what he had before him to form his opinion from. I really do not see why it should not have been carried out myself.

5162. Should you consider a tax of 20 or 25 per cent. upon any article a light tax?—No, I do not know that I should.

5163. Will you refer to page 292, in which it is said, "The tax was equal to 20 or 25 per cent. upon the value of a great majority of the guns possessed by the natives, of which, indeed, many were utterly useless and valueless, except as curiosities?"—I do not by any means agree that the great majority of the guns possessed by the natives are utterly useless or valueless.

5164. You think the Governor was misinformed upon that?—I would rather give my own individual opinion about it; I do not agree with him upon this point.

5165. Will you look at the bottom of page 291; Lord Torrington says, "By way of illustration of this remark, I would mention the fact, that instead of one man bringing a number of guns to be registered for himself and his neighbours, every man from a whole district would come out the same day and hour, to the number of perhaps several hundred persons, making it utterly impossible for the agent to register their guns on that or the next day; by which arrangement numbers of people would be kept waiting at considerable expense to themselves and loss of time." That being one of the provisions of the ordinance, with a knowledge of its operation, do you consider it was a wise ordinance?—I do not see anything in this, the difficulties of which might not be overcome.

5166. Do you concur in the alteration which was made by which the ordinance was modified, so as to leave only a simple registration of arms once for all?—Rather than give up the whole object of the ordinance, I do concur in it so far; but I think this will have to be done over again before long.

5167. You are of opinion that the original ordinance ought to have stood?—Yes, I think so; with such slight modifications as were proved in practice to be necessary.

5168. Sir J. Hogg.] Did the ordinance require that the whole of the people of a district should come *en masse* in one day to register their guns?—I cannot speak

to

to that without referring to the ordinance itself. Upon referring to the ordinance, I do not see that it specifies any particular day on which they are to assemble.

5169. Mr. *Hume*.] I understand you to state that, generally speaking, you approve of the gun tax?—I do.

5170. With regard to the stamp tax, am I to understand you to say that no objection was made to the stamp tax in its progress?—I cannot recollect whether there was or was not; I do not think there was any memorial.

5171. It has been stated by a witness before this Committee, that he and others objected to the progress of that tax?—I did not allude to any opposition in debate upon it.

5172. Do you know Mr. Gibson; was not he a member of the Legislative Council?—Yes.

5173. Do you recollect any opposition made by Mr. Gibson?—I am sure I do not recollect whether he opposed it or not.

5174. Are you aware that a variety of taxes which had been introduced into the Stamp Bill were withdrawn at the last stage, and the Bill was then passed?—There were some minor ordinances in connexion with it, which I believe were withdrawn.

5175. Were not you the person employed to record those matters?—I certainly was.

5176. Have you no recollection of what passed on that occasion?—Not without reference to my papers and books; and I have had no opportunity for anything of the kind.

5177. In respect to so important a measure as the stamp tax, which was opposed in every stage till the last, you have no distinct recollection?—I have no distinct recollection of what was said, or what particular objections were brought forward by individual members.

5178. You are not aware that all the objectionable parts were withdrawn, and that the Bill was reported home as an unopposed Bill?—I am not aware of that; I cannot say at this moment what parts were considered objectionable.

5179. Then your memory does not serve you as to what took place at the last stage of the progress of that Bill?—It does not.

5180. Mr. *Hawes*.] You stated in an early part of your examination that you did not understand the Stamp Ordinance and the other ordinances to have been objected to; did you mean to say they were not objected to in principle?—Yes, and that only; and I wish to be allowed to say that it was no part of my duty as clerk of the Council to bear in mind one word that was said in the Council; all I am now speaking of is from recollection of what occurred 14 or 15 months ago, and I have not any paper or any document to assist me.

5181. Mr. *Hume*.] You referred to a memorial from the Chamber of Commerce and the merchants in Colombo; you have stated that you do not consider that they had just grounds for their complaints; have you read that paper?—Yes.

5182. Take, for instance, the paper at page 196, in which it is stated, "The irritation among the native population now prevailing alike in the Kandyan and maritime provinces is, your memorialists conscientiously believe, owing in a great measure to the establishment of new taxes, and to the method of their collection;" do you take upon yourself to say that that is an erroneous statement?—I am very sorry to put my opinion in opposition to theirs, but, as I have before stated, I do not consider that the taxes had anything to do with the irritation.

5183. Will you refer to page 197, in which it is said, "The disaffection throughout the island has, to the certain knowledge of your memorialists, already had the effect of deterring Malabar Coolies (who are the only labourers to be depended upon in the plantations) from proceeding into the interior as usual, whilst for the preservation of the crops now ripening the greatest fears prevail; for should further disturbances arise, the Coolies will not come into the country, the crops will be entirely lost, and the result must be ruin to the colony:" have you any means of knowing whether that was a correct statement by the Chamber of Commerce?—I think that the answer to that question would depend upon the causes of the disaffection, in a great measure; I think it is very obvious that if the island were disturbed, the Coolies would not come.

5184. Will you refer to the middle of that page: the merchants, traders, and inhabitants

Hon. G. Talbot.

26 June 1849.

inhabitants of Colombo, in their memorial to Lord Grey, make use of these words: "Under the extreme and painful depression of the colony in every branch of trade and enterprise, as well as a decreasing revenue, your memorialists have felt that it was not an increase of taxation that was called for so much as a diminution in the heavy expenditure which pervades every department of the Colonial Government. Were opportunity afforded, your memorialists could point out many instances where wholesome reform and legitimate retrenchments might be made, without in the least affecting the efficiency of the Executive. But in the midst of the increasing difficulties of the colony, the colonial Government have not only in one session, and together, imposed four taxes of a novel character, but levied in so objectionable and vexatious a manner as to irritate the people, and urge them to seek redress by personal appeals to his Excellency the Governor, and by petitions to Her Majesty; while unhappily too many have made them but a cloak for their seditious and disloyal purposes." Do you agree with the merchants in that opinion?—I have already stated that I do not attribute the rebellion to those taxes. I think the merchants themselves have given the explanation of it, when they say, "While unhappily too many have made them but a cloak for their own seditious and disloyal purposes."

5185. You have stated that the discontent arose from a long continued general system of erroneous legislation?—I do not think I stated it was an erroneous legislation; what I meant to say was, that the tendency of the legislation had been to diminish the influence of the chiefs and priests, and so far to render them discontented with it. The Government has taken away from the chiefs the power of compelling the people to do anything for their own benefit, and they have not substituted any means of leading them to it; compulsory labour was taken away, and nothing was substituted for it.

5186. While you were in the Council, were there any discussions upon the Buddhist question?—I hardly recollect whether there were such discussions while I was in the Council or not; my impression is that there were a great many previous to it.

5187. What was the date of your appointment as clerk of the Council?—June 1847, I think.

5188. Were you not in the Council when the proposition to give up the relic took place?—When the order came to give it up, I was; there was no proposition made in the Council to give it up.

5189. What order do you allude to?—The order from this Government.

5190. Do you recollect whether there was any division in the Council upon that question?—I do not.

5191. You cannot state what took place?—No; there was a difference of opinion, I presume, as such difference of opinion is expressed in the Executive Council.

5192. If there had been any division, would it have been recorded?—Yes.

5193. It was your duty to record the divisions?—Yes.

5194. Do you recollect whether you recorded any division upon that occasion?—I do not.

5195.—Whose duty is it to make up the minutes?—Mine.

5196. At what periods do you make them up?—Immediately after the Council rises.

5197. Are there any instructions for sending copies of them home?—I think they come home twice a year.

5198. Are entire copies made by you, and sent home?—My practice was to make short notes as well as I could while the discussion was going on, and fill them up afterwards, while my recollection served me. That was submitted to the next meeting of the Council, and either approved or disapproved of.

5199. Does the Governor when he visits Kandy or any other place hold Councils there, and do you as clerk attend them?—Very rarely; it is not usual to take the clerk up. I had other duties, as assistant colonial secretary, to attend to, which could not be neglected.

5200. You have stated that the servants of the Government are not acquainted with the native language; you are of opinion that every servant ought to speak the language of the island?—Yes.

5201. Does Sir Emerson Tennent speak the native language?—I do not know, but I do not think he does.

5202. Does

5202. Does Mr. M'Carthy speak the language?—I do not know ; I do not think he does.

5203. Does Captain Bernard, the private secretary of the Governor, speak the language?—No ; but I allude more especially to persons more immediately in contact with the natives than those officers are, such as judges and Government agents.

5204. Does your opinion of the necessity of knowing the language apply to the secretary and to the clerk of the Council?—It would be a very decided advantage if they did know it ; but it is not so necessary as in the case of the other servants to whom I have referred.

5205. Those who are executive officers in the provinces you think should all know the language?—Yes.

5206. You stated that orders have gone out recently to enforce the knowledge of the language?—Yes.

5207. Does any examination take place?—Yes.

5208. By whom?—My own examination was conducted by a native district judge, another member of the civil service, who knows the language, and a native interpreter.

5209. Has that been uniformly enforced?—Yes, since that order came out it has been so of late years.

5210. But not formerly?—No.

5211. Upon the 13th of April 1847 were you clerk of the Council?—No, I do not believe I was ; that was during Sir Colin Campbell's government.

5212. Were you so in August 1847?—I was.

5213. Will you turn to page 83 ; were you present upon the occasion there referred to?—No.

5214. Was not it your duty to take minutes of what passed upon that occasion?—No ; it was not a meeting of the Council at Colombo ; and holding as I did the offices of clerk of the Council and of assistant colonial secretary, I was not moved about ; I attended the sessions in Colombo only.

5215. Mr. *Villiers*.] You said you spoke from an experience of about 10 years in the colony?—Yes.

5216. You left the island satisfied that there was reasonable cause of discontent, in consequence of what might be called the misgovernment of the island during that time?—I left the island satisfied, as I have said, that the course of legislation which had been adopted for many years was tending to produce discontent in reference to the relation between the superior class of headmen and the people.

5217. Was that opinion shared in generally by the civil servants?—No ; I think I have been nearly singular in it.

5218. Do you mean that your opinion was peculiar in taking as you did that view of the character of the legislation?—I do not think it has been shared by many ; some have agreed with me, but more, I think, have differed from me.

5219. Were you astonished when you heard of the outbreak, you having been previously satisfied that there was much discontent existing in the island?—I by no means anticipated an outbreak of the magnitude of that which has taken place.

5220. The Committee are to understand you to say that the people, generally speaking, were well affected towards the British Government?—Yes.

5221. And it is only the manner in which the people of influence had been treated by the Government which would give rise to any dissatisfaction?—Yes.

5222. Do you think that it is an exaggeration to state, that "the people had been prepared for a considerable time for a war of extermination with the English, and had been prepared for a general rise whenever called on for that purpose"?—I should think that was rather an exaggeration.

5223. You saw nothing during your stay there to justify that supposition?—No ; but all this I understand applies to the central part of the island, where I have never been stationed, and have never had the opportunity of personal communication with the natives which I have had in other provinces of the island.

5224. What is your opinion as to the chiefs and the priests in this respect ; that they "are always treacherous to the Government, and always hostile to the British rule"?—I do not go so far as that ; I think that they are the least well affected portion of the community, but I do not go so far as that.

5225. The chiefs and the priests extend all over the island, do not they?—

Hon. G. Talbot.

26 June 1849.

The priests do, but not the chiefs; there are other headmen under different designations in the other provinces.

5226. If that opinion has been conveyed to the Government at home, you think it has been under a misapprehension on the part of the authorities who have so expressed themselves?—Yes, I should think so.

5227. Do you consider they are invariably treacherous to the Government, and hostile to the British rule?—I think they are the least well affected of all the natives of the island; but I do not go so far as that.

5228. Did you see an observable difference among them during your stay in the island; did they become less well-affected, as they had been ill treated according to your view?—I had but very little opportunity of intercourse with those men who have been said to have come forward of late; I certainly do think one may reasonably suppose that these persons are sore at the treatment they have received. The influence which the chiefs possessed has been taken away from them, and therefore they are less well-inclined toward the Government which they suppose to have taken it away.

5229. The people in Ceylon are very much under the influence of their priests, are not they?—To a great extent.

5230. I believe you are not satisfied also with the manner in which the various interests in the island are represented in the Legislative Council?—I am not.

5231. Was that felt among the Europeans?—I suppose it was, to some extent; but I think the greater portion of the Europeans are rather inclined to giving the natives some voice in the election of members of the Legislative Council; to take the power of nomination away from the Governor, in fact.

5232. The Committee understood you to say that the natives are not yet prepared for such a power?—Not in my opinion.

5233. Did I rightly understand you, that the natives generally are able to read and write?—Their own language, they are.

5234. Are they instructed by their priests in reading and writing?—There are native schools in almost every little village; the priests instruct them sometimes, but not generally. The Government have established vernacular schools almost everywhere.

5235. The European settlers are rather in favour of extending power to the natives, are they?—That I cannot say.

5236. They are for giving them a voice in the election of the members of the Legislative Council?—And themselves with them.

5237. What is the political position of the European settlers, or have they any at all?—They are now represented in the Legislative Council by the unofficial members, or are supposed to be so; and there is one of their own body in the Council.

5238. Do you know if it is felt by them that their position is not sufficiently considered by the Government of the island?—I believe they felt so.

5239. Will you let me call your attention to a passage from a letter which was written by a proprietor in Ceylon: "It has long been felt by all parties who have been investing capital in agricultural and commercial pursuits in this colony, that they have not met with the consideration, either from the authorities or the population, to which their position as extensive landed proprietors, and parties engaged in developing the resources of the colony, fully entitle them." Is that according to your experience?—There is no special ground of complaint advanced there. I do not exactly see to what it refers.

5240. That they have not met with that consideration to which their position and property entitle them?—I am not aware that they have not, as far as that goes.

5241. I presume the writer refers to their not being consulted on any measure which may be brought forward affecting their interest?—I believe they have been consulted.

5242. I will read to you another passage; "It would surely have been sound policy on the part of the Government to have encouraged a resident proprietary of gentlemen, by giving them a political and social influence proportioned to their position; to have made them justices of the peace; to have confided to their care the management of the roads in the districts in which they are resident; in short, to have given them a rank and authority such as would naturally have devolved upon them had they employed their means in the purchase of landed property at home, and thus to have enlisted their sympathies in the well-being

Hon. G. Talbot.

26 June 1849.

well-being of the country"?—I agree with all that, as far as it goes; but there are many difficulties in point of practice which would not occur to any one unacquainted with the circumstances. To be of any use as magistrates they must have had corresponding establishments. The Government, however, is not prepared to increase its establishments. Every one of those gentlemen appointed as justices of the peace would have required his interpreter, and his clerk, and so forth; but I agree with what has been read in policy entirely.

5243. You are not satisfied with the local system of government yourself, are you?—I only alluded to the Legislative Council, as at present constituted.

5244. You spoke of preparing the natives by municipal institutions for further power of a political kind?—By this Road Ordinance which has been brought before the Council, they have been now authorized to elect their own officers to carry out the provisions of that ordinance; and I think by extending that system cautiously, and seeing that it is applied only to respectable people, it may by degrees teach them how to elect their own members.

5245. If the proprietors were willing to discharge those duties, would they not provide themselves with the necessary establishments?—They must do so at their own expense.

5246. Might not the expense of their acting as justices of the peace be defrayed by certain fees upon the proceedings, as it is in this country?—Hardly so, I think.

5247. There are no legal proceedings, are there, without the payment of fees?—There are a few stamps upon summonses.

5248. Mr. *Disraeli*.] Does the stamp duty go to the revenue of the country?—It does.

5249. That would not be the case with the fees?—No.

5250. Mr. *Villiers*.] The effect of leaving things as they are, is to excite dissatisfaction among the proprietary and among the natives?—I am not aware that the natives have expressed any dissatisfaction at the want of representation in the Legislative Council; I think that it is confined to the English settlers; and it is not kept in mind, I think, sufficiently how very different the interests of the Europeans are from those of the natives; the Government have to keep that in mind.

5251. Would you distinguish so much between the interests of the labourers and of the proprietors; I presume the native is the labourer?—I can hardly speak of them as labourers in connexion with the proprietors; it is all foreign labour which is performed; very few comparatively of the natives of the island are employed by the European settlers.

5252. There is no cause of dissatisfaction between the natives and the imported labourers?—No; the natives have their own affairs to attend to; their paddy fields to cultivate, and so on; they have been employed very extensively, and there are some employed still.

5253.—Would it be beneficial for the chiefs to act in conjunction with the local proprietors, in the management of the districts?—I do not see any difficulty in it.

5254. You are of opinion that the power of the chiefs should be more distinctly recognised by the Government than it is?—I should make gentlemen of the greater number of them; I should invest them with the power of magistrates and justices of the peace.

5255. If they were acting together with the local proprietors, that would be a way in which they might be brought into contract?—Yes.

5256. Do you think that would be attended with advantage?—I think it might; I do not think, however, it would be attended with any perceptible advantage in our time, and I think that that has been one great mistake that has been made in the Government; I think they have always looked for immediate effects; the effects which we read of in past history as having taken generations to carry out, having been expected to be evinced in one lifetime.

5257. I take for granted that the people are not better satisfied now than they were before the rebellion was put down; there is nothing in the suppression of the insurrection which has made the people more satisfied, where they had cause for discontent before?—No, not in the least.

5258. Therefore it is matter for consideration how we can place the island upon a better footing as regards the government than it has hitherto been placed on?—Yes, I suppose so.

Hon. G. Talbot.

26 June 1849.

5259. Sir R. Peel.] What is the sort of function which the magistrates in the island discharge?—There are two distinct classes. The justices of the peace are only enabled to take informations; they have no power of punishing; the magistrates, on the contrary, sit in a court and have a small power of punishment.

5260. Do they determine any civil rights?—In small cases not exceeding the value of 5*l.*, but nothing affecting questions of right to land; it is something like the County Court here.

5261. Are there many persons now acting gratuitously as magistrates?—Every justice of the peace in the island is acting gratuitously, but they are mostly Government officers.

5262. Are there many persons now acting as justices of the peace?—Yes.

5263. That is with a sort of original jurisdiction in criminal matters?—Yes; they can take information and commit for trial before a superior court, but they have no power of punishment.

5264. Are there natives as well as Europeans acting in that capacity?—Some few; one or two in each province.

5265. What law is administered by those justices of the peace?—The administration of the local enactments chiefly; there is no very distinct law for them.

5266. The general principle of the law administered there is that of the criminal law of this country, is not it?—Yes, mixed with some remains of the Dutch law.

5267. It must be very difficult for a person without some professional education to administer that law, is not it?—Yes; but I have my doubts whether a professional education is of much use there, in these minor courts.

5268. Do you think the natives would have more confidence in the administration of the law by a European magistrate irresponsible and acting gratuitously, or in its administration by a person whose particular function it was to administer it?—I do not think there would be much difference; they have the most entire confidence in the administration of the law by any European; there are not more than two or three instances of native judges in the island, but I believe their confidence extends to them also.

5269. Do you believe that the native chiefs, or the native proprietors, are sufficiently intelligent to be united with Europeans in the discharge of such duties?—Yes, there are some few who are; and I think there will be more in the next 20 years.

5270. Mr. Villiers.] Are you aware whether there is any instance of a merchant or a planter having been appointed a justice of the peace unless he were a member of the Council?—I do not think there is.

5271. Is this a correct account of what has occurred; that, "when they have applied for the control over the roads in their neighbourhood, they have been repelled with rudeness. The Governor appeared rather to have regarded them as interlopers than as benefactors to the island. An unworthy jealousy of every influence, except Government influence, appears to have actuated every member of the service, from the Governor downwards, and it could not therefore be surprising that a feeling of discontent should exist in the body"?—I think that is exaggerated in the highest degree. I am not aware of any one instance of any rudeness on the part of the Government.

5272. Is that jealousy felt by persons in the service, where any fresh authority has been conferred upon the planters or the merchants?—I can only answer for myself; I should be delighted if every such person in the island were fit to have such authority conferred upon him.

5273. So that you think there would be no objection on the part of the Government if such a change were adopted?—I think not; on the contrary, it would lighten our duties very considerably.

5274. Have you formed any opinion as to the possibility of reducing the expense of the Government?—Yes, I have; but I cannot enter into that subject, for I believe it is under the consideration of the Government out there now.

5275. You think it practicable?—I do, decidedly; a very considerable reduction, I think, is practicable.

5276. Was that a general cause of complaint when you were there?—No, I do not know that it was.

5277. Mr. Gladstone.] When you said that the present system of the Government

Hon. G. Talbot.

26 June 1849.

ment in Ceylon was a very liberal one, I conclude you to have meant in its spirit and the tone of its administration, not that it has the political guarantees necessary to make liberty secure?—This is what I meant, and especially that many voluntary concessions had been made.

5278. Would you say of the late rebellion that it was a rebellion of the chiefs and the headmen, and priests, and that the people who engaged in it did so under their influence, or do you think that the people who engaged in it did so of their own free will?—I think it was entirely under the influence of the priests and the headmen, as far as I can form an opinion. The greatest misrepresentations were circulated in the country to the effect that every person was to be taxed, and that the people were to be assembled to be counted; all misrepresentations of that sort were circulated, which must have been with the object to excite them to rebel.

5279. You think they were altogether deluded?—I think so, in so far.

5280. In one part of your examination you stated that you thought the people were justly offended at the depression of their chiefs and headmen; so that you appear to think there is a great deal of attachment between them?—There certainly is, and there was much more formerly.

5281. Would not that attachment have led them into rebellion?—Partly, I think; that might be one cause of it, but I do not think that that of itself would be sufficient to produce the discontent which has occurred.

5282. You think the cause of the loss of influence by the chiefs and headmen has been the bringing forward the people, and not the oppression of the chiefs and headmen?—Yes.

5283. Would it, in your judgment, have been possible to have taken measures which should have kept the chiefs and headmen in their relative position towards the people?—Yes, I think something of the sort might have been adopted. I cannot express it more clearly than by saying that I think the mistake has been in not advancing the chiefs when you advanced the people; as you advanced the people you ought to have brought the chiefs up to a corresponding level.

5284. If I understand you correctly, the great engine of power which the chiefs and headmen formerly possessed was the system of compulsory labour?—Yes.

5285. Do you think that ought to have been abolished?—I do not think it ought to have been abolished; I think it might have been modified, and its abuses searchingly looked into and done away with.

5286. You think it might have been maintained without injustice to the people?—Yes; and I think this Road Ordinance restores the whole of it that was unobjectionable; I think it is the best ordinance that was ever introduced; it does everything I could wish in this respect.

5287. But the Road Ordinance does nothing, does it, to replace the chiefs in the position in which they were placed by having the right of exacting labour?—No; I only speak of the right of calling out the people to work for themselves and the Government; it replaces that power.

5288. But it does not meet the case so far as the chiefs are concerned?—No, except that it enables them to be elected as division officers, and gives them a voice; the chiefs would be elected, because they would have most influence.

5289. They would be elected by the free will of the people?—Yes.

5290. In your view the chiefs have a considerable grievance to complain of?—I think they have; I do not think they have been brought forward sufficiently.

5291. Then would not you look upon the mass of the people who were drawn into the rebellion as having been eminently entitled to sympathy and commiseration, inasmuch as, according to you, they engaged in it under delusion, and for the sake of others, and not moved either by any discontent, or any motive of plunder, or any factious motive of their own?—I cannot go far as that, for I think they had no grievance to justify what they did in rising and taking possession of the town of Matelle, and putting themselves in open rebellion. I think their grievances were no more than they might have expressed in other ways.

5292. I understood you to say that you considered they had rebelled under delusions which were dexterously propagated among them by their natural superiors, to whom they very properly looked up?—Yes.

5293. So far, would not you say that they were objects of commiseration and sympathy? No; I think they have gone much further than they ought.

5294. Can you form a judgment of their conduct in the rebellion; do you think that the character of the people as it came out in the rebellion was one that gives,

Hon. G. Talbot.

26 June 1849.

on the whole, a favourable or unfavourable impression of them, under the circumstances?—I hardly know, but I think rather unfavourable; I think we may infer from what their plan was on former occasions, which was the murder of everybody in authority, that had they succeeded at all, they would have adopted similar measures on this occasion also. There was a proposition during Sir Robert Horton's government to poison everybody at a dinner.

5295. Is there any proof that that was the fixed intention of the whole of the population who had risen?—It was the fixed intention of all the parties who took part in the plan.

5296. Was that during the time that you were in the island?—No, it is only traditional.

5297. Setting aside traditions of former periods, and looking at the actual conduct of these rebels when they were out in arms, do you think the outrages and excesses and acts of cruelty which attended the rebellion were greater or as great as usually take place under such circumstances?—I think very much the same.

5298. There was no attempt to take away life, was there?—I do not think there was.

5299. So far, that is a mitigating circumstance?—Yes; but I think had they succeeded, there would have been a great loss of life.

5300. Are you cognisant of the facts with regard to the military executions?—Yes, so far as the papers go.

5301. Was the severity which was exercised in the military executions, after the actual rebellion had been put down, extreme in your opinion, or only such as was demanded by the circumstances of the case?—I cannot answer that question, without seeing the evidence upon which the members of the court founded their opinion.

5302. Sir R. Peel.] Is there any evidence of the conspiracy to poison or destroy Europeans?—Not in this case, that I am aware of.

5303. Mr. Gladstone.] What was the evidence of conspiracy to poison in the former case?—I am alluding to a transaction which took place in the time of Sir Robert Horton's government; I do not say that, however, in the least degree from my own knowledge; I have only read it.

5304. Sir R. Peel.] You say that the native has a great disposition to place confidence in the decisions of English magistrates?—Yes.

5305. And that there is a general confidence in the English character?—In that respect.

5306. They are not a warlike people, are they?—No; they are very cunning and insidious.

5307. Mr. Gladstone.] Are they more cunning and insidious than the weak usually are by the side of the strong?—I think they are; they never give you a direct answer.

5308. You have described them as generally submissive, and as loyal?—Yes, upon the whole. This rebellion and disaffected feeling, such as it is, is confined to the Central Province? I do not think it has extended to the other provinces of the island in the slightest degree, and it is to those provinces that my remarks apply.

5309. Does not it pervade the whole of that portion of the island which was occupied by the British in 1815?—I should say not.

5310. What are the particular circumstances which operated in the Central Province?—That the Kandyan chiefs who can recollect their own native dynasty still reside there; the others have been for many years under the European dominion of the Portuguese and the Dutch.

5311. Did not the native dynasty extend beyond what is now the Central Province?—No.

5312. The rebellion of last year did not at all extend through the Central Province, did it?—I do not think it extended all over it.

5313. Sir R. Peel.] Supposing the rebels had been of a very sanguinary disposition, and had wished to do as much damage as they could to the Europeans and their property, would not they have committed individual outrages, rather than have met together in arms; why did they not attack particular individuals, who were then exposed to attack?—I do not think they seem to have had any organised plan at all, in respect to that; after the first outbreak, I think they went and took possession of individual estates, and would have gone on in the same way.

5314. What is their state as to being armed; are the arms they possess formidable?—They are all armed.

5315. What

5315. What is the kind of arm they bear?—A musket with a very long barrel; it is manufactured in this country for exportation there; and it is rather a formidable weapon.

5316. Is there any kind of discipline among them?—Not the least.

5317. Is not it possible that the great mass of the people who acted in the rebellion may have acted under some delusion, and some total mistake as to what their objects were?—They acted under a delusion, inasmuch as I think they understood that the British Government were going to be very severe, and revive many obsolete institutions.

5318. Do you think the great mass of them believe they were liable to be flogged if they did not observe the ordinance respecting the Road Tax?—I do not know that; I never heard that.

5319. Sir J. Hogg.] What is the police force of Ceylon?—It is very difficult to define. The police force are an unpaid force; it is generally the most respectable inhabitant of each village who gets an appointment as police officer, which gives him, besides considerable power, a sort of political rank, which they are very fond of. The appointment is made on a sheet of paper, with the Royal arms upon it, and they value this as a token of respectability.

5320. Is there no paid police force?—Only in the larger towns, of Colombo, Galle, and Kandy.

5321. Taking the town of Kandy, for example, what is the extent of the paid police force in Kandy?—I do not know the number; it is a very small number; not more than 20 or 30 constables.

5322. Mr. Disraeli.] What is the population of Kandy?—Seven thousand or eight thousand, I believe.

5323. Sir J. Hogg.] Are they armed?—Those that are paid are armed with a staff.

5324. Is that a force which, in the event of a disturbance, the Government could rely on?—Yes, I suppose so.

5325. Would you consider that the paid police force at Kandy are competent to put down any insurrection?—No, not an insurrection in the country, by any means.

5326. A local insurrection in Kandy?—That depends upon the amount of it, and the character of it.

5327. If it at all partook of the character of a rebellion, where the populace were armed, would you consider the police force competent to put it down?—Certainly not.

5328. In none of the towns, I suppose, does the police force exceed 20 or 30 persons?—There are a few more in Colombo, but it is very small even there.

5329. Throughout the whole island the aggregate police force is small?—Certainly. If the headmen were generally disaffected, those police officers, being headmen, would be disaffected too, and therefore they could not be relied on.

5330. If there were any insurrection which partook of the character of a rebellion, would you consider it requisite to have the aid of the military, either absolutely or in subordination to the civil power, to put it down?—Certainly; I should consider it quite necessary.

5331. You say the members of the Executive Council record their opinions when in opposition to the Government?—And also when not in opposition sometimes, when their opinion is wanted for any particular purpose.

5332. Is it usual on important occasions for the members of the Executive Council to record their opinions upon important subjects, whether their opinions coincide with those of the Governor or differ from him?—I believe that, generally speaking, it is usual; but it depends very much upon the importance of the subject.

5333. It is part of the duty of a member of the Executive Council, upon any important subject, to record his opinion, is it?—It rests entirely with himself, but the practice is generally to record his opinion.

5334. And those recorded opinions are transmitted to the Colonial Secretary, with the measure?—Yes.

5335. Does the officer commanding the forces generally attend the Executive Council?—He did, very regularly, while I was there.

5336. And takes an active part in the discussions?—Not an active part; they are mostly subjects with which he is not conversant. He can take any part he likes.

Hon. G. Talbot.

26 June 1849.

5337. Is it his usage to attend?—Yes.

5338. In the absence of the Governor, is he president; does he rank next to the Governor?—Yes.

5339. With regard to the tendency of the measures of Government to diminish the influence of the headmen, is it your opinion that any measures tending to educate and improve the moral and social condition of the natives would of necessity tend to diminish the influence of the headmen and priests?—I think it would, inasmuch as they do not keep pace with the amount of education which has been given to the lower classes. They are stationary while the lower classes are progressing.

5340. Does not that influence which you alluded to as having formerly existed and being almost despotic among the priests and headmen, very much depend upon the ignorance and degraded state of the population?—Yes; but besides that, there is a great feeling of attachment and veneration for their priests and headmen.

5341. Still it is your opinion, that measures tending to the education and the social and moral improvement of the natives would of necessity tend to diminish the influence of the headmen and the priests?—Yes.

5342. When you speak of the natives being generally armed, do you mean with swords and weapons of that description, or do you mean with fire-arms?—Fire-arms alone.

5342. Are those fire-arms generally in a condition to be used?—Great numbers of them are, I think.

5344. Are they generally supplied with gunpowder and ball?—Yes; they use shot in a great measure.

5345. Are the population throughout the island generally armed?—Yes.

5346. Is it their habit to carry those arms about with them?—Not invariably; sometimes they do when they wish to shoot, but I do not think they generally do.

5347. Have you ever been present at Ceylon during any insurrection?—No, not during any actual insurrection. I have heard rumours of insurrections from time to time.

5348. You were never present when any insurrection broke out?—No.

5349. From the general peaceable disposition of the natives, I understand you to have argued, that when they assembled in bodies, doing damage to property, they must have been in a state of great excitement?—Yes.

5350. Mr. Gladstone.] With regard to the Tax Ordinances, you expressed a favourable opinion upon them; in your judgment, did the representations which were propagated among the people, and which drew the people into rebellion, make use of those Tax Ordinances as pretexts?—Yes.

5351. Assuming the merits of the Tax Ordinances to have been sufficient under ordinary circumstances to justify their adoption, do not you think there was something imprudent in the accumulation of so many ordinances of rather a novel description, and the simultaneous adoption of them?—They were all parts of a whole, I believe; but I quite think it would have been better if they had been brought forward more gradually.

5352. Do you think that their justification rests more upon their general merits as modes of taxation, or upon the fact that there was a deficiency in the revenue, and an urgent necessity for supplying it?—I think rather more upon the latter circumstance. A considerable portion of the revenue had been given up, and there was a necessity for replacing it.

5353. You are aware how that deficiency was brought about?—Yes, by giving up the export duties.

5354. Do you think that that surrender of the export duties, in the manner in which it took place, and in the time chosen for it, was a wise measure?—I do not think I should have carried it so far as it was carried; I should have wished the whole of the duty on cinnamon to have been taken off.

5355. There were several other taxes given up, were not there?—Yes, I think upon the whole the measure was a wise one; I am not quite sure that taking off the duty on coffee was altogether wanted.

5356. I do not doubt but you think it was wise that those taxes should have been removed, but was the removal of them all a matter of such urgent necessity as to justify the bringing about a considerable deficiency in the revenue by such removal, which necessity must necessarily lead to proposals for an increase of the direct taxation?—I think it was justified upon the whole. I think that, looking

to the object in view, it was necessary to meet the anticipated loss of revenue at once.

5357. That is not the object of the question. Was it wise, in your opinion, to make simultaneously so large a surrender of several branches of the revenue, thereby bringing about so great a deficiency?—The other duties, with the exception of those upon coffee and cinnamon, were of no great importance; the cinnamon duty was of the greatest importance.

5358. Would you have advised the giving up of the coffee duty at that period?—I do not think I should.

5359. Supposing that duty, and some other duties, had been retained, it would not have been necessary to introduce simultaneously so many new plans upon direct taxation?—Perhaps not.

5360. Mr. *Hawes*.] Was not the trade of the island labouring under considerable depression at the time?—So it was reported.

5361. Coffee planting especially?—Yes.

5362. Would not the repeal of the export duty on coffee be one means of reviving that interest?—It would relieve them to some extent, but they did not seem to wish for it.

5363. Were not the taxes repealed chiefly those which pressed upon the trade and industry of the country?—Certainly.

5364. Is not it the fact that the taxes imposed are chiefly imposed upon property?—Yes.

5365. So that that measure, as a whole, may be described as a measure calculated to relieve trade of the taxes pressing heavily upon it, and replacing them by direct taxes?—Yes.

5366. Mr. *Gladstone*.] Do you consider that that Road-labour Ordinance could be fairly described as a tax upon property?—Not strictly speaking.

5367. Would you describe the Gun Ordinance as a tax upon property?—Yes.

5368. Or the Dog Ordinance?—The Dog Ordinance was not at all connected with revenue purposes, nor the Gun Ordinance, in fact.

5369. When you speak of taxes upon property, you use the term “tax upon property” in a sense in which it includes a tax upon a gun borne by every man of the lower class of the population?—Yes.

5370. Mr. *Hawes*.] You meant to say that they were direct taxes, instead of those indirect taxes which had formerly existed upon articles of consumption?—Yes.

5371. Mr. *Villiers*.] Were those reductions effected before you left the island?—Yes.

5372. Were any pains taken to explain them to the people?—All the ordinary pains were taken, which I described before to the Committee.

5373. Do you think, if pains had been taken to explain them different from the method which was usually pursued, the chiefs could have misled the people?—Not if they had believed the explanation; but I think they would have given credit to the chiefs before any explanation of the Government officer.

5374. Are you acquainted with Mr. Colepepper?—Yes.

5375. He has had very considerable experience in the island, has not he?—He has been chiefly employed in Colombo and Kandy.

5376. Have you read his report to the Government after he was sent down for the purpose of making a report upon the disturbances?—Yes, I have seen it, I do not remember it at this moment.

5377. Is there any notion among the people there that a king will re-appear among them, and does that influence them at all in these insurrections?—No, I never heard that they did. They have a superstition that whosoever has the Delada will have the government of the country.

5378. They do not expect some deliverer to appear among them?—I never heard that they did.

5379. It is not with reference to any such expectation that persons have pretended to be king?—No.

5380. Mr. *Hume*.] Are the Committee to understand you to say that there was no opposition made to the repeal of the duty on coffee?—I do not exactly understand the species of opposition to which the Honourable Member refers.

5381. Do you recollect whether Mr. Wodehouse, Mr. Selby, Mr. Saunders, and others voted against repeal?—I cannot remember which way they voted.

Hon. G. Talbot.

26 June 1849.

Mr. Wodehouse and Mr. Selby were in the Executive Council, therefore probably they voted with the Government.

5382. Are you acquainted with the mode of levying the Paddy Tax?—Yes.

5383. Will you explain what the amount of that is, and what is understood by the commutation?—Commutation does not exist everywhere; but where it does, commutation is the payment of a certain fixed sum on every crop, instead of a payment in kind.

5384. Will you state how it is levied in kind?—It is levied in kind according to the tenure of the land; the land, which is solely the property of Government, is let out to some one to cultivate, and in consideration of his having the land he pays one-half of the produce to Government; but as it would be very inconvenient to collect it in kind and dispose of it afterwards, it is farmed out; it is sold by auction at every harvest.

5385. Annually?—Twice a year.

5386. Does the same rule exist in all the rice districts?—I believe so. In some places the commutation has been more extensively introduced than in others, and in some also they have paid up several years' taxation to redeem their lands.

5387. Is the commutation voluntary?—It is entirely voluntary where it is made.

5388. Who are the parties who generally become purchasers of the revenue?—Generally the Moor-men, the holders of shops in the towns.

5389. Are there frequent disputes or differences as to the mode of collecting the revenue?—I do not know that there are; I think there is a good deal of extortion in the mode of collecting it.

5390. You were yourself in the island; had you any opportunity of ascertaining the extent of that extortion generally?—I think, supposing the share bought to be one-half, where a man was disposed to be extortionate, he would make the person pay another third probably; and then there are other modes of extortion. When the crop is ripe and fit to be reaped, it has to be measured and the shares allotted, and the renters, as they call them, will not come and take their shares, but let the crop spoil; in short, there is much annoyance.

5391. Can you state the extent of paddy cultivation generally?—I am afraid I cannot.

5392. Can you state what the amount of the revenue rising from the paddy tax is?—In the last return, which is 1845, and which may be taken as a fair year, it was 41,442*l*.

5393. Has any suggestion been made to alter the mode of levying that tax, with a view of preventing extortion?—There have been many made, but all have failed as yet. If the system of commutation were generally carried out it would prevent it in a great measure.

5394. What is your opinion as to the effect upon the natives of the introduction of capital by Europeans?—I think it has had rather an injurious effect upon the whole; with their few wants, the amount of money which has been spent among them has made them independent, and they have not advanced in civilization to the same extent.

5395. Do you allude to coffee cultivation?—That is the only way in which European capital has been expended directly.

5396. Has not a great deal been expended on the cinnamon plantation?—Not to the same amount as on coffee.

5397. Do you consider that that has been prejudicial to the natives generally?—I do not think it has improved their character at all.

5398. Have their earnings been greater than under any other circumstances they could have obtained?—Yes, to a great extent.

5399. Have you found that the capital introduced into the island in the cultivation of coffee has been, in your opinion, injurious to the social state of the natives?—To the natives I think it has.

5400. You have given an opinion that the natives ought to be more generally employed than they are?—Yes; I think the superior class of natives ought to be so.

5401. Would not that employment tend, in a certain degree, to prevent the disaffection which you state to exist?—I think so; but it must be confined at present to the very superior class of headmen. I do not think it would be safe to go beyond the highest ranks of the natives at present.

5402. Have

5402. Have any orders been issued on that subject since you have been in Ceylon?—I am not aware of any.

5403. Sir J. Hogg.] You say the introduction of European capital has been injurious to the natives, from the large payments made to them by European settlers; has not European capital been gradually and generally diffused, and not directly paid?—The only instances I alluded to specially were, where they had been employed on coffee estates. The labourers on the coffee estates generally come from the low country.

5404. Are not a great number of labourers employed in the coffee estates of European settlers, native Indians from the coast of Malabar?—The greater part are.

5405. And the wages which those native Indians from Malabar receive of necessity are spent among the people generally?—No, they are not spent in the island; they will starve themselves rather than spend them there.

5406. They must live?—They must live, but it is only just living; they get the commonest herbs from the jungle; their great object is to save as much as they can and take it back to the continent of India.

5407. Have not the European settlers improved and extended the cultivation of coffee?—Very much so.

5408. Are the civil servants of the Government still allowed to hold coffee plantations?—I believe some of them do.

5409. It was formerly a general usage?—Yes.

5410. Has that been prohibited of late?—It was prohibited when Lord Stanley was Secretary of State.

5411. Those who had plantations, of necessity were allowed to retain them?—Yes.

5412. Are plantations of any extent held by them now?—No.

5413. Has not the introduction of European settlers tended very much to improve the quality of the coffee as well as to increase the extent of cultivation?—Very much.

5414. Therefore it has tended to improve one of the principal products of the island?—Yes.

5415. Can there be any doubt that that will ultimately tend to the benefit of the island, and the improvement of the inhabitants?—My reply only went to the present effect. I think the native has so little energy to take advantage of his good fortune that it has not produced the good effect which it might be expected to have shown by this time.

5416. Mr. S. Wortley.] I understand you that you lived for some time in the Northern Province?—Yes.

5417. How long were you there?—For three or four years.

5418. Whereabouts were you?—At Manaar, a small island on the north-west coast.

5419. After that where did you reside?—I went to Matura, which is in the Southern Province.

5420. How long did you reside there?—Three years.

5421. Are there any distinctions between the population of the different provinces?—They are different races; in the Northern Provinces the people are all Tamuls; in the Southern Province they are Cingalese proper.

5422. Is there such a difference in their nationality or their habits as would be likely to prevent them from necessarily sympathising with any rebellion or insurrection?—I should think there would be.

5423. So that it would not follow because there was a rebellion in the Central Province, it was likely to spread to the others?—No; except in respect to the Cingalese provinces; the influence of the priests extends everywhere, and might be more likely to operate there than in the Malabar provinces.

5424. Was there any reason to suppose, when you left the island, that there was any disaffection in the other provinces?—No.

5425. Sir J. Hogg.] Do you consider that the reduction of the duty on coffee has yet had any sensible effect upon its production?—No, I do not think it has; it has not yet had any time to produce that effect.

Jovis, 28° die Junii, 1849.

MEMBERS PRESENT.

Mr. Hume.
Sir J. Hogg.
Sir J. Walmsley.
Mr. Adderley.
Sir R. Peel.
Mr. C. Villiers.
Mr. M'Cullagh

Mr. Hawes.
Mr. Wilson.
Lord Hotham.
Major Blackall.
Mr. Gladstone.
Mr. S. Wortley.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

The Right Hon. Sir *David Dundas*, a Member of the House ; Examined.

Right Hon.
Sir *D. Dundas*,
M.P.

29 June 1849.

5426. Mr. *Hume*.] YOU hold the office of Judge Advocate General, do not you?—I do ; I have held that office between two and three weeks.

5427. Have you inquired whether there are any proceedings of courts martial held in Ceylon in the year 1848, in your office?—I presume the inquiry refers to proceedings in the year 1848, after the proclamation of martial law. There are none. I have made inquiry even up to this morning, whether any proceedings connected with those events have been returned to the office, and I find on reference to the books that the last proceedings received from Ceylon were received there this morning, being the proceedings of a court martial held at Kandy in April last, on a private soldier of one of Her Majesty's regiments, for insubordination. I had made inquiries before, in pursuance of what I was desired to do, and I found that there had come none for some time, but this morning there have arrived the proceedings I have mentioned.

5428. Sir *R. Peel*.] That was a court martial under the Mutiny Act?—What have arrived to-day are the proceedings of a court martial under the Mutiny Act.

5429. Mr. *Hume*.] Are you aware that martial law was proclaimed in Ceylon in July 1848?—I understand so.

5430. Will you state what is the effect of that proclamation of martial law on the inhabitants of the colony generally?—To put them under it.

5431. To put them under what?—Under the martial law you have spoken of. If I might be permitted to say a few words here, it may possibly clear the ground. It is necessary to distinguish between military, or martial law, as it is sometimes called, and the martial law to which the honourable Gentleman refers. Military law is the written law to be found in the Mutiny Act and the Articles of War. Those, and those alone, it is by which the land forces of Her Majesty are regulated ; those, and those alone, it is which are, properly so called, the Military Code. Martial law, in the sense in which the honourable Gentleman desires me to draw my attention to it as proclaimed, is not a written law ; it arises on a necessity to be judged of by the executive, and ceases the instant it can possibly be allowed to cease. Military law has to do only with the land forces of the Crown mentioned in the second section of the Mutiny Act. Martial law comprises all persons ; all are under it, whether they be civil or military.

5432. Are there no practices under the military law, as precedents to be looked to in proceedings under martial law?—There is no practice under martial law laid down in any book that I know ; martial law, when proclaimed, must be executed by those who have to execute it, firmly, faithfully, and with as much humanity as the occasion allows, according to the conscience and good sense of those who have to execute it.

5433. In the martial law under the Mutiny Act, are not provisions laid down by which justice is to be administered as much as possible to protect the innocent

as well as to punish the guilty?—There are provisions in the Mutiny Act and the Articles of War, whereby all trials taking place before courts martial are regulated.

5434. Both as regards the number of the members of the court, and the form of the proceedings?—Different kinds of courts martial are there provided for. General courts martial can never consist of less than a certain number, but there are numbers appropriated to different kinds of courts martial under the Mutiny Act.

5435. Is it your opinion that the proclamation of martial law places every inhabitant in the district in which it is proclaimed under the law to which soldiers would be liable?—It places them under martial law, which I take it is a more extensive law than such law as is administered under the Mutiny Act and the Articles of War.

5436. Is there anywhere any definition by which it can be known what are the powers which are given where martial law is proclaimed?—I should think not, but it is difficult to say that without more information on the subject than I profess to have. The study of this matter, as may be supposed by the Committee, is not very common, certainly not with lawyers in that branch of the profession to which I belong; but I apprehend, though you may find definitions upon the subject, as for instance where Blackstone speaks of martial law, you would hardly find it safe to be guided by those definitions. I have a reference here to what Blackstone says upon the subject, but I think it would not be safe to say that that was a definition of martial law. The difficulty of those definitions arises very much from the words "martial law" being taken to mean the same thing as "military law." You will find in the first section of the Mutiny Act, in the preamble, the expression "martial law" employed evidently meaning military law, and not martial law, the proclamation of which the honourable Gentleman has pointed my attention to. The reference to Blackstone will be found in Commentaries, Vol. 1, page 412, where he says, "For martial law, which is built upon no settled principles, but is entirely arbitrary in its decisions, is, as Sir Matthew Hale observes, in truth and reality no law, but something indulged rather than allowed as a law. The necessity of order and discipline in an army is the only thing which can give it countenance." I say, that Justice Blackstone and Sir Matthew Hale, here are referring to the discipline in an army, and therefore in my humble apprehension their language must apply itself to military law. "And therefore," he says, "it ought not to be permitted in time of peace, when the King's courts are open for all persons to receive justice according to the laws of the land."

5437. Are the Committee to understand you to state that the proclamation of martial law deprives all Her Majesty's subjects of the ordinary means by which their innocence may be proved and protected?—I do not mean to say that; I mean to say that the proclamation of martial law is a notice to all those to whom the proclamation is addressed, that there is now in the land another measure of law, and another mode of pursuing it, than there was before that proclamation.

5438. Do you understand that any individual, brought during the continuance of martial law before any tribunal, has any right to demand that the judges, or the individuals forming a part of the tribunal to try him, shall be of any particular description, such as officers of any rank?—My notion is, that as martial law can only be justified at the time on account of the necessity for the public safety, no man who is at that time taken as an offender can choose the tribunal by whom he shall be tried.

5439. Is not it the case under the Mutiny Act that there must be not only a specific number, according to the nature of the tribunal, but that in every case there must be an officer called the deputy judge advocate, or a person acting in that situation, who shall keep a record of the proceedings against every individual?—The mode of proceeding under the Mutiny Act and the Articles of War is pointed out by the Mutiny Act; the number of the court, the mode of conducting the business of the court, and the deputy judge advocate, or some such person, are all mentioned in the Mutiny Act; but under martial law I know of no such provisions, though I consider any person prudently exercising martial law, under the authority of the same, would, if opportunity were given to him, make some note of the proceedings. I have, however, no knowledge of this matter more than the Honourable Member has, or any other person who is competent to

Right Hon.
Sir D. Dundas,
M.P.

28 June 1849.

judge of a point of constitutional learning. Those things have nothing whatever to do with the office I hold. The whole proceedings of the office I belong to are proceedings under the Mutiny Act and the Articles of War, and you are questioning me as to points with which I have nothing to do.

5440. A British subject being placed by martial law, as I understand, out of the pale of all civil law, are there any precautions taken to prevent an innocent man being sacrificed by such a tribunal?—I cannot answer such a question; there ought to be precautions always taken to prevent innocent men from suffering.

5441. You are not aware of any precedents on the subject?—There are no precedents in my office; my office has nothing to do with the matter now inquired into.

5442. Are you able to state to the Committee, from any inquiry you have made, under what authority or in what office such proceedings can be found?—They are not in my office.

5443. You are not aware whether the military officer in such a position reports to the Commander-in-chief or to the Governor?—I think if it is administered under the authority of the Horse Guards, the inquiry should be made there; if the proceedings come home to the Horse Guards, the inquiry should be made there; they do not come to my office.

5444. Sir R. Peel.] Are you aware of this recital in the preamble of the Mutiny Act: "And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm:" do not you think that that is tantamount to a legislative declaration that in time of peace the Crown has no authority to proclaim martial law?—I do not.

5445. What do you consider to be the effect of that recital?—I consider the words "martial law" in that preamble to be convertible with the words "military law;" it means the same thing.

5446. The same thing in the Mutiny Act?—Yes; it is stated that no man can be judged but by the laws of the land; but the Mutiny Act sets up a new standard of law, to which certain persons are to be drawn, and those are soldiers.

5447. What is the force of the words "in time of peace;" does not the insertion of those words appear to you to imply that there may be a different rule during time of war? There may be a necessity during a state of war which justifies the Crown in resorting to some other tribunal; but does not the insertion of those words appear to imply that in time of peace the Crown has no power to subject any man to any kind of punishment within this realm, except by the known and established laws of the land?—I believe they are words of jealousy. They were not in the first Mutiny Act, in the time of William; they were introduced in the time of Anne; and there is a notion that they were introduced rather as words to express jealousy of a standing army, declaring that there ought to be no other mode of trying men than by the known and established laws of the land. But here we have an army in time of peace, and yet, for the sake of discipline, we are going to put it under the Mutiny Act.

5448. The words "in time of peace" are opposed to a time of war; it does not mean to refer to an occasional insurrection or a serious disturbance of the public peace. The words "in time of peace" imply a state of things different from a time of war, do not they?—They appear to do so.

5449. There is a distinct declaration, that in time of peace no man can be subjected to any kind of punishment in any other manner than by the judgment of his peers, and according to the known and established laws of this realm. If the terms of that recital have any force, they would exclude the right of the Crown, by any proceedings, to subject any man to punishments not recognized by the ordinary law, would they not?—If a man becomes a soldier, he thereby puts off the right which, as a common subject of the realm, he would have to be tried by the ordinary courts, and in the common modes of administering justice; and though in time of peace he be a man living in our land, yet as a soldier he shall be subject to the discipline of the Mutiny Act.

5450. There is no question that as a soldier he is subject to the Mutiny Act; but supposing he were a soldier and there were no Mutiny Act, do you think the character of the soldier would subject him to any sort of penalty to which other subjects of the Queen would not be subject?—A soldier would, by what is called the

the custom of war, be put under a very different law from the common law of the land; and the Mutiny Act was in favour of the soldier as well as of the Crown.

5451. Ought not we to understand that recital of the Mutiny Act, as confirmed annually by successive Parliaments, as a declaration of the constitutional law upon this subject?—I should think the Right honourable Baronet is better able to answer that question than I am.

5452. Is not the explanation which you have given rather excluded by the sentence which follows that which I have referred to, which recites “that it is desirable that soldiers who shall mutiny or stir up sedition, or shall desert Her Majesty’s service, should be brought to more exemplary and speedy punishment than the usual forms of law will allow;” is not that tantamount to a declaration that even in the case of soldiers mutinying and stirring up sedition or deserting the Queen’s service, there would have been no constitutional right on the part of the Crown to punish them for such acts, excepting under such powers as are given by the Mutiny Act?—I think it is, to a certain extent, intended that they should have no excuse; that taking the Queen’s money, and enlisting under her flag, they should receive punishments which were not authorized by the common law; because they knew the bargain they were making, and the law they were to live under.

5453. Supposing by any accident the Mutiny Act should not pass till one month after the expiry of the preceding Act, do you think it would be possible for the Crown, in the case of mutiny or desertion by a soldier, to subject that soldier to any punishment for that act?—Not under the Mutiny Act.

5454. Clearly not under the Mutiny Act, because then it would not be in force?—My opinion is, if the Mutiny Act did not pass, and there were a mutiny and insurrection, whether by soldiers or others, and for the public safety it required martial law, the prerogative of the Crown is to proclaim martial law, in order to suppress such mutiny and insurrection, and that whether it were caused by soldiers or others.

5455. Do not you think it would be necessary for the Crown to rely for its justification upon the necessity for that Act, and apply forthwith to Parliament for an indemnity?—It might be convenient for the Crown, because in governing a country like this the Crown should never exercise the prerogative royal in a manner unusual without the assent of Parliament, if it has time to get it; but I can imagine cases involving the safety of the realm arising from time to time in which you would be bound to exercise another law than that which you could get from Parliament, and that is the law which in my opinion is among the prerogatives of the Crown, namely, martial law.

5456. Supposing during the disturbances in Ireland, in the year 1846, there had been opposition offered to the police and the Queen’s troops, and that Her Majesty had been advised to proclaim martial law, supposing under that proclamation a person had been apprehended, and supposing that person, being apprehended under martial law, had applied for his *habeas corpus* to the Court of Queen’s Bench, do not you think the Court of Queen’s Bench would have issued the writ of *habeas corpus*?—I think the Court of Queen’s Bench would have considered whether under the law martial, supposing it were properly at that time the law of the land, this person could be apprehended and detained, as he was apprehended and detained; and if they thought he was a person under martial law at the time they would remand him to the proper custody, they would not discharge him if he was at the time under martial law.

5457. Do you think they would recognise martial law?—I think so. You are putting a case, however, which can hardly occur. In 1798 martial law was proclaimed in Ireland. There was an Act of Parliament at that time enabling the Lord Lieutenant or other Commissioners named in the Act to proclaim martial law in different districts; but if I do not forget myself, there was a plain recognition of the prerogative of the Crown to proclaim martial law. I know the prerogative of the Crown is asserted in that Act, and I consider that the Act of Parliament in that particular case, acknowledging the authority royal of the Crown in these matters, is an assurance to the country that the Crown will always, when it has an opportunity, come to Parliament for a confirmation of its own authority, and then proceed according to law. But an emergency may arise where there is no Parliament to refer to, where the necessity is thrown absolutely upon the Executive, which must decide for itself then and there upon the necessity; and if there be such a force as to set at defiance or upset the

Right Hon.
Sir *D. Dundas*,
M.P.

28 June 1849.

the constituted authorities of the realm, it is the duty of the Executive, and I think there is authority royal in it to do so, whether at home or abroad, to put it down.

5458. Who would judge of the necessity; would a court of law undertake to determine the question whether the Executive had exercised a wise discretion?—I conceive that Parliament would; I conceive a court of law certainly might also do so. I can imagine a case where martial law was proclaimed, in which a person might do something which no necessity can justify; as, for instance, to put the case of torturing a child; I conceive that never could be justified.

5459. Are you not now speaking of the moral justification of the Crown in a declaration of martial law, upon some given necessity which Parliament would recognise and for which it would be willing to give the Crown indemnity? Is not that a perfectly different question from the question whether a court of law would recognise it? Do you conceive that the Court of Queen's Bench would inquire whether there were a sufficient justification of a proclamation issued by the Crown; would not the Court of Queen's Bench declare, either this is a proclamation with which we have no concern, and which we will not recognise; or, if it took a different course, would not it recognise the mere fact of the issue of the proclamation, without regarding any inquiry into its necessity as obligatory upon it?—I think it would recognise the existence of martial law under the authority at the time. I will not refer to the proclamation; I do not know whether the proclamation is absolutely necessary; it is, in truth, merely a mode of allowing the persons who are to be brought under this new form of law an opportunity of knowing the law they are living under; but I apprehend that without that notice the law might be put in force in certain cases of extreme necessity. I can imagine, for instance, what was proposed in Governor Wall's case: Governor Wall was tried for the murder of a soldier, by inflicting upon him by his own authority, with some sort of drum-head court martial at the moment, 800 lashes. The man died. Governor Wall, as we know, was brought to trial for it 20 years afterwards in London. Lord Ellenborough, then Attorney-general, allowed that if the army of which the soldier man was a part were at the time in such a state of mutiny and insubordination that recourse could not be had to the ordinary forms of law contained in the Mutiny Act and the Articles of War, and that for the safety of the State the Governor adopted the violent remedy which was there adopted, there might be a defence for him in point of law; and to that opinion, it appears to me, Chief Baron Macdonald, who tried the cause, seemed to come; and so I would say, wherever martial law is exercised under the authority of the Crown or the representative of the Crown. It is not fair to put a case as if it were in England, where you have the power of coming to Parliament, and getting authority from Parliament; but I would put the case of its happening in a colony, where the Governor is obliged to act upon his own resources, with the advice of his Executive Council, and where there are not the same means of obtaining advice as in this country; he has to refer to such counsellors as he may have about him, and after all he must judge of the necessity upon his own responsibility. If he fairly and truly believes that the civil and military power which is with him, and such assistance as he might derive from the sound-hearted of the Queen's subjects, is not enough to save the life of the community, and to suppress the disorder, it is his duty to suppress it by this or any other means.

5460. Mr. *Hume*.] You consider that it is only competent for him to do so in a case of the greatest necessity, where the other means in his power are insufficient?—Certainly.

5461. Sir *R. Peel*.] I am not speaking of a necessity under which the Government may be to proclaim martial law, which may be recognised by Parliament, or for which Parliament would be willing to give an indemnity; I am supposing the case of a profligate or tyrannical government, having a plausible pretext for it, proclaiming martial law, and that a man was apprehended by military authority and subjected to detention, and that that took place in time of peace. I am inquiring whether the Court of Queen's Bench would respect the proclamation of martial law, or whether they would not at once give to the person so detained the benefit of *habeas corpus*?—You are putting me a question which drives me almost to the position of saying, shall we stand by a revolution, or shall we make it. If there was a mere tyrannical pretext for martial law, made upon no justifiable occasion and with no necessity whatever, I doubt very much if there would not

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be found bold-hearted men in Westminster Hall to pay no obedience to this martial law. But if it appeared to the Court of Queen's Bench that there was *bond fide* existing martial law, I am of opinion that the Court of Queen's Bench would not discharge on *habeas corpus* or hold it murder, where in the exercise of the authority confided to him under martial law, a man put a rebel to death.

5462. Mr. *Villiers*.] Have the courts any jurisdiction when martial law is proclaimed?—No, they would have no jurisdiction except in such a case as that happening to be brought to the cognizance of the Court of Queen's Bench; but that might be six months after martial law had ceased to operate.

5463. Sir *R. Peel*.] I will confine myself to the case referred to, of an insurrection in Ireland, and resistance to the police and military. I will not suppose the Government to be actuated by corrupt motives, but that in a moment of perfectly exaggerated and unnecessary apprehension they had issued a proclamation of martial law, and that a person had been detained under that proclamation, do you think the Court of Queen's Bench would have considered the mere proclamation to be decisive, and to have ousted them of their jurisdiction?—I think they would; and in the case of Ireland, in the Act of 1798 I rather think there is a special provision as to that matter.

5464. That would be perfectly sufficient as regards the Court of Queen's Bench in Ireland, supposing the provision to have existed; but does not the fact of there being that special provision made in Ireland rather show that without such special provision the mere prerogative of the Crown would not authorize it?—I consider the preambles in that Act of Parliament as recitals of the law of the land. There is first the recital of a traitorous conspiracy for the subversion of the authority of the King, then of the orders of the Lord Lieutenant to suppress it, then that notwithstanding those orders the rebellion had extended, and that for the more effectual suppression of it the Lord Lieutenant had called upon all general officers commanding to punish all persons acting, aiding, or in any manner assisting in such rebellion, according to martial law, either by death or otherwise, and had by his proclamation, by and with the advice of the Privy Council, notified the same, and duly communicated the orders and proclamations to Parliament. Then follows that "by the wise and salutary exercise of His Majesty's undoubted prerogative in executing martial law, for defeating and dispersing such armed and rebellious force, and in bringing divers rebels and traitors to punishment in the most speedy and summary manner, the peace of this kingdom had been so far restored as to permit the course of the common law partially to take place; but the said rebellion still continued to rage in very considerable parts of this kingdom, and to desolate and lay waste the country, by the most savage and wanton violence, excess and outrage, and had utterly set at defiance the civil power, and stopped the ordinary course of justice and of the common law therein: and that many persons who had been guilty of the most daring and horrid acts of cruelty and outrage, in furtherance and prosecution of the said rebellion, and who had been taken by His Majesty's forces employed for the suppression of the same, had availed themselves of such partial restoration of the ordinary course of the common law to evade the punishment of their crimes, whereby it had become necessary for Parliament to interpose:" Then comes the enactment: "Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful to and for the Lord Lieutenant or other chief Governor or Governors of this kingdom, from time to time during the continuance of the said rebellion, whether the ordinary courts of justice shall or shall not at such time be open, to issue his or their orders to all officers commanding His Majesty's forces, and to all others whom he or they shall think fit to authorize in that behalf, to take the most vigorous and effectual measures for suppressing the said rebellion, in any part of this kingdom, which shall appear to be necessary for the public safety, and for the safety and protection of the persons and properties of His Majesty's peaceable and loyal subjects, and to punish all persons acting, aiding, or in any manner assisting in the rebellion, or maliciously attacking or injuring the persons or properties of His Majesty's loyal subjects in furtherance of the same, according to martial law, either by death or otherwise, as to them shall seem expedient for the punishment and suppression of all rebels in their several districts; and to arrest and detain in custody all persons engaged in such rebellion, or suspected thereof,

Right Hon.
Sir *D. Dundas*,

M.P.

28 June 1849.

Right Hon.
Sir *D. Dundas*,
M.P.

28 June 1849.

and to cause all persons so arrested and detained in custody to be brought to trial in a summary manner by courts martial, to be assembled under such authority, and to be constituted in such manner, and of such descriptions of persons, as the said Lord Lieutenant or other chief Governor or Governors shall from time to time direct, for all offences committed in furtherance of the said rebellion, whether such persons shall have been taken in open arms against His Majesty, or shall have been otherwise concerned in the rebellion."

5465. That was a time of war, was not it?—That was a time of war with France.

5466. It was a time of war, as distinguished from a time of peace, which is referred to in the preamble of the Mutiny Act?—That is a matter of criticism upon which I will not enter.

5467. *Mr. S. Wortley.*] Is martial law anything more than the declaration of a state of war?—It is no more, in my opinion, than is due to the persons upon whom the law is to be inflicted; it is giving all good persons an opportunity of getting out of the way, and all bad persons an opportunity to reform.

5468. *Sir R. Peel.*] Had there not been an invasion of Ireland by a French force at that time?—There had been a short time before.

5469. *Mr. S. Wortley.*] Is not the effect of proclaiming martial law to suspend the constitution?—I think it is.

5470. *Mr. Adderley.*] What is the law in existence during the proclamation of martial law?—Martial law.

5471. You say that the proclamation of martial law is the proclamation of another measure of law?—Other than that which the common law, or the statute law of the realm, would have afforded at the time.

5472. Does martial law rest in the breast of the Executive?—The Executive proclaims that martial law is to exist, or that martial law is to be carried into execution, as I understand it, for the purpose of suppressing disorder, for which purpose it was called into action.

5473. Is it something more than is provided for by the Articles of War and the Mutiny Act?—Yes.

5474. Beyond that, therefore, it is in the breast of the Executive?—The Mutiny Act and the Articles of War have to do only with soldiers: the martial law which you are speaking of has to do with all offenders; that is a clear distinction, which if you will bear in mind, I am quite sure you will see the difference.

5475. Does not martial law supersede both military and civil law?—I think it over-rides, in respect of the persons upon whom it is to operate, all other law. For instance, if five or six regiments were to mutiny in the field, would any one tell me you must apply to Parliament before you could reduce those persons to subjection; there must be somewhere, for public safety, a right to exercise such power in time of need. I have heard it stated that such a thing has happened in our own times; four or five regiments in open mutiny in the field, and no time to take the opinion of any executive authority, and the officer in command did that which a soldier in command is bound to do; namely, he took measures for the purpose of suppressing such disorder, and he was prepared to put those people to death if it were necessary. There have been instances again, in our own times, where martial law has been proclaimed in several of the colonies; it has been proclaimed in Jamaica; it has been proclaimed at the Cape of Good Hope; it was proclaimed at Ceylon in the time of General Brownrigg. Those are cases where I understand there was no appeal to any Parliament, properly so called, unless it was in Jamaica; as to which island I believe there was an Act of Parliament to govern the question. In the other instances, the Executive acting for the public safety, did the best they could.

5476. *Sir R. Peel.*] A wise and courageous man, responsible for the safety of a colony, would take the law into his own hands, and make a law for the occasion, rather than submit to anarchy?—I think that a wise and courageous man would, if it were necessary, make a law to his own hands, but he would much rather take a law which is already made; and I believe the law of England is that a Governor, like the Crown, has inherent in him the right, when the necessity arises, of judging of it, and, being responsible for his work afterwards, so to deal with the laws as to supersede them all, and to proclaim martial law for the safety of the colony. I think a good man will do it with very great care; and a prudent

dent man too, but a wise and courageous man, I think, ought not to be shy of doing it.

5477. *Mr. Gladstone.*] You spoke of his being responsible afterwards for that which he has done ; if he is responsible for that which he has done, does not it seem to follow that what he has done has not been done under the law so to be called, but under a necessity which is above the law?—I say he is responsible for what he has done, just as I am responsible for shooting a man on the King's highway who comes to rob me. If I mistake my man, and have not, in the opinion of the judge and jury who try me, an answer to give, I am responsible.

5478. *Mr. Adderley.*] Under martial law would there be any difference in the treatment of a soldier and a civilian?—I should say none ; but that is a matter upon which, of course, I can have no knowledge ; my notion is, that an offender ought to be subjected to the punishment of death if it be necessary, to other punishments which are fit, and that there is not any difference between a soldier offending and a common man ; he is an offender against the peace.

5479. *Mr. Hawes.*] If I understand your evidence aright, it comes to this, that martial law, or the power of suspending all law in cases of great public urgency, is inherent in the prerogative, and that prerogative can be delegated?—In my opinion it is inherent in the prerogative. The word "delegation" I do not much like.

5480. The Governor of a colony, representing the Crown, can exercise the selfsame power as the Crown itself, if the urgency and the necessity of the case justify it?—I think so.

5481. And I presume parties so acting would, in the event of their having to defend their conduct, have entirely to rely upon the necessity and urgency of the occasion which called for the proclamation of martial law?—I do not admit the word "proclamation." They would have to justify themselves by the law under which they acted, the law under which they acted being martial law. Whether the authorities who set it going had a right to do so, is another question.

5482. Which question the Constitution provides a power of settling by an Act of Indemnity?—An Act of Indemnity is of course a prudent measure at all times. Whenever you overstep the law, I recommend you to obtain an Act of Indemnity if you can get one ; but I am not sure that an Act of Indemnity is necessary. I think it would be wise for a Governor who has proclaimed and executed martial law, to have the sanction of his Sovereign for his act, and it would be prudent for all persons who have acted under such a law to have an Act of Indemnity. It is a short answer to any person who asks you questions about your conduct during the time martial law existed.

5483. *Mr. Gladstone.*] Adverting to the words quoted by Sir Robert Peel from the Mutiny Act ; do you hold that those words, according to their true construction, whatever it may be, are an absolute and binding declaration of the law of the land?—All preambles are in a sense the key to the Act of Parliament, and a wise man, in construing an Act, will give as much credit to the preamble, as it ought to have, but no more ; if you can find by any reasonable construction that those words had a meaning at that time which they have borne since, I do not see why you should attribute more now to them than in the time of Queen Anne.

5484. Do you think they are words which must be taken as an absolute and unqualified declaration of the law, not admitting of limitation of any kind, so far as the words in their natural sense go, or do you think they are subject to limitation?—They have no reference whatever to the question which has been proposed to me, whether martial law can be proclaimed during the existence of the Mutiny Act.

5485. Are we bound to take those words in the full breadth of their natural meaning, whatever that meaning may be?—I certainly think not. My opinion is that though those words be in this Act of Parliament, namely, "in time of peace," if during time of peace there does arise such an exigency and necessity as I suppose, the Crown's right, or the right of the person who ought to exercise it for the public safety, at once arises.

5486. Therefore the answers you have been giving do not depend upon the mere verbal question of whether the words "in time of peace" may be so construed as to admit of our viewing as a state of war, a state which is merely one of internal disturbance?—Certainly ; my attention had been drawn to the preamble

Right Hon.
Sir *D. Dundas*,
M.P.

28 June 1849.

merely to see whether the words "martial law" there did not help to confound the distinction between military and martial law.

5487. *Mr. Villiers.*] Do the proceedings before military tribunals differ very materially from the proceedings before civil tribunals?—Yes; there is no jury, for instance.

5488. In the form of taking the evidence, in the form of stating the case, and in the form of summing up the evidence, are there any differences?—Yes, there is a great deal of difference; I believe counsel are not permitted to address the court, for instance.

5489. Are the proceedings regulated by the Mutiny Act?—Yes, generally speaking; but there are not regulations sufficient for every court martial's proceedings; the court martial therefore keeps as near as it can to the rules of the common law of England. For example, there is no particular method prescribed of taking evidence; you must go by some rule, and you go to the courts for your example.

5490. Your apprehension of the proceedings which take place in such an extreme exercise of the power of the Crown in any district, is that they are subject to no rule whatever?—I did not say that.

5491. You do not know of any?—I know of no rule, except the rule of common sense and humanity. A man executing the law under a court martial must go by something; he must go by the evidence. He goes by a shorter mode of taking evidence, very likely, than he would do in a court in Westminster Hall.

5492. Are there any rules laid down for the conduct of proceedings where they take place under martial law?—I think it is altogether *lex non scripta*.

5493. I understood you to say, that where martial law is proclaimed the civil tribunals are suspended, and military tribunals are established?—Yes.

5493*. Am I to understand that wherever martial law is proclaimed, the judges are soldiers?—I did not say that.

5494. Will you inform the Committee what is the meaning of a military tribunal?—Three officers are, I think, the minimum of any military tribunal under the Mutiny Act.

5495. Are not military tribunals presided over by soldiers?—All tribunals under the Mutiny Act consist of soldiers only.

5496. Where military tribunals are substituted for civil tribunals after the proclamation of martial law, are not those tribunals also presided over by soldiers?—I cannot answer the question, because I know nothing of the practice; but in my opinion they need not be. I am clearly of opinion that all good citizens are called on to take part with the power, which we will suppose a righteous power, in case of necessity; and whether they wear a red coat or a blue coat, they are each called on to come in and aid the common welfare.

5497. Did not you refer to some authority for stating that martial law is no law?—I referred to the authority of Blackstone. I do not think, however in that case Mr. Justice Blackstone's authority is a safe authority for you to rely on for a definition.

5498. You consider that his statement is inaccurate in reference to courts martial, but not in reference to martial law?—I think it is more referable to martial law, than it is to the law under the Mutiny Act and the Articles of War; but I think to neither is it very appropriate.

5499. Your opinion is that martial law is no law?—I have never said that.

5500. It is incapable of definition?—I do not know that it is incapable of definition; I am not aware of its having been in any book defined.

5501. *Sir R. Peel.*] To advert to the Act passed in 1798; are you aware that that Act recited that there was at that time a traitorous conspiracy for the destruction of the established constitution and government, which had broken out into acts of the most daring and open rebellion?—Yes, I am aware of that.

5502. Did it not recite also that "large bodies of armed traitors did openly array themselves, and make the most daring and violent attacks upon His Majesty's forces, and committed the most horrid excesses and cruelties on the properties and persons of His Majesty's loyal subjects"?—I am aware of that.

5503. Are you aware that that Statute gave to the Crown the power of proclaiming martial law?—I am aware of it.

5504. It

Right Hon.
Sir D. Dundas,
M.P.

28 June 1849.

5504. It appointed courts martial, which should have power over life and death?
—Yes.

5505. Have you adverted to this fact, that notwithstanding that powers so given by the Statute to the Crown to proclaim martial law, it was thought advisable to insert the following provision: "That no act that shall be done in pursuance of any order which shall be so issued as aforesaid shall be questioned in his Majesty's Court of King's Bench, nor in any other court." It was also provided, "If any person who shall be detained in custody under the powers created by this Act shall sue forth a writ of *habeas corpus*, it shall be a good and sufficient return to such writ that the party suing forth the same is detained by virtue of a warrant under the hand and seal of some officer or other person duly authorized by the chief Governor or chief Governors for the time being to issue such warrant under the authority of this Act"?—I am aware of that.

5506. And this additional clause also: "Provided, nevertheless, that the name of such officer or other person so authorized to issue such warrant shall have been previously notified by the chief Governor or Governors, or his or their chief secretary, to the Court of King's Bench, by writing signed by the said Governor or chief Governors, or his or their chief secretary, and signifying to the said court that such person or persons was or were authorized as aforesaid to exercise the powers specified by this Act; and when such return shall be made it shall not be necessary to bring up the body of the person who is so detained." Do not you think that the Court of Queen's Bench would not only have been authorized, but almost required, to bring up the body of the person so detained, if the Crown had omitted to signify to whom the warrant was addressed?—You put me again to first principles. That is the mode in which the Crown chooses to exercise its right of martial law, and I think that in every such emergency the Crown would be well advised to have Parliament at its back; in a case so difficult to lay down a rule for as martial law, where, as I say, nothing is written, it would be wise of the Crown, if it had time to do so, to prescribe the mode and the measure of the administration of that law, which would prevent difficulties which otherwise might arise; but I am not prepared to say that in a country where you have no time to do that, where you have no Parliament to apply to, where you are, as the Executive, bound to suppress the disorder or lose your power altogether, you must resort to any proclamation even of the means and manner in which martial law is to be executed. My notion is that martial law is a rule of necessity, and that when it is executed by men empowered to do so, if they act honestly, rigorously, and vigorously, and with as much humanity as the case will permit in discharge of their duty, they have done that which every good citizen is bound to do.

5507. And Parliament will give them an indemnity?—And Parliament, if necessary, will give them an indemnity; and Parliament ought to give them an indemnity, for this reason, that it is a short answer, to any question afterwards, "I have the Act of Parliament in my hands, and I show you that I did what I have done under authority, which is now sanctioned by Parliament."

5508. I have placed upon record some quotations from this Act which appear to imply that the Crown has not the power; I think it but right, therefore, to put upon record also this clause, which appears to justify your opinion that it has. There is this reservation: "Provided always, and be it declared and enacted, that nothing in this Act contained shall be construed to take away, abridge, or diminish the acknowledged prerogative of His Majesty, for the public safety, to resort to the exercise of martial law against open enemies and traitors"?—That is a confirmation of my own view.

5509. Mr. S. Wortley.] I understand you to say that nothing but paramount necessity can justify the Crown in exercising that prerogative?—I am clearly of that opinion.

5510. And that if that paramount necessity existed, and in the opinion of a court of law existed at the time of an act done which was justified by it, they would hold that justification a sufficient answer in law?—I think so.

5511. But if they had exceeded the necessity of the case, or proclaimed martial law without that necessity, unless there were an indemnity the court would hold the parties responsible for the act?—I think they must be answerable for their act, and answerable to the greatest degree for proclaiming and executing martial law.

Right Hon.
Sir D. Dundas,
M P.

28 June 1849.

5512. Therefore it is a prudent measure to obtain an Act of Indemnity if it can be obtained, in order to cover any excess; but in your judgment, where a necessity has clearly existed, that Act of Indemnity is not absolutely required?—That is my opinion.

5513. Mr. *Hawes*.] The Act of Indemnity would be the more valuable, inasmuch as it would have the effect of showing also, to a certain extent, that the legislative body, whatever their opinion was worth, had recognised the necessity of martial law?—Yes, but I do not fall back upon that; they must answer for their own opinions. The Executive must be responsible for its own work, and that is a work so very far beyond the usual course of law that unless the Executive can answer for it with a good conscience and with safety, the Executive will get into great trouble.

5514. Mr. *Wilson*.] Answer to whom?—To the country.

5515. Mr. *S. Wortley*.] In speaking of the Executive, I understand you to allude to their responsibility for excess?—I allude to their responsibility for excess, and to their responsibility for the measure itself also. I apprehend that if a man, without reasonable necessity for it, were to proclaim martial law, he ought to be brought into very great trouble for it.

5516. That would be an excess of the prerogative, would not it?—It would be an excess, certainly. The Crown has no power to do that.

5517. Mr. *Hume*.] You have distinctly stated that it is only a case of necessity which can warrant the negation of all law, and the depriving Her Majesty's subjects of the usual protections, both of civil and criminal judicature; do you believe or conceive that a town such as Birmingham, for example, can be put, half of it under martial law, and the other half under the operation of the ordinary courts of law?—I must decline to answer that question.

5518. Do you consider that such a proceeding can be termed a case of necessity when the other courts of law are proceeding with their judicial proceedings quietly?—When you give me all the facts to raise the question of necessity, I will tell you whether, in my private judgment, the necessity really existed; but I cannot answer that question.

5519. I will state to you a case. The disturbances upon which martial law took place in Ceylon happened in the latter part of July; everything was quiet, as far as we know, after the 4th of August; is it your opinion, that to continue martial law in Kandy up to the 10th of October, while the courts of justice had been regularly sitting from the 28th of August, could come within the definition you have given?—With the most perfect respect I decline to answer that question; I think it is not a question for me to answer more than any other independent Member of the House of Commons.

5520. Do you consider that trying an individual or individuals under martial law six weeks after all disturbance had ceased, and after peace and quietness had been restored, could be a case of emergency?—I decline to answer that question.

5521. Mr. *M'Cullagh*.] Am I to understand you to say that the application of martial law is not incompatible with the ordinary jurisdiction of the realm in other places or in other cases, at the same time?—I have not said so; my notion is that, with respect to the question proposed to me, when martial law is proclaimed it supersedes all other law. I do not think it very desirable that I should answer how far it would be a reasonable thing that a court of civil judicature should be trying an ejectment, when in the next room officers were putting people to death under martial law. I do not know whether the ejectment might not be proceeded with, but ordinarily speaking, all other courts of judicature are put by, and martial law obtains.

5522. Are you aware that the supreme courts in Ireland sat and tried cases at the time when martial law, under the Act which had been referred to so often, was actually in operation?—I was not aware of it, but I am not surprised to hear it. I think, if a well-constituted government should find that certain of its courts, whether civil or criminal, can carry on their business properly and to the satisfaction of the country, at the time when martial law is proclaimed within their jurisdiction, there is no reason on earth why those courts should not do their work; at the same time, it is a matter which depends so much upon circumstances, that I would rather not state more.

5523. Mr. *S. Wortley*.] I observe in this Act of 1798, which has been so frequently

Right Hon.
Sir *D. Dundas*,
M.P.

28 June 1849.

frequently referred to, it is recited, among other things, that "peace and tranquillity have been so far restored as to permit the course of the common law partially to take place; but the said rebellion still continues to rage in very considerable parts of this kingdom;" does not that appear to you to confirm your view that the effect of martial law simply and purely is to suspend the operation of the constitution of all ordinary tribunals?—I think it does, in a sense, suspend the operation of the ordinary tribunals; but I am not prepared to say that martial law having been proclaimed the ordinary tribunals may not proceed according to the ordinary course of the common law or the statute law of the land.

5524. Does not this reference to the state of Ireland being such as to authorize the general application of martial law, with the exception of a partial continuance of the civil courts, rather confirm that view?—I think so.

5525. Mr. *M'Cullagh*.] Are you aware that under that Act of 1798 particular districts of the kingdom were placed under the operation of martial law, and others were not?—I have no doubt of it; I do not know the fact; I have no doubt that certain districts in Ireland are proclaimed now and then, and ought to be proclaimed to be under martial law, and that in other parts of the country there may be no such necessity existing. My opinion is that it is the undoubted prerogative of the Crown to proclaim and execute martial law when necessary, and that when that necessity arises it is the duty of the Crown, for the safety of the State, to do that, which is the only thing which can be done in such a case, to save the country.

5526. Mr. *Hawes*.] With reference to the Act of 1798, which established martial law in Ireland, will you refer to the second section; you will there find that it appears that Lord Camden, who was then Lord Lieutenant, did, on the 24th April 1798, proclaim martial law?—He then issued his orders to punish according to martial law.

5527. By the subsequent section, it appears that Parliament then adopted that proclamation as it were, and gave a Parliamentary sanction to the proclamation of the Lord Lieutenant?—Yes.

5528. Does it not therefore follow that the proclamation in that case was prior to the Act of Parliament?—I should say so; there must have been a proclamation or proclamations.

5529. Inasmuch as Parliament therefore sanctioned the proclamation of martial law, and at the same time, by the last clause in the Act, reserved the right of the prerogative to proclaim martial law, does not that Act of Parliament appear to be rather in the nature of an Act of Indemnity?—That looks as if there had been proclamations on the subject. The King's undoubted prerogative is there stated, and that was his authority for him to exercise martial law in a given manner.

5530. After martial law had been proclaimed?—It appears that martial law had been proclaimed.

5531. Mr. *Hume*.] It appears by the latter part of the oath which is taken by officers sitting on courts martial assembled under the Mutiny Act, that they are bound, if any doubt shall arise which is not explained by the said Articles or Act, to act according to their conscience, the best of their understanding, and the customs of war. Is it your opinion that in courts martial assembled under martial law, where all other law is supposed to be set aside, officers placed on such courts martial are bound by such considerations as have been now set forth?—In point of fact I know nothing of the practice in such cases; but my own opinion is that an officer cannot go very wrong who adheres as closely as the circumstances will permit him to the mode of administering the law under the Mutiny Act; and if he will take the latter part of the oath taken under the Mutiny Act, it appears to me to afford him a very safe and honest guide in such a critical case.

5532. Are you aware whether any oath at all is taken in cases of court martial under martial law?—I am not aware of the practice.

5533. Mr. *Adderley*.] Is not such an officer bound in your opinion, as far as circumstances will admit, to be governed by the forms prescribed by the Mutiny Act and the Articles of War?—I do not know whether he is bound; I consider that martial law might be proclaimed, and orders given by the Executive to carry it into execution in a given manner, and then he would be bound to carry it out in that manner, in my humble judgment.

Martis, 3^o die Julii, 1849.

MEMBERS PRESENT :

Mr. Hume.
Sir James Hogg.
Mr. C. Villiers.
Mr. Adderley.

Mr. Hawes.
Lord Hotham.
Mr. Gladstone.
Mr. M'Cullagh.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Philip Edmond Wodehouse, Esq., called in ; and further Examined.

P. E. Wodehouse,
Esq.

3 July 1849.

5534. Mr. Hume.] WERE you in Ceylon in August 1848?—Yes.

5535. Do you recollect a proclamation by Colonel Drought on the 8th of August 1848, directing the attachment of lands and houses?—I have seen it in the papers.

5536. Were you a member of the Executive Council at that time?—I was. (*The same was read as follows:*) “By order of Lieutenant-Colonel Drought, Commandant of Her Majesty’s Forces in the Kandyan Districts now subject to Martial Law. It is hereby proclaimed that in all the Kandyan districts now under martial law I have ordered the seizure and attachment of the lands, houses, and other property of all the persons, of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen ; and I hereby call upon all loyal subjects to assist the officers appointed by me to carry my orders into effect. And I further hereby command all loyal subjects of Her Majesty the Queen to keep themselves apart from those concerned in this rebellion, for whosoever shall be found to have aided the rebels, or supplied them with food or other provisions, is liable to condign punishment, and will forfeit his lands and property, and will be treated in all other respects as a rebel. And I also hereby declare to all innocent and loyal subjects who may chance to be absent from their houses, but who have not been engaged in any act of treason or robbery during the present insurrection, and can account for their absence, that they are not by this my proclamation prohibited from returning to resume possession of their property and reside in peace in their houses. (signed) T. A. Drought, Lieutenant-colonel Commanding the Troops in the Kandyan Provinces. Kandy, 8 August 1848.” —(Papers, No. 27, p. 20.)

5537. Was that order agreed to by the Executive Council?—Not that I am aware of; I am not aware of any direction by the Executive Council to Colonel Drought to publish that.

5538. Do you know under what authority Colonel Drought issued that proclamation?—I can only infer from the wording of it that he considered it within his power to issue it as commandant of the Kandyan provinces during those disturbances; he refers to no other authority of any sort.

5539. Was that proclamation a question at any time under consideration in the Executive Council whilst you were a member of it?—No.

5540. Mr. Hawes.] There were no proceedings under martial law brought under the consideration of the Executive Council?—I think I stated before that the Executive Council were not consulted at all after the original proclamation of martial law.

5541. Mr. Hume.] Are the Committee to understand you to say that after the proclamation on the 20th of July, no proceeding that took place, either of the confiscation of property or any other measure, became the subject of discussion in the Executive Council?—Not to my knowledge, from the time that martial law was proclaimed to the time that I went out of the Executive Council. On Mr. Macarthy’s return to Ceylon, which was at the end of August,

August, I have no recollection of any discussion in the Executive Council as to the line of policy to be carried on with reference to those measures; there was one meeting very early indeed; it must have been the first day or two in August, at which the Governor told the Executive Council that he had done something, but that was all.

5542. Mr. *Hawes*.] The proclamation of martial law was made after consultation with the Executive Council, and with their consent, was it not?—Yes; I mentioned in my former evidence the circumstances under which two proclamations were made.

5543. Mr. *Hume*.] At what time was the subject of the sequestrations and confiscations first brought before the Council, of which you were a member?—The first information I had respecting those confiscations was when the Indemnity Bill came before the Legislative Council.

5544. Sir *J. Hogg*.] Of what confiscations do you speak?—When the Indemnity Bill was brought before the Legislative Council and read, there was laid upon the table, by the Governor's order, a list of the landed property and personal property belonging to various persons in the disturbed districts, some of which was stated to be sequestered, and some of which was stated to be confiscated. The returns were laid upon the table for the information of the Legislative Council.

5545. Mr. *Hume*.] Will you state what was the first time at which that subject was brought under your notice?—I have stated that my attention was first given to it formerly, when the Indemnity Bill was brought before the Legislative Council.

5546. I see in No. 7, in page 5 and the following pages, there are the proceedings given of the Legislative Council on the Bill of Indemnity; there is a debate on the 17th of October. Is that the first debate that took place upon that Bill?—Yes, it is the first debate; all the discussion is upon the second reading.

5547. And up to that period, you do not recollect any discussion on the subject of confiscations at any meeting of the Legislative Council, of which you were a member?—No.

5548. Will you state whether returns were laid before the Legislative Council of the confiscations which had been made by the military, for which indemnity was sought?—I mentioned just now that there were returns laid upon the table, by the order of the Governor, containing lists of landed property and other property belonging to various individuals, and to temples in the disturbed districts of the Kandyan provinces.

5549. Sir *J. Hogg*.] That is property seized under the proclamation requiring persons to return to their houses?—I will not undertake to say that it was under that proclamation, but it had become seized.

5550. It had become seized during the time that martial law prevailed?—Yes.

5551. Mr. *Hume*.] It appears that in the debate you stated (at page 7), "But the public safety was in no way subserved by the sale of property. The papers laid on the table showed that property to the amount of 10,000*l.* had been sequestered, and it did not appear in whose possessions this property now was, nor whether any or how much had been sold, although it was generally reported that sales to a certain extent had taken place." That is reported as part of your speech. Will you explain on what grounds the property was stated to have been 10,000*l.*?—From the returns which the officers made. The returns which were laid on the table gave the appraised value of the properties, and I took the value as it stood upon those returns. I have a memorandum here, made at the time, as to the land sequestered; it came to, as nearly as possible, 10,000*l.*

5552. Was that property sequestered, or property sold?—Property sequestered.

5553. Was there any returns of the amount of property sold?—Not at that time, as far as I recollect.

5554. Was it stated to the Legislative Council that the property sold had been only perishable property; refer to page 8?—Page 8 contains the Governor's answer to the question that I thought it right to ask on that debate. He stated then, as far as the measures had gone, in what way the property had been disposed of, and what he intended to do.

P. E. Wodehouse,
Esq.

3 July 1849.

5555. Is it consistent with your knowledge that that statement made by him that the only property sold was perishable property, was a correct statement—I cannot say.

5556. Had you not a return of jewellery and clothes, and a variety of other articles which had been seized and sold?—I cannot say that they had been sold; I will not undertake to say how much of this property, whether perishable or not, was actually sold.

5557. Was there any question asked as to how the property of the parties who were afterwards found to be innocent was to be repaid?—I cannot say whether there was any question of that sort asked or not. This discussion took place on the passing of the Indemnity Bill; and after the Indemnity Bill was passed, no other opportunity presented itself for raising any further discussion upon the subject.

5558. Has it come to your knowledge that the property of persons who were never found guilty was seized by the military and confiscated?—There is no doubt; the Governor's own explanation conveys that the property of innocent persons was seized; and as he himself states, some of the property that was perishable it was necessary to sell, it is very probable that there was some perishable property sold that belonged to innocent parties.

5559. *Mr. Hawes.*] Does not the Governor say that "directions have been already given for the restoration of all the property sequestered, with one exception, of that belonging to a few of those persons principally concerned in the late insurrection, who have fled from justice, and of those who have been convicted by the Supreme Court, or are now waiting their trial"?—The Government stated that directions to that effect had been given, but he states himself, "all property that has been sold on the sequestered land has been perishable property." It is very possible that some of that perishable property belonged to innocent parties; the Government assumed that the sequestration was unavoidable, and as the property was perishable it was necessary to sell it.

5560. *Mr. Hume.*] In page 7, near the bottom, it is reported that you said, "the sole object was to elicit from the Government some explanation of the course which they intended to pursue in respect to the sequestered property of innocent parties." Is that which you have now read the answer of Lord Torrington to that request?—Yes.

5561. Was there any list laid before you of articles not perishable, such as jewellery and clothes, and other articles?—My belief is, and certainly the belief of the Legislative Council at the time was, that the returns showed all the property which had been sequestered, and that they were laid before the Council with that object.

5562. Under the instructions to the Governor, ought not those documents which had formed part of the minutes in the discussion here alluded to in the Legislative Council to have been appended to the proceedings of the Legislative Council of that date, and ought they not to have been sent home to the Secretary of State?—It is not necessary to send home all the papers laid before the Legislative Council when they make ordinances.

5563. Do you consider that so important a document as the list of property which had been so seized was not within the category of papers which, under the instructions, the Governor was bound to send home?—Not as a part of the minutes of the proceedings of the Legislative Council. It is one question, whether the Governor should have sent them home to the Secretary of State in the course of correspondence on those matters, but whether they should have come home as part of the proceedings of the Legislative Council is another question; but it has not been customary to place on record all the documents laid before the Legislative Council.

5564. Have you seen any list published of those articles?—Not that I recollect.

5565. *Mr. Hawes.*] You saw the list laid before the Legislative Council of which you have spoken?—Yes, I examined the lists; they were on the table of the Legislative Council for a few days, and I examined them, and I thought it right to ask this question before we passed the Indemnity Bill.

5566. *Mr. Hume.*] Will you look at this, which purports to be the "Ceylon Overland Observer," of January 1849. It is a petition from Kotmala Unnanse, for compensation for the property sold by public sale; have you any reason to know

3 July 1849.

know whether in that list there are a great many articles, gold and silver ornaments and clothes?—Yes, there are such articles; but, as I stated before, I will not undertake to say what was sold and what was not.

5567. Mr. *Hawes*.] What is the value of the gold and silver ornaments?—It is impossible for me to say.

5568. Have you any reason to think that the value was considerable?—Books and images are the only things that were likely to be valuable.

5569. Sir *J. Hogg*.] Do you know that to be a correct copy of the list to which you have referred which was laid before the Legislative Council?—No, it is not a copy of that list; this is the list that was appended to one man's petition, but the returns that were laid before the Legislative Council related to the property of several individuals.

5570. Mr. *Hume*.] It is here stated that the confiscated property had been sold belonging to Kotmala Unnanse: four yellow robes, 1s. 7½d.; ten pieces of cloth for 9d.; handkerchiefs, hatchets, plates, and a variety of other articles, amounting, together with other things, to 7l. 5s. 3d. I wish to ask you whether there is any one of those articles that are in that list which is perishable?—The greater part of those articles do not appear to be perishable.

5571. Beyond recollection, have you any means of stating how much of that 10,000l., which is stated in your speech as the value of the property that was sequestered, was perishable or otherwise?—A very large proportion of the property was landed property, and the land was not sold; according to my memorandum here about 9,000l. was landed property.

5572. Mr. *Hawes*.] That is 9,000l. out of the 10,000l. stated in your speech as the value of the property?—Yes.

5573. Mr. *Hume*.] In the absence of all returns can you state what process had been adopted in the seizure, or by whom that property had been confiscated?—The property was, of course, seized by the officers employed under martial law in that district; there were no other parties who could seize the property.

5574. It was seized by the military?—Through the instrumentality of the military; possibly the civil authorities of the district might have been with the military; but not having been on the spot at the time I cannot exactly say how that was.

5575. Does your memory enable you to say that there were serious complaints of the manner in which the military took possession and seized that property, and destroyed other parts of the property?—There were complaints, undoubtedly.

5576. Was any inquiry instituted with a view to ascertain whether those complaints were well founded or not?—Not that I know of.

5577. In what way can we obtain information as to the manner in which the officers acted under martial law; is there any means by which we can get information as to the conduct of the troops?—I really do not see how you can get that information.

5578. Did any member of the Legislative Council at the time the matter was under discussion demand an explanation as to the manner in which the seizure and sequestration of property had taken place?—I do not recollect it; I think I was the only person who asked any question upon the subject.

5579. Did not Mr. Selby protest against the whole proceeding as illegal?—Mr. Selby was the Queen's Advocate; he admitted that the Indemnity Bill was necessary.

5580. "He admitted that the act was illegal; so also was the trial and punishment of offenders by martial law, and the illegality of the acts must indeed be assumed to render an indemnity necessary"?—Clearly if the Indemnity Bill meant anything it meant that the Executive had committed what was illegal, and that the Legislative Council would indemnify them for it.

5581. Are you aware of any proceeding after the termination of martial law being taken in any court in reference to the mode in which the property had been seized and confiscated?—There is one clause of the Indemnity Bill which bars all proceedings of that kind.

5582. What are the words of the clause?—It is the second provision, "And that no act done in pursuance of any order issued by the said Governor, or by the officer commanding Her Majesty's forces in the Kandyan provinces, for suppressing the said insurrection, or for the safety and protection of the persons

P. E. Wodehouse,
Esq.

3 July 1849.

and properties of Her Majesty's peaceable and loyal subjects, or for the trial and punishment of treasons and other crimes and offences committed within the said districts, or for the arrest and detention in custody of persons engaged in such insurrection, or suspected thereof, or for the seizure, sequestration, or sale of the property of any such persons as last aforesaid, shall be questioned in any of Her Majesty's courts of civil or criminal jurisdiction in this island. And in order to prevent any doubt which might arise whether any act alleged to have been done in conformity to any such order was so done, it shall and may be lawful to and for the Governor, or officer commanding Her Majesty's forces in the said provinces, to declare such acts to have been done in conformity to such orders; and such declaration, signified by any writing under the hand of the said Governor or officer commanding Her Majesty's forces, shall be a sufficient discharge and indemnity to all persons concerned in any such acts, and shall in all cases be conclusive evidence that such acts were done in conformity to such orders."

5583. You have stated that no explanation was given in the Legislative Council as to the manner in which the confiscation had been carried out?—No explanation was given beyond what you have before you in the Governor's observations.

5584. And Mr. Selby's statement?—Yes; that debate, I believe, contains all the explanation that was given.

5585. Then the Indemnity Act prevents any inquiry on any complaint by any injured man afterwards in the courts of Ceylon. Do I understand that to be the purport of the clause?—That is my interpretation of that clause which I have just read.

5586. Sir *J. Hogg.*] Do you recollect whether any individuals whose property was seized and sequestered during the time of martial law presented petitions complaining of the seizure of their property?—I know that people came to complain upon the subject, because I know that one priest came to me himself.

5587. Mr. *Hume.*] Can you state the name of the priest?—I cannot recollect his name.

5588. Sir *J. Hogg.*] Complaints were made of the conduct of the officers charged with the execution of public duty during martial law?—Yes; there were rumours of that kind.

5589. Do you know whether the officer commanding Her Majesty's forces in Ceylon approved or disapproved of the conduct of the subordinate officers intrusted with the execution of the law in the disturbed districts?—It is clear that the commanding officers were satisfied with their conduct; there are in those papers very strong expressions of the good conduct of the troops; but I apprehend that in no country of such a nature could troops be employed in small detachments upon that sort of service without some hardship being inflicted upon the population; it is almost impossible to prevent it.

5590. Mr. *Hume.*] The Governor, in answer to your question, states, in page 8, "All property that has been sold on the sequestered land has been perishable property—such as grain and other marketable produce, the proceeds of the sale of which have been strictly kept, and will be accounted for." Did the persons who complained to you complain of articles having been taken from them and sold as perishable articles which were not perishable, such as clothes, and images, and furniture?—The man who complained to me was the priest of a temple, and he came to complain that property of the temple had been carried away by the troops.

5591. What kind of property?—Images, and books, and things of that sort.

5592. Not perishable property?—No; his impression was, that it had not been done by proper authority, but that he had suffered from the inconvenience of the troops passing through the country.

5593. Do you know who Mr. W. Morris, the assistant agent at Kornegalle, is?—Yes.

5594. There is a list signed by him of property belonging to Kotmala Unanse, in which he states that property that he values at 75*l.*, consisting altogether of unperishable articles, had been sold for 3*l.* 0*s.* 11*d.*; have you any reason to doubt that that list, which appears in the "Ceylon Overland Observer" of January 1849, and which is signed by Mr. Morris, is a correct copy of the paper

paper laid before Mr. Morris?—If it is put in as an exact copy of what Mr. Morris put his name to, probably it is correct. *P. E. Wodehouse, Esq.*

3 July 1849.

5595. Will you state whether it was ever a question in the Legislative Council as to why the property had been sold before the parties whose property it was had been tried, and their innocence or their guilt ascertained?—As far as the Legislative Council then understood, no imperishable property belonging to innocent parties had been sold; the inference to be drawn from the Governor's explanation was, that only perishable property had been sold, whether of innocent or of guilty people; it was not to be inferred from what he said that imperishable property of innocent people had been sold.

5596. The question was raised by you, and the Governor, in answer to your question, states this: "The question having been raised by the Council, how far lands have been sequestered of parties who have since been proved to be innocent, I am enabled to state that orders have been given that all parties who are entitled to receive back their lands or properties should receive them as soon as those intrusted with the power are enabled to give them back to them." Was there no question in the Council why the seizure had taken place before any tribunal had ascertained the innocence or guilt of the parties?—The Governor explained the original seizure to be unavoidable, as he looked upon affairs, in the existing state of the country; but that seizure did not necessarily imply that the property should be sold or confiscated. My principal reason for asking him this question at the time was, that a great deal of the property was temple property, and my opinion was that no temple property could be legally confiscated, even if the priests were proved to be guilty of high treason, inasmuch as the property did not belong to him, but to his temple.

5597. Does not Mr. Selby state that "even if the Dambool priests had been convicted, the temple lands would not, in his opinion, have been forfeited by their attainder"?—Yes; that was in answer to my question. Mr. Selby supported my view of the matter.

5598. He said, "It was trust property, which did not escheat to the Crown by reason of the treason of the incumbent. But the priests had been acquitted, and were innocent in the eye of the law." That was in answer to your question?—Yes.

5599. That shows that property had been taken from the temple not of a perishable nature?—Yes.

5600. Were any measures adopted whilst you were there with a view to remunerate those parties for the property that had been taken?—I have no knowledge of the way in which they were remunerated.

5601. And you do not know whether that has been done or not?—I do not; but the landed property I assume has been given back.

5602. Sir *J. Hogg.*] Have lands or other property belonging to temples been sold, to your knowledge?—I cannot say that they have, but I know that the priests were complaining of having to a certain extent been plundered.

5603. Mr. *Hume.*] Are you aware whether property that was taken was in many cases sold by auction?—It was to be sold by auction, by order of the Governor, what was properly sold.

5604. Do you know whether that was by order of Lord Torrington, or by order of the commanding officer?—A great quantity was sold by order of the Governor; whether it was all sold by his order I cannot say.

5605. Considering the manner in which the confiscations and seizures have been made, and the sales of property not perishable, will you state whether you approve of the Indemnity Bill protecting that conduct?—If the Committee will refer to the Indemnity Bill, they will see that it consists of three separate provisions; there is only one enacting clause, but that contains three different provisions. The first 15 lines indemnify the Governor, and all parties acting under him, for all acts done in the *bonâ fide* discharge of their duty under martial law. It then goes on to say, as I before read, that no civil court shall call in question any act done during that time; and the last provision is, that in case of doubt whether a thing was done by order of the Governor or of the commanding officer, they may grant a certificate that it was done by their order.

5606. My question was, did you approve of the passing of that Act; I put the question subject to the explanation which you gave before with regard to your voting; you stated that you frequently voted in favour of Government

P. E. Wodehouse,
Esq.

3 July 1849.

measures because you did not wish to oppose the Government?—It was so in this instance. I think the first provision, indemnifying parties for what was done by them in the *bonâ fide* discharge of their duty, was no more than was right and proper; I am not prepared to say the same with regard to barring all actions in the courts of law. The second provision is to prevent a court of law from entering into the question of any act done for those purposes, and consequently no court of law could question whether it was *bonâ fide* done or not; that is going much further than the first provision.

5607. Mr. Gladstone.] Will you point out the distinction between the first and second provisions of the ordinance; the first provision indemnifies the Governor, and all parties acting under his orders, from all actions in respect of anything done by the Governor, or the persons under his authority; then what occasion was there for the second provision?—As I understand it, under the first provision, if a suit were instituted in the civil court against an officer for acts done by him, the court would enter upon the suit; if the officer showed that he had acted *bonâ fide* in discharge of martial law, the prosecution would drop and a verdict would be given for him; but the next ten lines said that the court should not question such act, consequently no prosecution could be sustained by the court; the proceedings could never go the length of calling upon the party to prove that he had acted *bonâ fide* in the discharge of his duty.

5608. Mr. Villiers.] The words are, that “no act done in pursuance of any order issued by the Governor, or by the officer commanding the forces, shall be questioned in any of the courts”?—But if you read the last few lines you will see that it is in the Governor’s power to say, “I did order it,” and thereby the officer is protected.

5609. Mr. Gladstone.] Do you think, under the provisions of this ordinance, the courts could decline to take judicial cognizance of any such matter *in limine*?—I think so. I was going to explain that when this discussion came before the Legislative Council I was quite in favour of the former part of the clause, and I thought it was right and proper; but I was not sufficiently satisfied that any good could arise from the other two clauses, in the then state of affairs, to vote for them without some explanation. If the other members of the Legislative Council had done their duty, I think it was for them to raise a question of that sort. The Secretary of State, in his despatch, drew a great distinction between the two parts of the clause, he acknowledged that the powers contained in the last two parts of the clause were very great indeed, and could only be sanctioned under the express understanding that they would be properly made use of.

5610. Mr. Hawes.] Will you refer to the despatch you allude to, and read the passage in confirmation of your statement?—In Paper No. 3, page 19, Lord Grey says, “At the same time, I must direct your notice to some provisions of this ordinance which cannot pass without remark, although, under the peculiar circumstances of your Government, I have not thought fit to advise Her Majesty to delay confirmation of the ordinance on account of them. With regard to the clause empowering the Governor to declare what acts have been done in conformity with his orders, and thereby to bring them within the purview of the indemnity, it follows, as you state, the precedent of the Act for suppressing the rebellion of 1798, in Ireland; and under all the circumstances of the case, I am not prepared to question its propriety. But I have felt more serious difficulty with respect to the enactment in the same section, that ‘no act done in pursuance of any order,’ &c. ‘for the seizure, sequestration, or sale of the property of any such persons as last aforesaid,’ that is, of ‘persons engaged in such insurrection, or suspected thereof,’ shall be questioned in any of Her Majesty’s civil courts. On reference to your despatch the object of this provision becomes apparent. It seems that you found it advisable to direct the sequestration of the property of persons suspected of being concerned in the insurrection, most of whom had fled; that it became necessary that sales of perishable articles of such property should take place; that the property or the proceeds of it, after deducting incidental expenses, had been restored to the parties where they returned to claim them, or to their representatives, in cases where the owners had suffered death by sentences of court-martial; and I fully understand that so much as had not been then applied was, at the date of your despatch, only held in trust for a

similar

similar future application. Although measures such as these do not appear to fall within the ordinary course of martial law, yet they are such as may very probably have been necessary, and which it was fully competent to the Legislature to place under the safeguard of indemnity. But the clause which I have quoted goes, probably through inadvertence in the framers, much farther than this, and much farther than necessity or justice could warrant. If the property of persons sentenced by courts martial for insurrection, but who had in no legal way incurred forfeiture, had been seized and sold for the benefit of Government, nay, of persons only suspected of rebellion, had been thus despoiled, the words of the law seem sufficiently large to cover such arbitrary proceedings. It is therefore only by interpreting the words of the ordinance by the accompanying despatch, and trusting that, although powers are thus taken of an extremely large description, it is intended to apply them only to the legitimate objects of a Government compelled to adopt the ordinary course of martial law for its protection, that I have been able to advise its confirmation."

P. E. Wodehouse,
Esq.

3 July 1849.

5611. Mr. Hume.] Does not Lord Grey in that express his doubt of the propriety of preventing recourse to courts of law?—Yes, he does.

5612. Does not the ordinance prevent all recourse to courts of law?—Yes; I consider that those are the objectionable parts of the ordinance.

5613. Does not Lord Grey in that despatch give Her Majesty's consent to that Act, though he disapproves of those very words that he has quoted, which deprive the subject of the means of seeking redress in courts of law?—I suppose that when Lord Grey sanctioned that ordinance he sanctioned it in reference to matters as they then were in the colony.

5614. But does not Lord Grey in that despatch tell Lord Torrington that he disapproves of that part of the ordinance which takes away from the subject the means of seeking justice in the courts of law?—Yes; but at the same time he says that he does not consider it expedient to recommend the Queen to disallow the ordinance, and thereby to create great difficulties in the colony.

5615. He sanctions the ordinance, though he speaks of the injustice which that ordinance will inflict upon individuals who have had their property seized?—Not which it will inflict, but which it may inflict if the Government act improperly under it.

5616. Had not all the proceedings under the Act taken place before that period; there were no sequestrations after the date of that letter?—Then I suppose that Lord Grey assumes that Lord Torrington will be guided by his despatch, and will compensate the parties who have suffered, without their appealing to a court of law. Lord Grey assumes that the Governor will act properly in the discharge of his duty, notwithstanding that Act. Lord Grey says, "It is therefore only by interpreting the words of the ordinance by the accompanying despatch, and trusting that although powers are thus taken of an extremely large description, it is intended to apply them only to the legitimate objects of a Government compelled to adopt the ordinary course of martial law for its protection, that I have been able to advise its confirmation." Therefore I assume that if a case was established to Lord Torrington's satisfaction of a man having sustained loss through those proceedings, it would be Lord Torrington's duty to indemnify him, whether he could go into court to establish his claim or not.

5617. Was it not stated in the Legislative Council in the debate upon the Indemnity Bill, that the property seized would be returned to the parties claiming it?—Yes, the Governor stated that he would do so.

5618. Was not an account laid before you of actual sales, charged with the auction duty, and every other expense deducted, and the net sum returned to the individuals claiming the property?—No, I do not think there was such an account laid before the Legislative Council.

5619. Had you seen such accounts before you left the colony?—I saw on one occasion, accidentally, a letter from the Government agent, Mr. Buller, reporting the result of some of the sales.

5620. Did not the Government propose, as compensation to individuals who had had their property taken and sold, that the produce of the sales should be returned to them, after deducting the charges of sale?—That was the proposition that was made, but how far that was sanctioned I have no idea.

5621. Will you look at page 218 of the Blue Book? In paragraph 5, Lord Torrington

P. E. Wodehouse,
Esq.

3 July 1849.

Torrington says that "the rapidity and vigour of the measures adopted by Government, combined with the terrors of martial law, have so far staggered the energies of the people that it is scarcely to be expected that the ordinary course of their habits and their feelings could be suddenly and completely resumed." Can you state of your own knowledge whether those vigorous measures, combined with the terrors of martial law, did drive many of the people to leave their homes?—A similar question to that was put to me on the former day, whether the continuation of martial law had not kept the people away from their homes; I stated then, and I am prepared now to say, that the mere presence of troops moving about in that part of the country in Ceylon would drive the people away from their villages.

5622. And in paragraph 6, the Governor says, "The sequestration of the lands of persons known, or even suspected, owing to their absence, of being concerned in the present insurrection, which has now been extensively enforced, partly as a measure of terror, and partly as one of protection, has been regarded by the people as actual confiscation, similar to what it was in 1818." Is it your opinion, after that statement by Lord Torrington to the Colonial Secretary, that the value of 10,000*l.* would be the whole extent of those confiscations here alluded to?—As I understand the present state of affairs, the confiscations will amount to almost nothing; 9,000*l.* worth of the property being land, and a great portion temple land, must go back as a matter of course to the lawful owners; and I am not aware of anybody having been convicted of high treason who has been possessed of any property.

5623. Almost all those who were tried and found guilty were loose characters in fact, having no property?—Yes; they were persons of no particular standing.

5624. Do we understand from that that the great number of the confiscations were confiscations of the property of innocent parties?—The Governor, at the time he made this explanation, stated that the word "confiscations" was put into the Return by mistake, and that the word "sequestrations" ought to have been used.

5625. You decline to give an opinion upon the Indemnity Bill; but at a subsequent stage did you not take a part in the amendment proposed by Mr. Dias, of that Bill: will you state the nature of that amendment, and the course that you adopted thereon?—The last part of the clause states that if there is any doubt whether an act had been done by the order of the Governor or of the Commander of the Forces, they might grant a certificate that it had been so done. Mr. Dias's amendment was to the effect of putting in "the Legislative Council," instead of "the Commander of the Forces;" and the view which I took was, that that was absurd, inasmuch as the Legislative Council could know nothing of whether an act had been done by order or not. The Commander of the Forces must know whether it had been so done, and his certificate would be of great value, whereas the certificate of the Legislative Council would be of no value: upon that a division was taken. I believe many people did not know which way they were voting; it was a very confused discussion; and that was the only division that took place upon the Indemnity Bill.

5626. A division appears to have taken place upon the question, whether the power of defining *bonâ fide* acts should be vested in the Governor and the officer commanding the forces, or in the Governor and the Legislative Council; were you in that division?—Yes; I believe I voted against Mr. Dias's amendment, for I thought it was a very absurd one.

5627. In that division the numbers were seven to eight?—Yes, I believe so.

5628. The Bill was carried, in fact, by the Governor by one vote?—Yes.

5629. As the ordinance now stands, it is the Governor or the officer commanding the forces that is to give the certificate?—Yes; because the act must have been done by the authority of the Governor or of the officer commanding the forces.

5630. Did you not state before the division that "the subject was so important, and in this island so novel, that you thought a full discussion would be necessary." Were you not stopped by the Governor in the course of that discussion?—You will see to what extent the Governor's interference went; it was nothing at all; I went on with my remarks; his observations were on the point of order, and he did not press them in any way.

5631. Had you ever seen or heard of any petitions having been presented

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to the Governor before you came away by priests and others, complaining of articles having been seized?—Yes, I had heard of it.

5632. Have you any doubt that such petitions were presented?—No.

5633. And that those petitions specified ornaments and jewellery and clothes?—I do not pretend to know the contents of the petitions in the smallest degree.

5634. Mr. *Hawes*.] Nor the proportion that the jewellery and ornaments so called bore to the whole amount of property seized?—No, I have no knowledge of the details.

5635. Did you ever hear whether or not the images or ornaments that were taken bore a large proportion?—I have heard of images being taken and books.

5636. But was there a large proportion of those articles?—Except images, I think they were not a large proportion.

5637. *Chairman*.] Are the images of precious metals?—Some are, but not all.

5638. Mr. *Hume*.] Have you never seen any list of sales of any articles that have been seized?—No, I have not.

5639. *Chairman*.] I see in this list “Four yellow robes, 1s. 7½d.” Is not that a very depreciated value for four priests’ robes?—No; a yellow robe is nothing more than a small piece of yellow calico, or something of that sort.

5640. Mr. *Hawes*.] And not always perhaps in the best condition?—No.

5641. Sir *J. Hogg*.] Was this rebellion in Kandy of an ordinary character, that might have been suppressed by the ordinary civil power, or was it in your opinion of such a character as required any extraordinary powers and measures for its suppression?—I think I stated before that my opinion was that it might have been suppressed by the civil authorities, with the assistance of the military, if necessary.

5642. That is your opinion now, and as far as you can divest your mind of the influence of subsequent events, you think that would have been your opinion at the time, if you had been placed in Lord Torrington’s position?—Yes, I do.

5643. In your opinion, the ordinary police would not have been sufficient to suppress the disturbance?—No; the police are of little or no value in a case of that kind. If you cannot suppress the disturbance by the influence and presence of the European officers of the Government, I should say that you had better have recourse to the assistance of the troops to suppress it.

5644. The police, though in considerable numbers, are not to be depended upon where anything like fighting is expected?—No.

5645. Then you are of opinion that it would have been necessary to call in the military in aid of the civil power?—Yes, under the circumstances which occurred.

5646. At the time martial law was proclaimed by Lord Torrington, did he not apply to the Madras Government for military aid?—He did.

5647. Do you think that that application was or was not expedient and necessary?—I think it was quite necessary, because, as I before stated, the work that was imposed upon the troops by the number of detachments that were required in various parts of the country was very heavy work upon the small garrison in Ceylon, and they could not have kept up to it, and therefore further assistance was necessary.

5648. Then the troops in Ceylon, at the time the insurrection broke out, were not, in your opinion, sufficient in number at the garrison, from the withdrawal of troops from the town to the disturbed districts, to protect the island?—My opinion is this, that we do not hold Ceylon by force of arms, and if there was any real wish on the part of the population to eject us we should require five times the present garrison to enable us to hold the island; in point of fact, the troops we have there usually are for little more than police purposes and matters of that sort.

5649. If the troops that were there would not have been sufficient it would have been perilous to withdraw them from the town, and send them to the disturbed districts without having further military aid?—Not perilous; because I certainly think that as far as Colombo, the head-quarters, is concerned we might hold that for a month or six weeks without a soldier in it. But the

P. E. Wodehouse,
Esq.

3 July 1849.

troops could not have continued to move about the country in detachments for six weeks unless further assistance had been called in.

5650. The military force in Kandy at the time of the outbreak consisted of 600 men?—Yes.

5651. As far as your recollection serves you, what was the military force of the whole island of Ceylon?—Between 3,000 and 4,000 men.

5652. And there were about 600 in the Kandy provinces?—Six hundred in Kandy; there were some more in Matelle.

5653. Supposing in the first efforts to suppress this disturbance by the civil power, aided if necessary by the military force, there had been a failure, and that those engaged in the insurrection had been partially successful, do you think that there would have been danger to the lives and properties of Europeans resident in the island?—I myself cannot say that I think there would have been any danger; but it was always a matter of certainty that when troops were moved into some of those disturbed districts they would become very unhealthy. This very place, Matelle, which was supposed to be the head of everything that was going on at the time, is a very unhealthy part of the island, and they would have had to calculate that a number of the troops would be invalidated after they had been there a short time.

5654. But do you think that if in the first instance the insurrection had been partially successful against the civil power, the lives and properties of the Europeans resident in the interior would have been exposed to imminent peril?—I cannot contemplate the insurrection being successful against the civil power, assisted, as I have stated, by the military. In the only two conflicts that took place when the the military were acting in aid of the civil power, the whole thing was put down by the military acting under the civil power. With the military aiding the civil power, I cannot conceive such a thing as the insurrection being successful.

5655. Have not the inhabitants generally arms?—Their arms are of such a nature that a person would be very sorry to fire off one out of a hundred of the guns which the inhabitants possess, they are so bad.

5656. Is that the description of guns that the ordinance called upon them to register?—The ordinance requires them to register all arms without exception.

5657. If the guns were so absolutely useless, why did you think it expedient to sanction the ordinance, the object of which was to inform the Governor in whose hands such arms remained?—It is I think right and proper to have a registration of the arms, though they are very bad indeed.

5658. I understand your opinion to be, that on grounds of public policy, it was expedient to adopt a general registration, in order to show the Governor in whose hands the arms were?—I think so.

5659. If the arms were of such a character that scarcely one in a hundred could be effective, was it necessary to have an annual registration of them?—Mixed up with those guns were a large number of Birmingham guns, and it is just as well to find out where they are; they have imported a large number of Birmingham guns.

5660. Mr. *M'Cullagh*.] Would the register show the difference between the two sorts of guns?—Yes; I took a good deal of trouble at the time I was registering them to find out which were the Birmingham guns, as distinguished from the others.

5661. Sir *J. Hogg*.] Are the arms that the natives use generally fire-arms, or have they any arms of steel and iron?—The arms that they use are altogether guns.

5662. They have not usually swords, or sabres, or daggers, or any arms of that description?—No.

5663. Mr. *Villiers*.] Have all the natives guns?—A great number, particularly those people in the villages, have guns.

5664. If they have not guns, they have not any other arms?—No.

5665. Mr. *Gladstone*.] Are they expert in using guns?—No.

5666. Mr. *Hawes*.] It has been represented to us that they get their livelihood by shooting with their guns; is there any truth in that statement?—You may judge of their ability in the way of shooting, when I state that everything they shoot they shoot sitting; they shoot snipe, and everything of that sort, sitting.

5667. From

5667. From the hill side they could shoot the Queen's troops when sitting? *P. E. Wodehouse, Esq.*

—They did not succeed in doing it.

5668. Mr. *Hume*.] Did they attempt on either of the two occasions to face the military; did not the officer say that the shots were at a distance, and that he conceived them to be signals?—You have the exact account in the papers; I cannot remember precisely what he stated.

3 July 1849.

5669. Do you know any instance in which they faced the Queen's troops?—No, not on this late occasion.

5670. Mr. *Villiers*.] Was there not a soldier wounded?—There was one man wounded.

5671. Mr. *M'Cullagh*.] Was that by a shot from the natives?—Yes.

5672. Mr. *Villiers*.] You are acquainted with that part of the province where this insurrection broke out?—Yes.

5673. What was the feeling among the Europeans there before the insurrection broke out; was it a feeling of general alarm?—I cannot say that it was; I do not think it was.

5674. Was the feeling of alarm by the resident Europeans there entertained, which seems to have been entertained in some of the public papers, as to the ulterior objects of the natives, and their disposition towards the British Government; it is stated in some of the despatches that the chiefs were decidedly hostile to British rule, and invariably treacherous to the authorities?—I have not the slightest belief in that.

5675. Do you know whether that feeling generally prevailed among the residents in those districts who might be the first to suffer from any insurrection?—I conceive that the parties who might, as you say, be the first to suffer from any insurrection, would be as little informed of the real feelings of the Kandyan headmen as any set of men would possibly be; they would have no knowledge of the feelings of the Kandyan headmen and the population generally.

5676. Were they alarmed at the time the insurrection broke out?—I dare say they were, on some estates that were plundered.

5677. Do you think that they could have been assured of the safety of their lives and property, unless very vigorous measures had been taken by the Government?—I think the Government were bound to put down any disturbance that took place immediately and effectually; but what I meant was, that that could have been done by the magistrates, with military assistance, if necessary.

5678. Was the extreme measure that was adopted, viz. of proclaiming martial law, satisfactory to all those persons?—Very likely it was, because they thought it afforded them a greater amount of protection, and they suffered no inconvenience from it.

5679. Do you think that they would have been satisfied if they had had the protection of the civil power, with the assistance of the military, if necessary?—Yes, I think they would, because I think that would have been successful, and that they would have derived ample protection from the civil power, supported by the military.

5680. If you had gone amongst them at the time, do you think that you would have found a general cry for martial law, and that they would have complained of the Government if they had not had martial law?—I do not think they knew what martial law was.

5681. Sir *J. Hogg*.] Of those 3,000 or 4,000 troops that there were in the island at the time, what number were Queen's troops?—I suppose about half of them.

5682. Then there were from 1,500 to 2,000 European troops in the island when the insurrection broke out?—I think so.

5683. The others were Malays?—Yes, and they are most active troops.

5684. They are efficient troops?—Yes.

5685. Mr. *M'Cullagh*.] In your answer to Mr. Villiers you seem to say that martial law is not a great restriction upon the liberties of the people of Ceylon?—No, I did not say that.

5686. You said that the people did not suffer any inconvenience from martial law?—They could suffer none.

5687. That is, their liberty is much about the same under martial law as in an ordinary state of things?—No; the presence of military in those districts

P. E. Wodehouse,
Esq.

3 July 1849.

where the coffee estates were could be no sort of inconvenience to the coffee planters; their presence could not affect them in any way whatever; a planter would not be frightened at seeing a soldier, and run away, nor would his people do so, but the natives, who knew that the soldiers were sent there to put down the insurrection, would run away for fear of them.

5688. In your opinion, did the necessity for additional troops arise from the proclamation of martial law?—Some necessity might have arisen for additional troops without martial law being proclaimed; if there had been a requisition for assistance from the civil authorities, and the Government had had to comply with that requisition, additional troops might have been wanted in the same way.

5689. Sir J. Hogg.] Your answer to me as to the expediency of additional troops was without reference to martial law?—Yes; anything which required the assistance and co-operation of troops rendered additional troops necessary.

5690. You are of opinion that the military were necessary to suppress the insurrection, but you think that the military ought to have been employed under the civil authority and not under military authority?—Yes.

5691. Mr. Hawes.] I understood you to say, that according to your opinion, the disturbance was not of so serious a nature, and that such large numbers were not embarked in it, as to require any other than the ordinary military force in support of the civil power for suppressing all attempt at insurrection?—Yes, that is my opinion.

5692. Your opinion, as I also understand, is, that the priests and headmen were not certainly exclusively or materially implicated in the movement against the Government?—I mean more particularly the headmen.

5693. Your opinion is, that they were not implicated in the movement to any great extent?—Yes. No person can speak with the same confidence with regard to the priests as with regard to the headmen; the priests are totally different from the headmen, and therefore you must be more guarded in expressing your opinion as to the priests.

5694. You do not concur in the opinion, that numbers so large as those which had been represented to the Committee were embarked in the insurrection?—No.

5695. Where were you at the time the insurrection broke out?—At the actual time of the insurrection breaking out I was at Galle, having gone there about two days before.

5696. You were not at Colombo about the time, or soon after the time, that the insurrection broke out?—I think I left Colombo two days before the Borella disturbance at Colombo.

5697. What was the date of the Borella disturbance; it was before the proclamation of martial law?—Yes, one or two days before.

5698. When martial law was proclaimed in the first instance, you were at Galle?—Yes.

5699. You had not then an opportunity of seeing the representations that were made to Lord Torrington, or to the Executive Council, to show the extent of the insurrection, or the numbers embarked in it?—No.

5700. Did Lord Torrington consult the Executive Council upon that occasion?—Yes.

5701. Did he take the opinion of the general commanding?—The general commanding is a member of the Council.

5702. Have you reason to believe that he consulted him upon the occasion?—Yes.

5703. Is there any other member of the Council that Lord Torrington would consult?—The Queen's Advocate was the only other member at Colombo at the time.

5704. The Queen's Advocate has been a long time in Ceylon, has he not?—Yes.

5705. Is he acquainted with the habits, and usages, and feelings of the people?—Yes.

5706. Does he know the language of the people?—He must, to a certain extent, from his constant practice in the courts.

5707. He has considerable private practice?—Yes.

5708. And therefore would be likely to know the feelings of the inhabitants?—Yes.

5709. He, the general commanding, and the Governor, upon the information they

they had, issued the first proclamation of martial law?—Yes; they all agreed to it; that is my impression. *P. E. Wodehouse, Esq.*

3 July 1849.

5710. Do you or do you not know anything of the grounds upon which the proclamation was issued?—No, I know nothing of those grounds, and at the time I knew nothing of them but what is before the Committee.

5711. I believe the general opinion in Ceylon was that the insurrection was promptly and decisively suppressed?—Undoubtedly.

5712. During the two insurrectionary proceedings was there any destruction of property?—Yes; there was a destruction of property both in Matelle and on the coffee estates; and in the second instance at Kornegalle.

5713. Was that destruction of property extensive?—I really cannot undertake to say, because it is only from rumour that I know of it; it was at first reported that Sir Herbert Maddock had lost property to the amount of 2,000*l.*, but the subsequent accounts gave a very different representation; the property that he had lost did not appear to be nearly so much, and therefore I can say nothing beyond what I heard from rumour.

5714. Was there considerable alarm among the European population at the time, speaking generally, as far as your knowledge extends?—I cannot say that there was great alarm felt; I know that I had a communication from the part of the island where my own estate is, and from my own manager, and the feeling there was, "If the people come here we can give a very good account of them."

5715. That is rather a prevailing feeling among the European population?—Yes; and it is a most proper feeling to keep up, that they can take care of themselves.

5716. That involves something like a civil war, does it not?—I do not think they look for that at all.

5717. Your opinion at that time was founded upon the information you had in society at large, and was in no way founded upon the information laid by the Governor before the Executive Council?—Not at all; I know that throughout the whole progress of this proceeding numerous reports and representations were passing through the hands of the Government, of which I had no knowledge whatever.

5718. I believe you were a member of the Executive Council when the second proclamation of martial law in the district of Kornegalle was proclaimed?—Yes.

5719. What was the nature of the evidence then upon which you gave your assent to that proclamation?—The simple report of the town of Kornegalle having been attacked by those people, and the bazaar having been plundered, and very similar acts to those which took place at Kornegalle town had, I believe, taken place at Matelle. The Governor had proclaimed martial law at Matelle in consequence of what had happened there, and therefore a second outbreak having taken place in another district, it was an additional reason for proceeding in that line of policy.

5720. Was there any apprehension in the district prior to the insurrectionary proceedings?—Not that I know of.

5721. On any occasion has any representation been made to you of the state of disorganization of that district?—I do not think that the district has been in a satisfactory condition for many years.

5722. Has any representation been made to you distinctly pointing to the disorganization and the disaffection of feeling in that district?—I cannot at this moment recollect any such representation.

5723. That district is within your agency, is it not?—Not now; it has not been within my agency since 1845.

5724. Does not the western agency extend so far northward as that?—No. In 1845 an additional agency was established, called the north-western agency, and that district was included in that agency; since that I have had nothing to do with Kornegalle.

5725. Do you know Major Skinner?—Yes.

5726. Have you had any official communication from him?—Yes.

5727. Has he represented to you that that district was very much disorganized?—No; I do not recollect; he may have mentioned it in conversation, but not to me as agent of the district at all; but I know that it has been in an unsatisfactory state for some years.

P. E. Wodchouse,
Esq.

3 July 1849

5728. Mr. Hume.] In what way unsatisfactory?—I do not think it was in the state of order as to police, and matters of that kind, in which it ought to have been. I do not think sufficient attention has been paid to it for some years.

5729. You were asked a question as to the first alarm when martial law was proclaimed. Can you state how long Colonel Drought, the officer in command at Kandy, has been in Ceylon?—I should think about three years.

5730. You were asked about the alarm; if there had been much alarm at Colombo, might not Colonel Fraser, or Colonel Braybrook, or Colonel Parker, or even the Commander-in-Chief, who had been 30 or 40 years there, and was well acquainted with the island, have been sent there?—That I cannot give any opinion upon; it is entirely in the discretion of the general officer commanding.

5731. Was it not a matter of discussion at Ceylon why none of those senior officers, who had been for many years acquainted with the district had been sent instead of a young officer being sent and allowed to act under martial law?—I have heard people say that Colonel Parker, being well acquainted with Kandy, they imagined could have done the business exceedingly well; but that was in conversation.

5732. Did you hear at Ceylon before you came away a general opinion expressed that some of those senior officers ought to have been sent up to carry out martial law, instead of a young officer of three years' standing being allowed to do it?—I only heard people say, and very naturally, that there was Colonel Parker, a very old officer and very well acquainted with the country, who might have been sent; but that was a matter of conversation.

5733. Are you aware how many years he has been a colonel; is it not 30 years?—Yes, I believe so.

5734. And he is well acquainted with the whole island?—With every inch of it.

5735. You have been asked a question about expense; are you aware what the expense of sending for troops from Madras would be?—I cannot undertake to say at this moment; I have heard what was to be paid for their coming, but I forget what the sum was.

5736. Who had to pay for them?—The colony.

5737. Will not the sending for those troops entail the continuation of a larger military expense than would have been incurred if it had not taken place?—No, I think not the least in the world; if the Government do not give an undue importance to this hostile feeling, I do not think it is necessary to increase the garrison at all.

5738. Mr. Villiers.] You said that there was no reason to apprehend any rising of the people in the district from political causes; but was there any ground for apprehending that a great number of bad characters had been collected together in the district, and that they intended a general system of plunder?—I confess I have seen no information (if the Government possessed other information I do not know of it), but I have seen no information to lead me to suppose that anything of that description was contemplated.

5739. I will read a passage bearing upon this point in Lord Torrington's despatch, page 242: "I feel persuaded that if martial law had not been proclaimed at the outset, and a wholesome fear instilled into the minds of the evil-disposed, while encouragement and protection were at the same time held out to the peaceable and industrious portion of the inhabitants, there would have resulted from the social disorganization which would have ensued the most lawless system of plundering and violence; the Indian coolies would have been driven away or deterred altogether from coming to gather in the crops, and the ruin of the coffee plantations and their proprietors would have been inevitable." This passage refers not to any apprehension of political tumult, but to an apprehension of injury to property?—I cannot undertake to say that Lord Torrington may not have had information of which I know nothing, which led him to suppose that such was the case, but I was entirely ignorant at the time of any such information; and I have since heard nothing to lead me to suppose that that was the case.

5740. You stated that the number of bad characters in that district had increased very much since the extension of the coffee plantations?—Yes; the introduction of European capital and of European undertakings always bring bad characters.

5741. There

5741. There is a passage in Colonel Drought's despatch, in which he speaks of the respectable inhabitants of Kandy and the surrounding neighbourhood. Do you know that those people live always in alarm of those bad characters?—No, I think not; for there is a regular police force in Kandy.

5742. So that the people did not fear that their properties would be plundered?—I cannot suppose that they did.

5743. Sir J. Hogg.] Were you ever in Ceylon at the time that any previous outbreak occurred?—No; there has been no outbreak since 1817, 1818, and 1819; but that was, in point of fact, the time when we actually took the country.

5744. You said that you heard from your manager that he was under no apprehension during the time of the disturbances; is your manager a European?—Yes, a Scotchman.

5745. Are the people employed on your properties generally Malabar coolies?—Entirely.

5746. They are a sturdy people?—Yes, and they have a very great antipathy to the Kandyan population.

5747. They are in a state of great antagonism to the Cingalese?—Yes, always.

5748. The reliance of your manager, in the event of those people coming to plunder the property, was that, with the assistance of those Malabar coolies, he could give the people a very warm reception?—Yes, with the assistance of the Malabar coolies and the superintendents of the adjoining estates.

5749. Had it not been for those Malabar coolies, with good discipline, and their not being very well disposed to the Cingalese, he might have been under an apprehension during that disturbance?—Yes; supposing the absence of the Malabar coolies, he might have been under an apprehension.

5750. In what district is your property?—In what is called Ambegummowe District.

5751. Was there any disturbance there at that time?—None whatever.

5752. Though there was no disturbance there at the time, your manager thought it prudent to report to you that he was prepared for the people, in the event of their coming there?—Yes.

5753. His apprehension was sufficient to induce him to report to you upon the subject?—He was in the habit of reporting to me once or twice a week to tell me how the property was going on, and he wrote this at the same time.

5754. How far was your property from the disturbed districts?—Thirty miles.

5755. Mr. Hawes.] From which part of the disturbed districts?—From either part. But the Malabar coolies, and the superintendents of the estates can very well hold the country now. In 1817 we were utterly unacquainted with the country; there were no roads in any direction; there are now roads everywhere, and the superintendents of the coffee estates are as well acquainted with the roads as the natives of the country, and it would be impossible for them now to turn us out.

5756. Mr. Gladstone.] How many Europeans have you on your estate?—Only one.

5757. Mr. Villiers.] If the planters were vested with magisterial power, would that tend, in your opinion, to the preservation of the peace in future?—The Government have often contemplated making some of the planters magistrates; but it is a question of very great delicacy to deal with, for many of them are very unfit to be magistrates, and if you selected two or three who were fit, the others would be offended if they were not made magistrates.

5758. They are not recognized now; they are not in communication with Government beyond being subject to the Government?—No.

5759. They have not the position that they have in this country?—No; the great difficulty would be in giving them a power of adjudicating upon cases coming before them, in which their interests and the interests of the natives are at variance.

5760. That is an objection always to a local magistracy?—Yes.

561. You understand my question to refer to the owners of estates and planters?—The number of owners resident there is very few.

5762. But there are a number of planters and merchants who occupy property, and some who own property, whose station in life in Ceylon is analogous

P. E. Wodehouse,
Esq.

3 July 1849.

to the position of those who are placed in the commission of the peace in England?—Yes.

5763. Do you think it would tend to the good order of the colony if those persons were vested with a criminal jurisdiction, or with that sort of power which justices of the peace have here?—I confess, upon the whole, I do not think so. I very much doubt whether it would be satisfactory to the native population, for whose benefit we are bound to govern the colony.

5764. The whole government of the colony is in the hands of what is strictly called the Government; that is to say, there is no gratuitous service in the way of government rendered by people of property?—No.

5765. And every person who is vested with authority is responsible to the central government?—Yes; and it is a matter of extreme difficulty to get Europeans who are not connected with the Government to do anything in the way of government.

5766. They do not think it a matter of complaint that they have not more power?—It is very much the fashion of Europeans in Ceylon to complain, but yet not to do anything themselves.

5767. But they have no power to do anything?—They do not show a wish to do anything.

5768. Are they not treated with disrespect by the natives in consequence of not being vested with any authority?—To this extent, and I suppose all over oriental India it would be the same; they look upon Government as the only source of rank, authority, and influence; they do not understand any influence or authority not connected with the executive government.

5769. Have they greater respect for rank than for property?—They have no respect for property in itself.

5770. Are you satisfied with the local administration of the Government in Ceylon?—Not altogether.

5771. You think it capable of improvement?—Yes; I think the Legislative Council is a very useless body, and worse than useless.

5772. From its constitution?—From its constitution. It has been made a matter of blame to the Government that they select parties as members of the Legislative Council who would be inclined to take very little part, or to give very little trouble; but I am satisfied, from my experience in the island, that such has not been the case. On the contrary, my opinion is that the Government has done its best to make the best appointments that they happen to have it in their power to make when vacancies occurred; they have taken planters, or some of the leading merchants, or the best people that could be got; but when they get into the Legislative Council, with a very few exceptions, they are of very little use whatever.

5773. But the unofficial members of the Legislative Council are supposed to represent the general interests of the island?—They are supposed to represent the public, but they are answerable to no one as to their conduct, or as to whether they take an active part, or no part at all; no one calls their conduct in question. Of course it is not to be expected that the Government should appoint men who are opposed to their own measures; and therefore, with very few exceptions, they are worse than useless.

5774. If they do attend and discharge the duties of the office they generally side with the Government, do they not?—No; they do not always side with the Government; they very often vote with the Government, and I am sure very frequently without knowing why; but sometimes they vote against the Government; but generally they do not take the trouble, as they have other avocations, to make themselves really masters of the questions that come before the Legislative Council.

5775. Practically they do not give satisfaction in the island?—Certainly not.

5776. Among the charges made against them is one charge that they receive Government patronage?—No; the charge against them is, utter indifference to the business that comes before the Legislative Council.

5777. Have you matured any scheme for the reform of the Legislative Council, or is there any suggestion that you can make to the Committee for its improvement?—I am inclined to think that if the Executive Government were put upon a proper footing the colony would be much better governed without any Legislative Council, that Executive Council having a better means of communicating with the home authorities than they now possess.

5778. Then,

5778. Then, would you clothe the executive with any responsibility to the public, or should they be named by the Government?—I am not prepared to say how you should call the Executive Council into existence, or how the members of it should be appointed, but, having got an Executive Council, I would compel the Governor to carry on the Government with them, and they should be, together with the Governor, in communication with the Secretary of State in England.

5779. What responsibility would you vest the executive with?—The same that you have now over the Governor: I would dismiss them for neglect of duty, or for improperly discharging their duty.

5780. Do you mean that they should be responsible to the Governor, and that the Governor should be responsible to the Secretary for the Colonies?—I would have all their acts done in such a way that the Secretary of State should be informed of the line of policy that each member took; and no man should be able to conceal what he had done, or what he had not done, but they should individually be responsible for their acts.

5781. Where would you get the security for either the Executive Council or the Governor acting rightly?—The security for the proper administration of affairs must be with the Secretary of State in England. I think that to suppose that Ceylon is ever to be independent of this country and to carry on its own government is utterly out of the question, and so long as Ceylon is not independent of this country, of course the due discharge of the duties must be secured by the supervision of the Secretary of State.

5782. You do not contemplate fixing upon them any responsibility to the natives or inhabitants, or people of property in Ceylon?—No; I think that everything connected with a responsible government is wholly at variance with the feelings of Asiatics; as far as I have observed, it is their habit and custom to look to the Executive Government for proper administration, and anything you do in direct variance with that is very much opposed to all their national prejudices.

5783. It might be possible for the Secretary of State to take a totally different view of the interests of Ceylon from that which all persons having property in Ceylon would take?—Yes.

5784. Then the executive would act in accordance with the instructions of the Government at home, and at variance with the wishes and feelings of the people in the island?—As long as the colony exists as a colony, that is to say, owing obedience to the mother country, the Secretary of State must, I think, possess the power, if it comes to an extreme issue, to enforce his orders.

5785. How is the Government at home to get information of the wants or wishes of the colony, if the executive is to be entirely subject to its authority?—All the Queen's subjects have the free right to address the Secretary of State upon any measure that they think fit, and the Governor cannot refuse to forward any petition; and I am satisfied that if you have a proper executive, you will have a much better Government than the present Legislative Council, which enables the Governor to say, "I pass this measure with the unanimous consent of the Legislative Council," when it means nothing.

5786. Mr. Hume.] Do you contemplate publicity in the proceedings, and that the public should know all that passes?—I do not think that is necessary or expedient. I am speaking of it entirely with reference to a colony with an Asiatic population.

5787. Do not you consider that some means of making the British population aware of what passes in the Government, is a proper measure?—I think that any of the Queen's subjects having the power to apply to the Secretary of State, or to remonstrate, if it is necessary, will bring forward, as has been done in this case, all the papers bearing upon the subject.

5788. For instance, you acted as treasurer in the colony?—Yes.

5789. Have there ever been any deficiencies in the Treasury, during the time you have been in Ceylon?—Yes.

5790. How are those deficiencies brought to account; is there any publicity given to the failure of the treasurer?—Yes, in all cases.

5791. Is it published?—Everything is publicly known.

5792. How is it known; for you seem to wish to keep everything quiet?—No, I do not wish that; but if you ask whether all the proceedings should go on in public, I say that cannot be done.

P. E. Wodehouse,
Esq.
3 July 1849.

5793. You have known a deficiency more than once; how have those deficiencies been accounted for?—When a deficiency of that sort takes place the Governor directs an investigation to be made by such parties as he thinks fit to appoint, in order to discover who is responsible for the deficiency, and who is to make it good.

5794. Is it brought before the Legislative Council?—No, the Legislative Council is at present useless.

5795. How is it brought to the knowledge of the Secretary of State?—Supposing that the money is paid, and that the matter is done with, there is no absolute necessity for reporting to the Secretary of State; you only require to report to the Secretary of State when his confirmation of something is necessary, in order to make it valid. It is the duty of the Governor to keep the Secretary of State informed of all that goes on of any consequence; but the Secretary of State's decision is not necessary upon a matter of that kind. If the money is paid there is an end of it.

5796. Supposing a deficiency in the Treasury, can any individual member bring the subject before the Council, or must it be done by the Governor?—Under the present instructions nothing can come before the Executive Council unless the Governor brings it there; but it does not follow that that is to remain the rule.

5797. As it now stands, it rests in the power of the Governor to hush up anything of that kind that arises?—The Governor must get the money paid if there is a deficiency.

5798. Sir J. Hogg.] If the treasurer was a defaulter, and he afterwards made good that deficiency, is it your opinion that the Governor would be justified in withholding that default from the Secretary of State?—No; as a matter of information he should inform the Secretary of State of what had passed.

5799. Would it not be the imperative duty of the Governor to report the default to the Secretary of State though the money might have been subsequently paid?—Yes.

5800. Mr. Hawes.] And in point of fact that has been done?—Yes; but when the Secretary of State's order is unnecessary, he may take no notice of it, and may not refer to the circumstance in his reply.

5801. Mr. Hume.] If any loss occurs, that falls upon the public?—No; if the treasurer is to blame he pays the money.

5802. Does the treasurer give security?—Yes; the treasurer, upon appointment to his office, gives a bond for a certain amount.

5803. Has any loss been incurred by the colony in consequence of failures of that kind?—The colony has lost by actual robberies; but the Governor has no power of remitting any money lost; the Lords of the Treasury are the only parties who can do that; but if the Lords of the Treasury are satisfied that money has been stolen without any neglect on the part of the officer in charge, and that he took proper precautions and could not avoid it, it is in the power of the Lords of the Treasury to exonerate him.

5804. If he is exonerated, the loss would fall upon the public?—Of course.

5805. May not all this pass without the public in Ceylon knowing anything of those proceedings?—Not under the instructions that Lord Grey sent out last year, in which he directed the whole expenditure of the colony to be brought forward and voted.

5806. The possibility of any concealment of that kind would now be prevented?—Before that the Secretary of State's order passed the charge; but he has directed that for the future everything shall be regularly voted. That has not yet been done, but it will be in progress now.

5807. You stated that the whole should be under the Secretary of State of the Colonial Department; do you mean that the Council should not have any discretionary power in respect of the revenues or anything else connected with the colony?—Yes; but I did not contemplate going beyond the Secretary of State having the power of approval or otherwise.

5808. Take Sir Emerson Tennent's general report home to this country; was that shown to the Council before it came home?—No, but the Secretary of State when it was sent back directed that it should go before the Legislative Council.

5809. Having a Legislative Council in the island, do not you think that his report

report would have been more likely to be useful if before it came under the Secretary of State, the Governor had had the benefit of the remarks made by the Council?—I said on the previous day, that in my opinion everything that goes to the Secretary of State from the colony should be communicated to the Legislative Council, except confidential despatches from the Governor.

5810. There is a Committee of the Legislative Council now sitting, is there not?—Yes, there is a Committee of the Legislative Council now sitting in consequence of the despatch of Lord Grey.

5811. Is it your opinion that the proceedings of that committee should be submitted to the Legislative Council?—I think Lord Grey has ordered that when they have prepared a scheme it shall be submitted to him for approval before it is submitted to the Legislative Council.

5812. Do you concur with Lord Grey in thinking that there would be no benefit from having the observations and remarks of the Legislative Council upon the scheme which looks forward to a reform of the system for the future?—There may be convenience from a scheme of that nature being prepared by the Executive Council of Ceylon, and then submitted for Lord Grey's opinion before it goes before the Legislative Council; but then before it takes effect it will come back to Lord Grey in the shape of an ordinance, and it will be open to him to go into the debates that have taken place upon the subject.

5813. You do not think that the members of the Legislative Council could advantageously make any remarks upon the suggestion of the Committee, so as to enable Lord Grey the better to decide upon the subject?—I think it is a thing that Lord Grey may very properly give a previous opinion upon, because it will contain the Governor's salary and the Judge's salary, and in short the whole civil list of the colony, and it is very reasonable therefore that the Governor should have the assistance of Lord Grey's opinion before the matter goes before the Legislative Council.

5814. Are there any other suggestions as to the class of people to be appointed members of the Executive Council that you have contemplated?—I was wholly unprepared to-day for this turn of the examination, and it is a very difficult question for me to give an opinion.

5815. Mr. *Villiers*.] Do you think a free press would be compatible and advisable with the system of Government that you would recommend?—Yes, quite so.

5816. Mr. *Hume*.] In what state is the public press in Ceylon at present; is it perfectly free?—Perfectly free.

5817. *Chairman*.] How long has it been free?—Since Mr. Stewart Mackenzie's time.

5818. Mr. *Hawes*.] Would you term this new council the Legislative Council?—Yes, it would be, in a great measure, the same as the Council in India, and they would possess the same powers.

5819. Mr. *M'Cullagh*.] You think the natives do not understand the distinction between the Legislative and the Executive Council?—No. It has been suggested that there should be instructions from the Queen, and that the Council should not legislate upon certain points without specific authority; there are such clauses now preventing their passing Acts upon certain points without authority.

5820. Mr. *Gladstone*.] Do you think it hopeless to expect that at any period to which you can look forward, the natives might be associated with the Europeans in the composition of such a Council?—I think that great good might be done by the presence in the Council of one or two native members of high standing; but then they must be persons holding office, because they could not otherwise afford to give up their time.

5821. Have you known among the natives persons of such intellectual and moral qualities as you think would fit them to be members of the Council?—Yes, I have.

5822. Mr. *Hume*.] Were not the six or seven taxes which we have heard of from the other witnesses, brought forward with a view to make up the deficiency that might arise, or that had arisen, from the repeal of the export duties; was not that intention stated by the Governor?—The Government was anxious to replace the revenue that it was abandoning, and the Government was ordered to do so.

Jovis, 5^o die Julii, 1849.

MEMBERS PRESENT:

Mr. Hume.
Sir James Hogg.
Sir J. Walmsley.
Mr. Gladstone.
Mr. Adderley.
Sir Robert Peel.

Mr. Hawes.
Lord Hotham.
Mr. Disraeli.
Mr. S. Wortley.
Mr. C. Villiers.
Mr M^cCullagh.

HENRY JAMES BAILLIE, Esq. IN THE CHAIR.

Frederick Saunders, Esq., called in ; and Examined.

- F. Saunders, Esq.* 5823. Mr. *Hume.*] DO you hold the appointment of Collector of Customs in Ceylon?—I do.
5824. How long have you been in Ceylon, and how long have you held that situation?—I have been 12 years altogether in Ceylon, and I have held that appointment since 1843.
5825. Under whose orders do you discharge the duties of collector of customs?—Under the Board of Customs in England.
5826. Did you get your appointment from the Board of Customs?—Yes; by warrant from the Lords of the Treasury.
5827. You are not appointed by the Governor of Ceylon?—No.
5828. Has the Governor any power to discharge you or suspend you from your duties?—I fancy that if I committed any act that was improper the Governor could suspend me, and report the circumstances home to the Lords of the Treasury,
5829. The final settlement of that question would rest with the Lords of the Treasury?—Yes.
5830. From what source do you derive your salary?—Out of the revenues of the island.
5831. Has the Act that was passed by the Imperial Parliament respecting duties levied in the colonies made any change in that respect?—It does not apply to Crown colonies, because we have no imperial duties there.
5832. Then matters remain there the same as they were before?—Yes.
5833. Can you state from what period the Treasury appointed the officers of customs?—I was the first that was appointed. I was sent out in 1836.
5834. How many officers are there in Ceylon belonging to the customs who are appointed by the Treasury?—Four have been selected from the customs establishment in England to discharge the duties in Ceylon, and three of the local officers have also received commissions from the Board of Customs.
5835. That is seven in all?—Yes.
5836. Have you any list of the salaries received by those officers?—The collector at Colombo has 1,000*l.* a year.
5837. Are you collector at Colombo?—I am principal collector. The comptroller has 650*l.*; the collector at Galle, 600*l.*; the landing surveyor, 300*l.*; the comptroller at Jaffna, 550*l.*; the assistant collector at Jaffna, 200*l.*; and the sub-collector at Trincomalee, 250*l.*
5838. What is your own salary?—£1,000 a year.
5839. Have you any fees and emoluments besides what you receive in salary?—None; they have been all abolished, so far as relates to the customs.
5840. They were abolished before you arrived in Ceylon. You have never received any fees since you went there?—No, I have not.
5841. How were the duties of the customs performed before you arrived in Ceylon?—There was a separate collector taken from the civil service for the port of Colombo, with a salary of 1,500*l.* a year, and the Government agents for

for the districts, in addition to their other duties, performed the duties of collectors at the other ports. *F. Saunders, Esq.*

5842. Did they receive any salary for that?—No, they did not.

5 July 1849.

5843. Could not the duty be done equally well by local collectors appointed from among the public servants in the colony without parties being appointed from home?—The object of the appointment of officers from home I consider to have been the enforcement of the Navigation Laws and the Orders in Council, and also the granting of certificates for produce of sugar and coffee, and therefore it was essential to have imperial officers for that purpose; and the trade has very much increased, and I doubt whether the duty could be done at Colombo and Galle without separate officers, from whichever branch of the service they are taken. The business has increased so much that it would be unfair to the merchants and the trade in general to mix it up with any other department.

5844. Will the repeal of the Navigation Laws and other changes that have been made, occasion any change in the collection of the duties?—No, I should think not; you must still grant registers and certificates of produce.

5845. Is it your opinion that any saving for the future could be effected in the collectors of customs under the reductions which have been made of certain duties and the repeal of other duties?—Yes; I think in consequence of the reduction of the export duties, reductions might be made in the customs.

5846. In fact, you think the customs department might be revised with advantage both as to arrangement and economy?—I think so.

5847. Are you *ex-officio* a member of the Legislative Council?—Yes, I am.

5848. From what period have you been a member of the Legislative Council, and under how many governors?—Since 1843; under Sir Colin Campbell and Lord Torrington.

5849. Have you been in the habit of attending the meetings of the Legislative Council?—Yes, I am generally in attendance.

5850. You generally give attention to those matters which are referred to the Legislative Council?—Yes.

5851. Will you state in what position you have been, with regard to your voting. Have you considered yourself at liberty to give your independent voice, or have you been acting under any regulation or understanding in that respect?—I have always considered myself at liberty to give an independent vote, unless the question that was brought forward came recommended from the Home Government, and then I have always considered myself bound to vote with the Government.

5852. Supposing the Governor of the colony had proposed anything to the Legislative Council, with the advice of the Executive Council, how would you have acted?—On all measures emanating from the local government, I have considered myself at liberty to vote as I pleased, and to exercise my own judgment.

5853. Has there been any difference under the two governors, under which you have been, as regards the respective officers voting?—Yes. During the time that Lord Torrington has been there, he has in fact considered that we were bound by our situations to vote with the Government on all occasions; he has told us so.

5854. In what way have you been told that you were expected to vote with the Government?—Lord Torrington communicated to us privately that he expected that on all occasions we should vote with the Government.

5855. What was the practice under the governor before; was there any such communication made to you, or order given?—No orders were given, but the subject had been, in Sir Colin Campbell's time, brought under the consideration of Her Majesty's Government.

5856. Can you state who brought the subject forward, or on what occasion it was brought forward?—I am not aware, but it was during the time that Lord John Russell was Colonial Secretary.

5857. Did you consider yourself, as a member of the Legislative Council, upon that representation being made to you, bound to obey it?—Yes, I did; more particularly as I was informed by a member of the Executive Council, that the subject would be referred to Her Majesty's Government again.

5858. When you take your seat in the Council do you take any oath?—Yes, there is an oath administered.

F. Saunders, Esq.

5 July 1849.

5859. *Sir J. Hogg.*] From the time of the despatch from Lord John Russell in reply to the reference made to him on the subject of voting in the Legislative Council, have the official members of the Legislative Council acted in conformity with the despatch of Lord John Russell?—That despatch was never made public.

5860. Then you only know that there was a reference made to the subject in the time of Sir Colin Campbell, without knowing what the result was?—Just so.

5861. Have you never seen the reply of Lord John Russell?—No.

5862. Were its contents not communicated by Sir Colin Campbell to the members of the Legislative Council?—No; they may have been communicated to the Executive Council, but not to the Legislative Council.

5863. *Mr. Hume.*] Have you the words of the oath that you take as a member of the Legislative Council?—No, I have not.

5864. You do not recollect them?—Not the precise words.

5865. Do you recollect the substance or the nature of the oath?—That you are to judge of all matters impartially which shall come before you.

5866. In Sir Colin Campbell's time and in Lord Torrington's time was the same oath taken?—Yes.

5867. Are you aware whether the same practice existed in Sir Colin Campbell's time, or whether he had given the same advice to the official members of the Legislative Council as Lord Torrington gave?—No; there was no such restraint placed upon us in the time of Sir Colin Campbell.

5868. You said that in Sir Colin Campbell's time you considered yourself perfectly free to act upon your own judgment in reference to measures brought before the Legislative Council?—Quite so.

5869. Did you remonstrate or object to any instructions or orders being given respecting your voting?—I had an interview with Lord Torrington upon the subject; but, as I stated before, I understood from a member of the Executive Council that it would be referred to Her Majesty's Government; and I understand that the question has, since I left the colony, been decided by Earl Grey.

5870. Do you know whether the same advice or order was given to the other official members of the Legislative Council as was given to you?—I heard so.

5871. Did you not ascertain whether the instruction was given to you alone, or whether it was a general instruction given to all the official members?—There were no general instructions issued.

5872. But had you any conversation with any other of the official members after Lord Torrington had spoken to you on the subject?—Yes, they told me that Lord Torrington had also spoken to them upon the same subject.

5873. Did you have any communication with each other to consider how far the measure was unusual or improper; did you go to Lord Torrington after any communication with each other of that kind?—No, we thought it was useless, as the subject was to be referred to Her Majesty's Government.

5874. *Mr. Hawes.*] You are now speaking of a time anterior to the time of Lord Grey's despatch on the subject in May 1848?—Yes.

5875. *Mr. Hume.*] When did you leave the colony?—In April 1848.

5876. Were you in the Legislative Council during the time that the six or seven ordinances were passed in 1847 and 1848 of which we have heard so much?—I was there in 1847; I left in 1848.

5877. The ordinances all passed in 1847, did they not?—Yes.

5878. Were you present in the Legislative Council when the repeal of the export duties took place?—Yes.

5879. Did you object to their repeal, or was any objection made to their repeal by any of the members of the Legislative Council?—No, there were no objections made before the Bill was brought forward; in fact it was a very popular measure.

5880. Do you mean to say that none of the members of the Legislative Council objected to the abolition of the export duties till some provision was made for replacing the revenue that would be lost by the repeal of those duties?—They did not object. On the first reading no member opposed the principle of the Bill, but on the second reading, and when the Bill was committed, the Government then stated that it was their intention to replace those duties by

a general

247

F. Saunders, Esq.,

5 July 1849.

a general land tax. And then Mr. Acland asked further time to have the ordinance considered, but further time was refused, and the second reading of the Bill took place.

5881. Did Mr. Selby or Mr. Wodehouse vote upon that occasion for the Bill?—Yes; there was no opposition, with the exception of that of Mr. Acland.

5882. Did that go to a division?—No, there was no division; Mr. Acland withdrew his opposition.

5883. Was the despatch of the date of the 18th June 1847, which you have now heard read, leaving to the Governor the discretion of proceeding or not with the repeal of the duties, laid before the Legislative Council?—Yes, the whole of Sir Emerson Tennent's Report, with the Report from the Committee that sat here, and Lord Grey's despatch, were laid upon the table.

5884. Did any other member object to the repeal of the duties except Mr. Acland?—No.

5885. Did you ever, in Sir Colin Campbell's time, oppose any measures of the Government?—Yes. I voted against measures of the Government in Sir Colin Campbell's time.

5886. Have you ever voted against any of the measures of Lord Torrington?—Yes; on one occasion I voted in favour of an amendment moved by Mr. Acland.

5887. Upon what question was that?—The Marriage Ordinance.

5888. But in respect of duties, have you upon any occasion voted against any measures of Lord Torrington?—No.

5889. Are you aware of any discontent having arisen from the repeal of those export duties, and the passing of the ordinances, which were afterwards passed?—The repeal of the export duties was considered a very popular measure until the Government intimated that they intended to replace the duties by a general land tax.

5890. Then what took place?—Upon that, as I have stated already, Mr. Acland moved that further time be given for the consideration of that ordinance, and whilst we were in Committee he read a resolution from the Chamber of Commerce, to the effect that the land tax would prove more vexatious and heavier than the export duties, and that therefore they would rather have a continuance of the export duties.

5891. Mr. *Hawes*.] You are speaking of the export duties on coffee, chiefly?—Yes.

5892. Mr. *Hume*.] Was that resolution from the Chamber of Commerce against the repeal of those export duties, or was it against the idea of the imposition of a land tax?—It was against the idea of the imposition of a land tax.

5893. Was there afterwards any Land-tax Ordinance submitted to the Legislative Council?—No, there has been none up to this date; but it was stated in the Legislative Council that the Government would propose a tax of 3s. an acre.

5894. That was stated at the time?—Yes; that would be much less than an export duty of $2\frac{1}{2}$ per cent., because I consider that the average produce on coffee land may be stated at 10 cwt. per acre, and at the time the declared value at the Custom House was at 2l. a cwt., which would give a value of 20l., $2\frac{1}{2}$ per cent. upon which would be 10s; but the Government proposed a land tax of only 3s. an acre.

5895. You stated that the resolution of the merchants was presented to the Legislative Council; do you know whether, by the rules, any protest or resolution of that kind presented by a member is recorded in the minutes of the Legislative Council?—If the member wishes it, it is recorded; but upon this occasion Mr. Acland withdrew it. A member of the Executive Council stated, that the measure was recommended from home, and upon that Mr. Acland withdrew all his opposition to it.

5896. Is the Committee to understand you to say, that in consequence of the statement from a member of the Executive Council, that the imposition of the tax had been recommended from home, Mr. Acland withdrew his opposition?—In consequence of the statement being made that the repeal of the export duties was recommended from home, Mr. Acland withdrew his opposition.

5897. Are you aware whether any other members of the Legislative Council were opposed to it?—No.

5898. You do not know the opinion of any of the other official members

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upon

F. Saunders, Esq. upon the subject?—Nobody expressed any opinion whatever in the Council; we had all our different views respecting the import duties.

5 July 1849.

5899. Can you state whether if the official members of the Legislative Council had been allowed to vote freely, as in the time of Sir Colin Campbell, the repeal of the export duties, coupled with the prospect of the addition of some tax to supply the deficiency, would have passed?—Yes, I consider it would; for I consider that a moderate land tax is the best tax that can be imposed in Ceylon.

5900. Do you think that that is practicable at the present time?—It will take some time, and very extensive and arbitrary power must be given to the committee who are appointed to carry it out, in deciding the boundaries of different lands.

5901. Do you think those very extensive and arbitrary powers could be exercised without disturbance?—Yes; I think it would be a popular measure among the natives; they would willingly pay, in order to have all the boundaries of their lands defined.

5902. You stated that you were present when the Stamp Ordinance was introduced, and when it was proposed to repeal the five or six taxes of which we have heard so much?—Yes, I was present.

5903. Was any objection taken by any member to that?—Mr. Acland objected to the stamp tax.

5904. Did any other members offer any objection?—I am not aware that any other member offered an objection, and that objection of Mr. Acland was afterwards abandoned.

5905. *Mr. Hawes.*] Do you recollect the ground upon which Mr. Acland objected to the Stamp Ordinance?—I believe he thought it was unadvisable that so many taxes should be mixed up in one ordinance, and that it was better to have separate ordinances, and in consequence of that the Government acceded to his proposal.

5906. *Mr. Hume.*] Was there any division on the stamp tax?—There was not when I was present; I do not recollect whether there was a division.

5907. Can you offer any opinion upon the effect of the imposition of those taxes upon the population generally; whether it tended to create any portion of the discontent which broke out in the end of July?—I do not think it tended to produce discontent, though it was made a handle of; but I think direct taxes are altogether objectionable in Ceylon; the natives have never been accustomed to them, and, indeed, I do not believe that in any part of the East direct taxes exist.

5908. Do you think their passing in the manner they did really had the effect of creating alarm among the population?—No; the Kandyan country has always been disaffected.

5909. Are you, from your own knowledge, able to state what has caused the discontent?—The slights placed upon their religion have, I think, tended to create dissatisfaction among the priests; and the effect of the measures of Government in elevating the people generally has been to depress the head men of the country.

5910. There might have been latent causes of the discontent, but do you think the passing of the Tax Ordinances was made use of as a handle by people who were discontented, to produce what took place?—Yes, I think so.

5911. Is not Mr. Gibson a member of the Legislative Council?—He was at the time; at present he is clerk of the Council.

5912. Does your recollection serve you whether Mr. Gibson did not strongly oppose some of the taxes; the shop taxes, for example, and some others?—In the Council he did not; he may have expressed an opinion out of the Council against them, but I never heard him do so in the Council.

5913. *Mr. Hawes.*] The Committee understood you to say that you were in the Legislative Council at the time the Road Ordinance and the other ordinances were passed?—I was.

5914. And there was no opposition to the passing of those ordinances with the exception of that of Mr. Acland, to which you have referred?—There was none.

5915. Is it within your knowledge that those ordinances were published in the usual way?—Yes, they were all published three weeks successively in the Government Gazette.

5916. So

5916. So that the usual notice to the public that such ordinances were intended to be brought before the Legislative Council was given?—Yes, they are all published three weeks in the Gazette in order that if any person has any objection, or if the ordinances are likely to affect their interests, they may send in any remonstrance against them.

5917. Did you hear of any remonstrance being sent in against any portion of those ordinances by the Europeans or natives?—No, there were none sent in.

5918. What is the number of Europeans in Ceylon?—I should say the number of Europeans in Ceylon is about 500; certainly not more.

5919. You mean 500 resident civilians?—Exclusive of the Army and Navy and Civil Service.

5920. You speak of the mercantile and trading body?—The mercantile body and the planters.

5921. Do you know of how many members the Chamber of Commerce consists?—There are about 17 mercantile houses in Ceylon, and they are all members of the Chamber of Commerce; I cannot state how many there are, because some of the firms are composed of two or three members.

5922. Are those merchants chiefly resident at Colombo?—The whole of them, with the exception of two at Galle.

5923. Are there any planters as well as merchants among them?—The merchants are either interested in estates, or they are agents for estates generally.

5924. Are not those merchants generally agents for the sale of coffee, or the produce of the island, on the part of the planters?—I believe they are; of course I cannot state positively.

5925. They are agents for planters in Ceylon, or they are agents for London houses?—Yes; and some of them have a great interest in estates.

5926. Are there many who have that interest?—It is impossible for me to say.

5927. You cannot say whether the majority of the members of the Chamber of Commerce have any direct or permanent interest in the island or not?—I cannot.

5928. How many unofficial members are there in the Council?—There are six.

5929. How many of those are English?—At the present moment, four.

5930. How many are natives?—There is no native at present; the Legislative Council was composed formerly of three English members, two burghers, and one native, but at the present time there are four English members; there is not a single native in the Legislative Council.

5931. Who are the other two members?—The other two members belong to the burgher community, who are descendants from the Dutch or Portuguese.

5932. They are not Cingalese, but they belong to the burgher class?—They belong to the burgher class.

5933. Would you not call the burgher community part of the native population, or do you mean by the natives, the Cingalese?—I mean the Cingalese; but we distinguish between the English, the burghers, and the natives.

5934. Can you state the amount of the burgher population?—It is very considerable. I cannot precisely state what the amount is.

5935. There formerly was one of the natives, or Cingalese, a member of the Legislative Council?—Yes.

5936. From your knowledge of the Cingalese, do you think members could be found of sufficient intelligence and capacity to take part in the deliberations of the Legislative Council?—Yes, I think there could; but he should not be, as he was formerly, nominated by the Government, and paid by the Government, because then he merely gives an additional vote on the side of the Government. But my opinion with regard to the Legislative Council is, that the unofficial members should be equal in number to the official members, and that it should be composed of three different classes, English, burghers, and natives.

5937. Meaning by the natives, Cingalese?—Exactly; I would have two members taken from the mercantile body, two from the agricultural body, two from the burghers, and two from the natives.

5938. Mr. Hume.] How would you have them appointed; would you have them elected?—That is a very difficult question; it must be left for some

F. Saunders, Esq.
 5 July 1849.

time to the Governor. The native members could not give up their time for so long a period as the session now lasts in Colombo. They should be paid, so as to render them independent, by a vote of the Council itself, and not by the Government; but they must be paid; the others need not be paid.

5939. *Mr. Hawes.*] Do those members who represent the burgher community take any active part of the deliberations of the Council?—I do not think, as the Council is at present constituted, any of the unofficial members take any active part; they think that at present any effort of theirs would be perfectly useless; they consider that they attend there as a matter of form; in fact, I hardly believe that they read the ordinances.

5940. What would you suggest in order to create an interest on the part of the natives or the burgher community in the proceedings of the Council; would you increase the number of the Council?—I would increase the number of the Council; and I think every member of the Council should be allowed to bring forward any measure which he might think a fit and proper one to be passed into a law. At the present moment he can originate nothing.

5941. You are speaking of the Legislative Council?—I am speaking of the Legislative Council entirely; a member cannot call for papers, or originate anything himself.

5942. *Mr. Hume.*] Can he not call for papers?—No; it is quite discretionary with the Governor; he may say that the question is not before the Legislative Council.

5943. In the debate on the Indemnity Bill, did not Mr. Wodehouse call for papers respecting the confiscated property?—I was not present, but I have read that he did.

5944. Do I understand you to say that as the Legislative Council is now constituted, it might almost as well be abolished, for any utility that it is to the colony?—Not exactly; from a Legislative Council existing, things get publicity through the newspapers, and that, to a certain extent, does good.

5945. *Mr. Hawes.*] Have you ever read the Royal Instructions?—Yes, I have.

5946. Let me call your attention to the 16th clause: "Provided, nevertheless, and it is Our pleasure, that if any member of the said Legislative Council shall deem any law fit to be enacted by the said Council, or any question fit to be there debated, and shall of such his opinion transmit a written statement to you (that is to the Governor), it shall be lawful for any such member of the said Legislative Council to enter upon the minutes thereof a copy of any such statement, together with the reason upon which such his opinion may be founded." Has that ever been acted upon?—The Governor may still refuse, and prevent a member from introducing or discussing a measure.

5947. Has such written statement, together with the reasons of the member proposing the measure, been entered upon the minutes?—I am not aware that it has.

5948. Were you aware of that instruction?—I was aware that there was such a clause, but it has never been acted upon.

5949. *Mr. Hume.*] Has not that instruction which you have now heard read been a dead letter ever since you have been in the Legislative Council?—It was never exercised.

5950. You have stated that three weeks' notice in the Gazette of all ordinances is necessary. The Gazette is published in English, is it not?—Yes; and in the native language also.

5951. Is it published in the native language?—A portion of it, the advertisements and the ordinances.

5952. You said that the ordinances were all published for three weeks in the Gazette; is the Gazette in English?—Yes.

5953. Can the natives read English generally in the country parts?—No, they cannot.

5954. In Sir Colin Campbell's time were not the ordinances published in Cingalese as well as in English?—They are all published in Cingalese at this present moment, and sent to the different agents to distribute among the headmen, that they may inform the people what is going forward.

5955. There is no publication except through the headmen?—The ordinances are sent for distribution through the headmen.

5956. In point of fact very few of the natives read English?—Very few.

5957. You

5957. You have been asked a question about the Road Ordinance; did you not hear a complaint that the Road Ordinance as now passed was published without the clause which is to this purport, "That any such person shall be guilty of an offence (that is not paying the money or working), and be liable, on conviction thereof, to any punishment which police courts are by law empowered to award, and as shall be imposed by the court before which such offender shall be tried." Did you not hear that that clause had been objected to in the Colony?—I was present when the original ordinance was passed, but that clause was not in the original ordinance.

F. Saunders, Esq.

5 July 1849.

5958. That clause was not in the ordinance which was published originally?—Certainly not.

5959. Do you know when it was introduced?—The clause has been introduced since I left.

5960. You say you never heard any objection; did you not hear an objection on the part of the priests to the Road Ordinance, and on the part of the natives to their being called upon to pay 3s. or work six days; do you mean to say that you heard no objection made to the ordinance?—Not at the time it was introduced; I have heard of such things since.

5961. Were its objects and enactments known at the time you were there; had the ordinance been published to the colony?—Yes, I think so; it was circulated as all other ordinances were.

5962. And it produced no complaint at the time?—No; it was proposed as usual by a member of the Executive, and most cordially seconded by Mr. Acland.

5963. My question refers to the effect it had upon the natives?—I heard no complaint whilst I was there.

5964. You are not aware of what has taken place respecting it since?—No.

5965. Sir *J. Hogg*.] You say that the unofficial members at present of the Legislative Council take very little part or interest in public affairs. Considering society as it is now constituted in the island of Ceylon, do you think that if the Legislative Council was new modelled as you have suggested, the unofficial members would take, and are competent to take, an important part in the discussion of public affairs, including Europeans, burghers, and natives?—I think they would, for they have a large property and interest at stake.

5966. You have stated that the ordinances are published in the Gazette in English, and are also translated into Cingalese, and sent to the agents in the country, to be by them distributed among the headmen. Do you consider that that is an efficient, and the most efficient way of giving notice to the natives of the contents of those ordinances?—Yes. I do not think in the present state of the country it could be done otherwise than through the headmen.

5967. Lord *Hotham*.] You have stated that in your opinion the Legislative Council ought to be enlarged?—Yes.

5968. It has been given in evidence before the Committee, that were the Legislative Council enlarged, it would be an improvement if all the Government agents were made members of the Council, with the view to their attending during that part of the session when the business relating to their respective provinces should be under discussion. Do you concur in that opinion?—I do not; because the session in Colombo sometimes lasts from June till December, and that would withdraw the agents from their more immediate duties during six months.

5969. Would it not be practicable so to arrange as that the business of each province might be brought forward at a particular time, and thus the agent of a particular province would be kept away from his duty in the province for only a limited period?—I think myself that the session is extended over too long a period generally.

5970. It has been suggested in the evidence to which I am alluding, that as each Government agent has six weeks' leave of absence in the course of the year, there would be no difficulty in his giving such attendance in the metropolis as would be sufficient for him to attend to all the business of his province which would have to be transacted in the Legislative Council during each session?—I should apprehend that a Government agent would not like to give up his leave of absence to attend to the business of the colony.

5971. Then you do not concur in that opinion?—I do not.

5972. Will you state at what distance from Colombo the different Govern-

F. Saunders, Esq.
5 July 1849.

ment agents reside?—The Government agent for the western province resides in Colombo; the Government agent for the north-western province resides at Putlam, about 84 miles from Colombo; the Government agent for the northern province resides at Jaffna, 220 miles from Colombo; the Government agent for the eastern province resides at Trincomalee, which is about 190 miles from Colombo; the Government agent for the central province resides at Kandy, 72 miles from Colombo; and the Government agent for the southern province resides at Galle, which is 72 miles from Colombo.

5973. Sir J. Hogg.] In your opinion is it necessary that the session should last six months?—No.

5974. Do not you think with ordinary diligence, and everybody willing to expedite business, the whole affairs of the island of Ceylon might be managed, as far as legislation is concerned, in two months?—I should think so.

5975. At what hour does the Legislative Council ordinarily meet?—They generally meet at one o'clock.

5976. And when does it rise?—Generally about four o'clock.

5977. Do not you think that sitting from 12 to four a couple of months might do all the business of Ceylon?—I think so, if the Governor had all the Ordinances prepared before the meeting of the Council.

5978. Mr. Villiers.] You said the Council did nothing, and could do nothing?—As it is at present, the unofficial members do not take any interest whatever in the matter; they can originate no matters whatever.

5979. And you think that that could be done in a shorter time than six months?—Yes.

5980. Sir J. Walmsley.] Were you present when the Customs Ordinance was passed?—I was.

5981. Did you approve of that Ordinance?—Not entirely; I approved of the abolition of the export duties.

5982. Are you of opinion that the alteration then made in the tariff will benefit the trade of the island?—I have no doubt of it; it must facilitate business very greatly, the export duties and the discriminating duties on imports having been abolished.

5983. Are you able from your own position to state what effect the alteration had on trade?—Not of my own knowledge, but I have heard from the gentleman who was acting for me by the last mail.

5984. Is he connected with Government?—He is acting collector at Colombo, and he states, that "the revenue has been very good up to this date, except the loss by the abolition of the export duties. The loss at the end of last month, as compared with 1848, is about 2,000*l.*, and on the whole I do not think the loss on imports will be much on the year."

5985. Can you state to what extent the trade has increased in the actual quantity of coffee exported since the passing of the Ordinance?—No, I cannot, but at the present moment it is very large. I have had communications to that effect, and I have seen papers brought by the last overland mail, in which it is stated that the export of the crop for 1848 will be 34,000,000 lbs.

5986. What increase is that from the time of the alteration of the duties?—
The export of coffee, crop 1846-7, was - - - - 29,021,976 lbs.
Ditto - - - - 1847-8 " - - - - 31,758,384
Ditto - - - - 1848-9, up to 5 May, 32,480,000 } 34,720,000
Estimated quantity to be shipped - - - - 2,240,000 }

5987. Can you state the extent of trade carried on by the Europeans and natives respectively?—It is about equal; the natives import a larger quantity of goods than the Europeans, but the principal export trade is carried on by Europeans; the total trade is as nearly as possible divided between the two.

5988. Mr. Hawes.] You stated that the customs department might be reformed both as regards the management and the cost of the establishment?—I do not know as regards the management; but I should say that the export duties having been done away with, reductions might take place in the number of officers.

5989. Are you aware that there is a committee in Ceylon sitting now upon the subject of the reduction of the establishment?—I am told so.

Captain *Henry Charles Bird* called in ; and Examined.

Capt. *H. C. Bird.*

5 July 1849.

5990. *Chairman.*] THE Committee wish me to inform you that they will not require you to answer any questions with reference to those transactions in which you have been engaged, which you may think are likely to compromise yourself personally ; any other information that you are able to give to the Committee with reference to transactions in which you may not be personally compromised, they would be glad to receive?—I am obliged to the Committee.

5991. *Mr. Hume.*] You are an officer in Her Majesty's Ceylon Rifle Corps?—I am.

5992. How long have you been in Ceylon?—Since 1835.

5993. Have you been stationed at Kandy?—Yes.

5994. At what period were you in Kandy?—From the end of 1835 until I returned from Ceylon in October 1848 ; that is, with the exception of one year when I was absent in England.

5995. Are you well acquainted with the locality of Kandy and its neighbourhood?—Yes.

5996. Were you at Kandy in the months of July and August 1848?—Yes.

5997. Were you employed in either of the detachments that were sent out against some rioters?—I was in command of a detachment of my regiment in Kandy at the time ; the detachments that were sent out from Kandy to Matelle and Kurnegalle, were sent out by my orders.

5998. Do you allude to the detachment which Mr. Buller went with?—Yes, I allude to that as one.

5999. Have you seen the blue book that has been laid before the House of Commons?—I have not.

6000. Who is the Colonel-commandant of your regiment?—Colonel Braybrooke.

6001. Where is he?—In Colombo.

6002. Who is Lieutenant-colonel Drought?—Commanding officer of the 15th Regiment.

6003. Was he your commandant at Kandy?—Yes.

6004. How long has he been in Ceylon?—I cannot recollect exactly ; I think about three years.

6005. Was the Colonel-commandant, Colonel Braybrooke, at Kandy during the time of those disturbances?—No, the head quarters of my regiment, which he commanded, were at Colombo, and he was at head quarters.

6006. He was not sent up to Kandy, but he remained at Colombo?—Yes.

6007. What is the standing of Colonel Braybrooke ; has he been long in the service?—Yes, he is a very old officer.

6008. How long has he been in the service?—Since 1814 or 1815.

6009. Will you look at the bottom of page 184 of the blue book, you will see there a letter from Colonel Drought ; will you read the first paragraph? (*the Witness read the same to himself.*)—I have read it.

6010. Do you know anything of the capture of that person who is reported to have been captured as pretender?—He was captured by a detachment of the regiment.

6011. Under your orders?—No, not under my orders.

6012. You are aware of his having been captured?—Yes.

6013. Are you aware whether he was tried?—I am.

6014. He was tried by a court martial?—Yes.

6015. Will you read the second paragraph : “ I dispatched Captain Bird, of the Ceylon Rifle Regiment, this morning to Kurnegalle, in order to ascertain whether some valuable information could not be obtained from the prisoners previous to their being brought to trial before a court martial, which I ordered to assemble this day at Kurnegalle.” How far is Kurnegalle from Kandy?—Twenty-seven and a half miles.

6016. Was there any detachment of troops at Kurnegalle at the time?—There was.

6017. Under whose command were they?—There was a detachment from Kandy under the command of Lieutenant Annesley.

6018. Was Major Layard, whose letter appears dated the 4th of August, the officer commanding at Kurnegalle?—Major Layard was in command of a

Capt. H. C. Bird.

5 July 1849.

detachment on the march from Colombo to Dambool; he passed through Kurnegalle on his way to Dambool, and on his return to Colombo.

6019. Does "the man assuming the title of king in this district," apply to the same man who you say was captured in that district?—It was the same man.

6020. It is stated there that you went to Kurnegalle. At what time did you leave Kandy, and what instructions did you receive?—Those in the letter, as follows: "I dispatched Captain Bird, of the Ceylon Rifle Regiment, this morning to Kurnegalle, in order to ascertain whether some valuable information could not be obtained from the prisoners." I received such instructions.

6021. Were they in writing or verbal?—Verbal.

6022. What was the nature of the instructions?—To ascertain whether they could give me any valuable information respecting the organisation of the insurrection.

6023. To what prisoners does that allude?—To Dingeralle and Calloo Banda; the men mentioned in Major Layard's letter.

6024. Who gave you the instructions?—Colonel Drought.

6025. Did you, whilst at Kandy, receive instructions from any other person than from Colonel Drought during those proceedings?—No; except of course the regimental instructions affecting the interior economy of the regiment, from the commanding officer.

6026. But you received no other communication respecting the prisoners who had been captured?—No.

6027. You proceeded to Kurnegalle, and you found, I presume, the prisoners in confinement. Did you obtain any information from them?—I obtained no valuable information from them.

6028. Were those two prisoners tried?—No, not at that time. Colonel Drought alluded to two prisoners; the two he alluded to were Calloo Banda and Dingeralle. Calloo Banda was not in Kurnegalle at that time; he had not been brought in.

6029. Did you see one or two prisoners?—I saw one of those, and other prisoners that were also taken, of whom no mention was specially made.

6030. Did you examine Dingeralle before he was tried?—I did not examine him. I asked him if he wished to make any statement in reference to the insurrection, and he made some observations of an unimportant character.

6031. Did you obtain from him any information as to any organization or great plot existing?—No, I did not.

6032. Was that communication before he was tried, or after he was tried?—Before he was tried.

6033. Can you state how the court martial was constituted, of what rank the officer who presided was, and how many were members?—A captain was president, and four other officers were members.

6034. Was it an open court?—It was.

6035. Was there any officer appointed as Judge Advocate, to take minutes of the proceedings?—There was.

6036. Did the officers take any oath before they proceeded to their duty, or before they formed a court?—Yes.

6037. You are aware of the oath that is taken on courts martial held under the Mutiny Act?—Yes.

6038. Was it the usual oath that is taken on courts martial held under the Mutiny Act?—It was the first portion of that oath.

6039. Will you read the oath that was taken upon that occasion?—"You shall well and truly try and determine according to the evidence in the matter now before you, so help you God." That was all the oath that was taken in that instance.

6040. Was that oath administered by the Judge Advocate, or by the president of the court?—I do not recollect.

6041. Mr. Hawes.] It was by one or the other?—Yes.

6042. Mr. Hume.] You were present at one trial?—Only at that one trial in Kurnegalle.

6043. Were there any witnesses examined?—Yes.

6044. How many?—I do not recollect whether there were two or three witnesses examined.

6045. Was their evidence taken down in writing?—It was.

6046. It

6046. It was recorded by the Judge Advocate?—It was taken down by some one. Capt. H. C. Bird.

6047. You are aware of the record having been made?—Yes. 5 July 1849.

6048. Are you aware what sentence was passed?—Yes.

6049. What was it?—The prisoner was sentenced to death.

6050. Was he sentenced simply to death; was not his body to be hanged on a tree?—Yes.

6051. When was that sentence carried into effect?—On the same day.

6052. At what time did the court martial assemble?—Between 11 and 12 o'clock.

6053. When did the court decide?—About four o'clock.

6054. Was the sentence carried into effect immediately, or at what hour?—Between five and six, I believe; I do not know exactly when it was carried into effect.

6055. But it was in the evening?—Yes, I believe so: but I returned to Kandy.

6056. Do you know by whom the court martial was ordered?—It was ordered, as appears by the letter, by Colonel Drought.

6057. Do you know of any other court martial, which took place in the island?—I know of several courts martial.

6058. Have you ever sat on a court martial under the Mutiny Act?—Yes, many.

6059. Sir J. Hogg.] Were the proceedings in those courts martial, after the proclamation of martial law, held according to the forms and usages prevailing in courts martial held under the Mutiny Act, under ordinary circumstances?—Not strictly so.

6060. In what way did they differ?—There was a difference in the number of members competent to try offenders; in fact the court did not consider that these offences were strictly cognizable by the Mutiny Act; they considered that they came under a different law or authority.

6061. Mr. Hume.] Had you any information or means of ascertaining what that different law was?—No specific means.

6062. Sir J. Hogg.] My question had not reference to the character of the offence, nor to the number of officers who sat upon the court martial; but were the proceedings as to the examination of witnesses for the prosecution, and reducing the evidence to writing, and hearing the prisoner in his defence, and the examination of witnesses for the prisoner, and reducing that to writing, held in conformity with the proceedings usually held in ordinary courts martial under the Mutiny Act?—In all the instances that I know of they were so, in all the respects you have stated.

6063. Was there a Judge Advocate appointed in every case that you know of?—Not in every case.

6064. When there was no Judge Advocate, who acted in the discharge of those duties which are ordinarily discharged by the Judge Advocate?—The Deputy Queen's Advocate acted as Judge Advocate at Kandy, on some of the trials which were held there.

6065. Do you know who acted as Judge Advocate in the other localities, or was any officer appointed to take down the evidence?—At Kurnegalle, the police magistrate at the station acted as Judge Advocate, on the one occasion I know of.

6066. How many officers sat upon the courts martial of which you are cognisant?—Five, including the president.

6067. Mr. Hume.] Was there any court martial upon which there was a smaller number?—Yes, I understood there were, but I do not know of my own knowledge.

6068. You have read the oath which they took; was the same oath taken on every occasion of this kind?—No; I believe the whole of the oath was taken in all the courts in Kandy.

6069. Sir J. Walmsley.] What is the number of officers that sit upon courts martial held under the Mutiny Act?—Thirteen generally; under certain circumstances, seven. I allude to general courts martial.

6070. Mr. Villiers.] Never less than three?—No, never less than three.

Capt. *H. C. Bird.*

5 July 1849.

6071. Mr. *Hume.*] Is Ceylon mentioned in the Mutiny Act as to the number of officers that shall constitute a court martial?—Ceylon is not specified in the clause to which you allude as to competent numbers.

6072. You have been asked about the Mutiny Act; does not the Mutiny Act require that every sentence of a court martial shall be approved and confirmed by the commanding officer who ordered the court martial?—Yes, where the Mutiny Act is applicable.

6073. Were the sentences generally, that you are aware of, examined and confirmed by the commanding officer?—They were.

6074. Before the execution took place?—Yes.

6075. But not at Kurnegalle; that is an exception?—I did not say that.

6076. Sir *J. Hogg.*] Were the proceedings of all the courts martial of which you are cognisant submitted to the commanding officer for confirmation, before the sentence was carried into execution?—All those in Kandy were.

6077. Mr. *Hume.*] Do you know what the charge against the prisoner Dingeralle was; will you look to page 258?—For traitorously joining in rebellion with other false traitors.

6078. He is stated in the first paragraph to have been a pretender; was he charged with being a king pretender?—Yes, he was so reported.

6079. *Chairman.*] Was the evidence against him to the effect that he had assumed the title of king?—Yes. The evidence was, that when he addressed the people he said, "I am a king."

6080. Sir *J. Hogg.*] Was he tried for the offence of having alleged himself to be king, or for the offence of rebellion?—He was tried for rebellion; not for setting himself up as a king.

6081. Mr. *Hume.*] Does it appear that he was taken in arms, and that much mischief had been committed by him?—He was taken in arms.

6082. And acts of violence were proved against him?—Yes; when taken he was surrounded by about 300 followers, and he was exhorting them to assemble for a third attack upon Kurnegalle.

6083. How long were you in Kurnegalle?—One day.

6084. Had you any opportunity of knowing what extent of mischief had been done?—Yes; I saw the kutcherry smashed and broken in, and the vault which contained the money broken into. I also saw the court-house; the doors had been destroyed and smashed open, and what we call almarahs, a sort of bureau, the cases which contained the records and public documents, had been destroyed, and all the documents had been destroyed or thrown away.

6085. Were you able to learn whether any of the police had been injured or wounded by the people in their attack?—I did not hear; I understood that as the people entered Matelle the inhabitants and the police were terrified and fled.

6086. Who was the magistrate there?—Mr. Gibson.

6087. You have mentioned Mr. Gibson; Major Layard states, in page 185, that "evidence is now being taken against these parties by Mr. Gibson, a copy of which will be forwarded by to-morrow's post;" did you see Mr. Gibson when you were at Kurnegalle?—Yes.

6088. Do you know what evidence is alluded to there, which was taken by Mr. Gibson?—Evidence, I presume, generally against the prisoners who were captured; there were 29.

6089. What class of people were captured?—There were some petty headmen, but generally they were of the lower class.

6090. Were they captured in the town?—They were captured by the troops in the act of destroying houses and property.

6091. Were any houses set fire to?—No, they are not such as to burn readily.

6092. Do you recollect how long before the mob arrived the police had left the kutcherry and court-house?—As they entered, the assistant agent, the police magistrate, and other inhabitants fled, and met the troops about two miles this side of Kurnegalle.

6093. They were not attacked in the kutcherry, but they had left the kutcherry from fear of the troops?—I cannot exactly say that; I believe that they were driven out of the kutcherry by the troops; they were in number about 2,000 in the town when the troops arrived.

6094. Had you any military there at that time?—No, not before the attack.

6095. What

6095. What force of police had they?—Not half a dozen, I believe.

6096. Are you aware that the nature of the evidence which Mr. Gibson took was?—I do not know.

6097. Were you the bearer of that letter from Kurnegalle?—No; it is addressed to Lord Torrington who was in Colombo; I know nothing of that.

6098. Mr. Gibson was the magistrate acting there?—Yes; he was the police magistrate of that district, and was in Kurnegalle.

6099. You stated that you sent out a detachment; on whose requisition was that; was that the detachment which Mr. Buller applied for?—He applied to the commandant; I sent it by order of the commandant.

6100. Of what number did it consist?—I sent 100 rank and file, with four officers, to Matelle.

6101. Were any of them injured?—No.

6102. Had you a report from the officer that you sent out?—No; when sent from Kandy he was removed from my immediate command, and he made his reports to the commandant.

6103. Are you aware whether any casualties took place among your troops in Matelle?—There were none from the encounter.

6104. Were none of them wounded?—No.

6105. Had you any report of how many inhabitants had been killed?—There was a report of eight having been killed.

6106. Do you know whether they made any resistance to the troops?—They fired upon the troops as they were going towards Matelle, at a place called Warispolle.

6107. Who was the officer in command?—Captain Lillie, in command of the whole force.

6108. Were there any arms taken by the detachment that you sent out?—There were between 40 and 50 persons taken, with their arms.

6109. What kind of arms?—Muskets and common guns.

6110. Any swords or pikes?—No.

6111. Sir J. Hogg.] Were those muskets loaded, or had those persons who were in possession of the muskets any ammunition?—They were mostly loaded; some I believe were discharged; but those persons who were taken had generally loaded muskets.

6112. Mr. Hume.] But none of the troops were injured?—No, none of my detachment; there was one man of the 15th Regiment wounded.

6113. In what way?—Shot in the thigh.

6114. It was a gun shot?—Yes.

6115. Do you consider that there was much difficulty in the troops suppressing that disturbance at Matelle?—No, they do not appear from the report to have had much difficulty in doing so.

6116. Captain Lillie designates them as a numerous mob?—I was not there myself.

6117. You had no report from the troops after you sent them?—No official report.

6118. Do you consider that the military force you had there was adequate to suppress the disturbance at Matelle and Kandy?—It would not have been adequate had there been much determination on the part of the lower class to obey the instigations of their headmen.

6119. You sent the detachment out on the 29th of July?—Yes.

6120. Did you hear of any disturbance a few days before?—There were rumours for a day or two before that there were disaffected people congregating.

6121. Had you any instructions to be on your guard and have your troops ready, a few days before?—A day or two before, I had, and was prepared accordingly.

6122. Sir J. Hogg.] You were a long time in Kandy?—Yes, several years.

6123. And you are well acquainted with the people there?—Yes, very well.

6124. Was this in its character an ordinary outbreak, or was it to all appearance a serious outbreak which struck you as being in the character of a rebellion?—Yes, it wore a very serious aspect when it first commenced.

6125. When it was first commenced until it was put down, did you consider it of a serious character and one likely to endanger the lives and properties of those

Capt. H. C. Bird.

5 July 1849.

those resident in the Kandyan country?—Yes, I did certainly; I had not the slightest doubt that it would have done so.

6126. Are you of opinion that if had not been promptly put down by the military, the lives and the properties of Europeans resident in the Kandyan country would have been in danger?—I am decidedly of that opinion.

6127. *Chairman.*] How long a period was it before it was put down?—It was put down in three or four days; and a further outbreak was no doubt prevented by the presence of the troops and the stringency of martial law.

6128. You say that a further outbreak was prevented by that means; upon what evidence do you found that opinion?—Upon the reports from Matelle, and the reported fact that the people had absented themselves from their homes, and were assembled in different parts of the disturbed districts.

6129. Are you aware whether the declaration of martial law had the effect of driving the people from their homes?—I think not, at first.

6130. But when they knew what martial law really was, had it that effect?—It probably had the effect of keeping them away from their homes after a certain period.

6131. You say that the actual rebellion was put down in three or four days?—Yes, there were no more parties armed to oppose the military; in that sense it was.

6132. *Mr. Hume.*] After the military first went to Matelle was there any force collected to oppose them?—There were 2,000 men in possession of Kurnegalle when the troops went there, and on the third day they were attacked by 3,000 or 4,000 men, the majority of whom were armed.

6133. But in the Matelle district there were none opposing the military?—No, not after the first.

6134. *Chairman.*] You are aware that martial law was maintained for 10 weeks afterwards?—Yes, I am.

6135. Do you know anything of the trial of a priest at Kandy?—Yes, I was in Kandy at the time.

6136. Was the Deputy Queen's Advocate present at the trial?—He was not.

6137. Do you know whether any person officiating as Judge Advocate upon that trial?—No one officiated as Judge Advocate.

6138. Was there any report of the evidence taken down in writing?—Yes.

6139. By whom was that done?—By the president.

6140. How many members sat upon that court martial?—Five.

6141. Who confirmed that court martial?—The commandant.

6142. When did the execution take place?—The following morning.

6143. Do you know whether any application was made to Lord Torrington with respect to that trial?—I heard that there was an application made.

6144. *Mr. Hawes.*] Do you know anything of it personally?—No, I do not.

6145. *Chairman.*] Who did you hear had made the application?—I heard that the Queen's Advocate had made the application.

6146. Upon whose report did he make the application; was it upon the report of the president?—No, upon the report of parties who were present in open court at the trial.

6147. *Mr. Villiers.*] He was not present himself?—No.

6148. *Chairman.*] Did you hear what was the result of that application?—I heard that it was rejected.

6149. Do you know whether in consequence of that application any evidence taken down at the trial was sent for?—I am not aware.

6150. *Mr. Hawes.*] Was this application rejected on its merits, or was it rejected because the Governor had declined to interfere with the courts martial?—I heard that it was rejected because the Governor had declined to interfere with the authority or decision of the courts martial.

6151. *Chairman.*] Was the sentence of the court martial sanctioned by Colonel Drought?—Yes.

6152. Do you happen to know what the charge against the priest was?—Of administering or conniving at the administration of treasonable oaths, and concealing the whereabouts of the pretender.

6153. Did not a question arise upon the trial, whether the administration of a treasonable

a treasonable oath was a capital offence or not?—No question of that kind arose. Capt. H. C. Bird.

6154. It was considered to be a capital offence by the members of the court martial?—Yes. 5 July 1849.

6155. *Chairman.*] Do you know whether the priest made any request not to be executed in his robes?—I believe not. When I heard the report that such was the case, I inquired of the commandant, who told me that he knew of no such request, and he was satisfied that none such was made.

6156. Do you know that he was shot in his robes?—I believe he was.

6157. *Mr. Hawes.*] That is, in his ordinary dress?—Yes.

6158. *Sir. J. Hogg.*] What do you mean by the robes?—The yellow cloth which the priest always dressed in; it is the invariable dress of the priest; he never wears any other but that one.

6159. The robe consists of a single cloth?—Yes.

6160. *Mr. Wilson.*] That is his every-day dress?—Yes; his every-day dress. I might have before said that the whole garrison of Kandy, both European and native, was under 500 men.

6161. *Mr. Hawes.*] What was the amount of effective force?—Not, I believe, above 400 men, including both regiments.

6162. *Chairman.*] That was before the reinforcements came?—Yes; I had only 145 men under my command, of whom 100 were sent to Matelle, 30 to Kurnegalle, and afterwards I armed all the pensioners in the district, and organized them to the amount of 60, to strengthen the garrison of Kandy; and all the European and burgher inhabitants of the place were armed to form guards for the kutcherry and the court houses and public buildings, anticipating an attack upon Kandy.

6163. *Mr. Wilson.*] You were referred to a letter from Colonel Drought to Lord Torrington, in which he stated, “I dispatched Captain Bird, of the Ceylon Rifle Regiment, this morning to Kurnegalle, in order to ascertain whether some valuable information could not be obtained from the prisoners previous to their being brought to trial before a court martial, which I ordered to assemble this day at Kurnegalle.” Was the information which your instructions induced you to seek for, for the purpose or with the object of criminating the prisoners in any trial which should afterwards take place, or was it for the purpose of seeing whether you could get any general information which should be valuable as regards the state of the country?—The object was to obtain general information, certainly not for the purpose of criminating the prisoner; and great care was taken in order that he might not be allowed to say anything which might tend to criminate himself.

6164. *Sir J. Hogg.*] Before asking him whether he had any statement to make, did you give him any caution?—Yes.

6165. *Mr. Wilson.*] You cautioned him not to say anything which might criminate him if he was brought to trial?—Yes.

6166. And your object was not to criminate the prisoner, but to gain general information which might be useful otherwise?—Exactly.

6167. *Mr. Hume.*] You say the priest was tried for administering treasonable oaths and for harbouring the pretender?—Yes.

6168. Do you know what evidence was given on that subject?—Yes.

6169. How many witnesses gave evidence upon that subject?—Three.

6170. Are you aware of any evidence that has come out since then that throws light upon the subject?—No evidence has come out since; whatever has transpired since is surmise.

6171. You are aware that doubts have been expressed how far the evidence given against the priest was true?—The principal witness against the priest was the chief of the temples, whose natural duty it would be to protect the priest on the trial. The agent of the Government, who is supposed to know the character of those parties, was asked as to the respectability of that principal witness, and he was reported by the agent to be a person of good character.

6172. Have you not heard that it was a father and son who gave evidence against this individual?—Yes.

6173. Are you aware that doubts have been thrown upon their evidence, in consequence

Capt. *H. C. Bird.*

5 July 1849.

consequence of their being either employed by Government, or candidates for Government offices?—I have heard that surmised.

6174. *Sir J. Hogg.*] Do you attach any importance to that surmise?—Not as opposed to the opinions of those who ought to know his character. This opinion has been subsequently raised, and I do not feel competent to estimate its value.

6175. Was a character given of him by the agent of Government?—Yes, it was a decidedly good character; the agent stated that he considered him a man of undoubted respectability.

6176. *Mr. Hume.*] The father and son?—The father particularly.

6177. *Mr. Hawes.*] You are speaking of the witnesses?—Yes.

6178. *Mr. Hume.*] Was Mr. Selby the Judge Advocate in Kandy at the time?—Yes.

6179. He did not act upon the court martial?—No, he did not.

6180. Are you aware that he expressed strong doubts, and applied to the Governor to have a respite?—He could only be the channel of communicating the doubts himself, because he did not know the parties; the doubts were expressed to him by those who were present at the trial.

6181. *Mr. Hawes.*] Were the people in general, during these disturbances, pretty well armed?—Yes, I believe every Kandyan possesses a gun; sometimes there are two or three guns in one house.

6182. He lives by the produce of his gun?—Not so much that, as that he requires it for the protection of his paddy-fields; it is a necessary part of the furniture of his house, I consider.

6183. *Sir J. Hogg.*] Have they all ammunition?—Yes, or if they have not they make it.

6184. *Mr. Hawes.*] They know how to use guns?—Yes, very well.

6185. *Sir J. Hogg.*] Had they guns which could be used?—Yes, a great many of the guns were old muskets.

6186. *Lord Hotham.*] Had they any Birmingham muskets?—Yes.

6187. *Mr. Hawes.*] Do you consider them very good marksmen?—Yes, when not under excitement.

6188. *Mr. Hume.*] You stated that there was no Judge Advocate at the priest's trial, and you said that in some trials the Queen's Advocate did officiate as Judge Advocate?—The commandant received instructions from the Governor that Judge Advocates were not compatible with the nature of the trials; that under martial law it was not necessary to have Judge Advocates, as it would be under ordinary circumstances on general courts martial.

6189. Do you know in what manner those instructions were received?—I do not.

6190. But notwithstanding that, the Queen's Advocate acted in some cases as Judge Advocate?—Not after that order.

6191. Do you know how many trials had taken place before that?—I do not recollect.

6192. Several took place after that?—Yes.

6193. And there was no Judge Advocate appointed?—No.

6194. In what way were the minutes taken?—By the president, as in ordinary courts martial; in district courts martial there are no Judge Advocates; it is only in general courts martial held under the Mutiny Act that there are any Judge Advocates.

6195. Are you not aware that it is the duty of the Judge Advocate to see that everything is fair as regards the prisoner?—Yes.

6196. Did that notice of which you speak come from Colombo?—Yes.

6197. Was it from the Governor or from the Commander-in-chief?—From the Governor to Colonel Drought.

6198. Are you able to state whether the orders respecting the courts martial went through General Smelt, the commander, or direct to Colonel Drought?—I believe direct to Colonel Drought.

6199. Did you hear any reason why the Colonel commanding the Rifles was not sent up to Kandy?—No, I did not; the head quarters of his regiment was in Colombo.

6200. Were you aware before you came away that complaints had been made of a senior officer not having been sent up to Kandy?—No definite complaint.

6201. There was a Captain Watson who presided at some of the courts martial;

martial; are you aware of any application having been made by him to the Commander-in-chief to have a court martial?—No; we considered that the Mutiny Act and the Articles of War were applicable to Her Majesty's troops generally; but where martial law or the "law of war" was proclaimed, we considered that the Mutiny Act and Articles of War were not strictly applicable, and that the officers were bound to act as the exigency of the case required, according to their judgment, under the exigency of the public service.

6202. Sir J. Hogg.] You sat not as a court of justice for the trial of criminal offences, but as a court of war for the trial of military offences?—Yes, that was my impression. If I had been in a district where a disturbance had taken place, and I had taken prisoners whom I considered it dangerous to set at liberty, but whom I could not safely hold, I should have felt justified in having them executed on the spot at my own discretion, had I been alone during the existence of martial law, considering that the public safety and exigency of the case required it. The Mutiny Act does not provide for the bombardment of towns or the destruction of villages, and it would not authorize in any way such proceedings. But villages were destroyed and crops were burnt during the rebellion of 1818, in the ordinary circumstances of war.

6203. Mr. Hume.] You would do that only on an exigency existing at the time?—Yes, only on an exigency, with a view to suppress rebellion and to protect the lives of her Majesty's subjects.

6204. Sir J. Hogg.] Would there have been a fear of the rebellion breaking out again, if martial law had been suspended?—I do not think it would have broken out again, if martial law had been suspended soon after its proclamation. I think the proclamation of martial law had the effect of instilling sufficient terror into the minds of the people to have deterred them from another overt act of rebellion, and that it might then have been discontinued; but I consider it was necessary to proclaim martial law, and that it had its effect. In 1818, I believe, reference to the records will show that the Kandyan country was for 11 months in open rebellion, with 13 regiments to quell it.

6205. I understand you to express the belief that there would have been danger of a fresh outbreak, if there had not been troops present in the district acting under martial law?—Yes, if there had not been troops present in the district, there would have been danger of further disturbances. These are mere matters of opinion, which, as a military subject, I would rather be spared from expressing.

Martis, 10^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hawes.
Lord Hotham.
Sir James Hogg.
Mr. Wilson.
Mr. Stuart Wortley.
Mr. Villiers.

Mr Baillie.
Sir Joshua Walmsley.
Mr. Hume.
Mr. Disraeli.
Mr. Gladstone.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Henry Lewis Layard, Esq. called in; and Examined

6206. Mr. Hume.] HAVE you been a merchant in Ceylon?—For seven years I was in Ceylon, in the capacity of a merchant and planter. H. L. Layard, Esq.

6207. In what years?—From the end of 1841 to the end of 1848. 10 July 1849.

6208. Were you not an officer in the Bengal army?—Formerly I was in Her Majesty's service; I retired as captain in 1835.

6209. Were you in Ceylon during the time of the disturbances that occurred, principally in July 1848?—Yes.

(92.)

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6210. Will

H. L. Layard, Esq.
10 July 1849.

6210. Will you state your opinion generally as to the causes of those disturbances?—I should be disposed to divide those causes according to the sections of population amongst whom the disaffection existed. With reference to the Kandyan Province, I should state that the causes were in the first instance the encroachment by the Europeans, as well as by Government, upon the lands and forests, hitherto affording free and unmolested pasturage to the cattle belonging to natives, which lands were available also for the extension of their cultivation. Those lands became proscribed to a considerable extent by the claim of the Government to the lands, and ultimate sale to the Europeans.

6211. Mr. Hawes.] When did those encroachments on the part of the Europeans and the Government begin?—They commenced prior to my arrival in the island, in 1841; in about 1840 and 1841 were the first encroachments. The next cause was the growing indifference of the people to Buddhism, and to temple worship; and, it is more than probable, the means used by the priests to recover their lost influence, by disseminating rumours prejudicial to British rule.

6212. Mr. Hume.] How did the Europeans encroach upon the lands?—By purchasing from the Government those lands which were, as it is stated, available for native cultivation and for pasturage.

6213. You used the expression “the encroachment of the Government upon lands.” Did the natives consider the lands belonging to them, and that the Government interfered with them and sold them to Europeans?—Hitherto the natives had free access to the lands; but the Government, the moment they found the lands could be disposed of to advantage, ascertained how far the natives had a claim to the lands, and where the natives could not establish a legal claim, the Government sold the lands, upon the application of the European settlers.

6214. Were those sales conducted to a great extent?—To a very large extent.

6215. In what provinces were they?—Principally in the Central Provinces.

6216. Were those lands belonging to the temples, or belonging to natives specially?—In some instances there were portions of land which had been appropriated or claimed by the temples, and in others, and in most cases, there were lands which had been appropriated or claimed by native villagers.

6217. You think that was one of the causes of the discontent?—I think it was a very probable cause.

6218. Were there any other grounds of dissatisfaction?—The one which I have better reason for stating distinctly as the third cause, is the enactment of a series of taxes opposed to the prejudices and habits of the people, and the enforcement of which first gave rise to a demonstration of discontent, and subsequently to the rebellion and disorder which ensued.

6219. Do you allude to the taxes imposed at the end of 1847 and the beginning of 1848, called the gun tax, and the other taxes?—Yes.

6220. Will you state in what way those taxes ran counter to the feelings of the natives?—We will take into consideration first the gun tax. The natives had hitherto possessed guns without molestation, and although I think it was stated that there was no registration of guns, I am doubtful on that question; still they were allowed to possess guns without molestation and without any charge. The objection to the tax lay not so much in the registration fee, which was one involving security to public safety, so that under any emergency you might ascertain the number of guns, and the parties possessing guns, but the objection chiefly lay to the manner in which that tax was collected. The natives had to come from a distant part of the province to the chief town of such province. In the first instance the Government agents were not prepared with the necessary certificates to give the natives on their arrival, which involved delay and expenditure; and then again, upon the application of the natives for a licence, they were requested to give their application in writing.

6221. In English or in Cingalese?—In English; and upon stating that they could not possibly write English, or had not the means of sending in a written application, they were referred to the writers in the vicinity, and subsequently to a writer whom the Government agent authorized to sit in the kutcherry to receive applications and to write them, for which the natives had to pay in the

the first instance 6*d.*, and subsequently it was reduced to 3*d.*, on each application. *H. L. Layard, Esq.*

10 July 1849.

6222. Were those registrations intended originally to be annual?—Yes; and that was the principal point of objection that the natives had.

6223. Did the ordinance require that they should all come on one day—It involved the necessity of their doing so, otherwise there was a liability to the penalties of the law.

6224. Do you know whether any positive inconvenience and delay took place from that cause?—I know that both in Colombo and in Kandy the people assembled in considerable numbers for the purpose of taking out registers for guns, and they were delayed for several days in the first instance; they were sent back again, and were desired to return.

6225. Had many of the people come from any great distance?—Many of them had come from a distance of from 30 or 40 miles.

6226. And some of them you say were obliged to return that distance and to come back again?—I am acquainted with many instances where they went back the whole way; some of them returned, and others did not.

6227. Were any requests made that the application should be allowed to be made in Cingalese?—I know one instance where the Government agent suggested to the Government that a clerk should be appointed, free of any charge to the applicant, with a view of facilitating the applications, and it was refused.

6228. By whom was it refused?—I believe it was refused by Lord Torrington.

6229. *Sir J. Hogg.*] Who was the Government agent who suggested that?—*Mr. Gibson*, the Government agent of the Western Province.

6230. *Mr. Hawes.*] Do you speak from your own knowledge when you say that that was refused on application to the Government?—Yes.

6231. What means have you of knowing the fact that it was refused?—The knowledge I have is from *Mr. Gibson* himself.

6232. Did you see any official letter upon the subject?—No; in speaking to *Mr. Gibson* of the inconvenience arising out of the matter, he cursorily said that it had occurred to him, and that he had submitted it to the Governor, but the Governor had declined granting the accommodation.

6233. *Mr. Hume.*] Are you on intimate terms with *Mr. Gibson*?—Yes.

6234. Who is *Mr. Gibson*?—He is Government agent in the Western Province.

6235. The conversation which you allude to took place in consequence of the inconvenience which you thought had occurred under the Act?—Yes.

6236. *Sir J. Hogg.*] May not a Cingalese prefer his petition to a magistrate or a court of justice, if he pleases, in the Cingalese language?—I am scarcely prepared to state that.

6237. Are you not sufficiently conversant with the proceedings of the natives in the courts of justice in Ceylon to answer that question?—Not as regarding the course pursued in that particular matter of detail.

6238. *Mr. Hume.*] In point of fact, do we understand you to say that English applications for the licences were required?—Yes.

6239. And in one instance where you conversed with *Mr. Gibson*, one of the Government agents, he stated that he had seen the inconvenience, and submitted to the Government that a clerk should be allowed to take the applications from the natives as they appeared?—Yes.

6240. *Mr. Hawes.*] Do you mean an interpreter?—A writer, which would have involved an expense of only 3*l.* a month.

6241. *Mr. Hume.*] Do you know whether any application was made at the time by the natives, when they found that inconvenience, to prevent the tax being imposed?—Subsequently to a simultaneous meeting which took place on the 6th of July at Kandy, where the people came in to the extent of a very large number with the view of remonstrating with the Government agent against the imposition of this tax as well as others, *Sir Emerson Tennent*, I think on the 8th of July, convened the heads of the villagers with the view of conferring with them upon the question of the gun tax, as well as explaining the other taxes which were enacted.

6242. When was the ordinance first to come into effect?—I think on the 1st of July 1848.

(92.)

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6243. You

264

228 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

H. L. Layard, Esq.
10 July 1849.

6243. You have stated that on the 6th of July a meeting took place at Kandy of the natives to complain of that tax?—Yes.

6244. And on the 8th a meeting was summoned by Sir Emerson Tennent?—Yes.

6245. Sir Emerson Tennent was secretary of the Government?—Yes.

6246. Do you know what the object of that meeting was?—The object was to explain the nature of the different taxes which had been imposed, and to obtain the views of the people on the question.

6247. Do you know what the result was?—The result was, with reference to the gun tax, that a man of the grade of aratchie, of the name of Goompane, stated that the natives would have no objection to pay a registration fee for a gun, provided it was not made an annual assessment. Sir Emerson Tennent explained to them the nature of the law hitherto operating against the possession of guns, in which he stated that a man who possessed a gun (without reference whatever to any registration) would be liable to be flogged by the Government agent, and that it was a matter of option whether they should possess a gun and be flogged, as presently they should have a law authorizing the possession of a gun by merely a certain annual payment.

6248. Was Goompane in the public service at that time?—He was.

6249. In what situation?—As an aratchie; he was a subordinate headman.

6250. Will you state whether Sir Emerson Tennent was correct in stating that there was a law previously that every man might be flogged who had a gun in his possession?—I question it; for I have heard that in the Central Province, officers, when they had been employed as assistant Government agents, were in the habit of issuing licences for guns.

6251. But supposing a native not to have had a licence, would he have been liable to that punishment which Sir Emerson Tennent stated?—I am not prepared to say what the nature of the penalty was for not having a licence.

6252. You mentioned a meeting on the 8th of July; was the result of that meeting to satisfy the natives with the taxes?—I do not think it was.

6253. What opportunity had you of knowing what took place at that meeting?—The statement of the Europeans who were present, as well as the records of the public journals.

6254. Was Goompane spokesman on behalf of the natives on that occasion, or why do you mention his name particularly?—Merely because he was the individual who had spoken on behalf of the natives, which I presume was the object for which he was invited to attend.

6255. Are you aware whether Goompane was soon afterwards removed from the Government office which he held?—Yes.

6256. The paper which I put into your hand is a copy of the petition from Goompane to the Governor of Ceylon, complaining of having been removed for having spoken at the meeting on the 8th of July: have you reason to know whether that is a correct copy of the petition?—I never saw the petition, and consequently I am unable to say whether it is a correct copy, though I am aware, from the rumour prevalent, as well as the fact appearing in the public papers, that such a petition had been presented.

[*The same was read, as follows:*]

To His Excellency the Right Honourable Viscount *Torrington*, Governor and Commander-in-Chief, &c. &c. &c., Ceylon.

The Humble Petition of Neketgedera Goompane, late Aratchella of Dumbera,

Showeth,

That your Excellency's humble petitioner having been appointed to his late office in 1840, held it since that period without once having had any complaint made against him.

That in 1842, during a period of supposed discontent, your Excellency's petitioner was sent by the authorities into Upper Dumbera to investigate the matter; for his conduct in the performance of which delicate and arduous duty he received a letter of thanks from the Government.

That your Excellency's petitioner continued to hold his situation with credit to himself and for the advantage of the public till the 8th of July 1848, when he was dismissed. No reason being assigned for this proceeding, your Excellency's petitioner prays, that in consideration of his general good conduct, and also of his particular services, your Excellency will

will be pleased to restore him to his late office, to which no salary is attached, and which your Excellency's petitioner solely regards from its connecting him in some degree; subject your Excellency's petitioner values above other distinction.

H. L. Layard, Esq.

10 July 1849.

For which act of grace your Excellency's petitioner, as in duty bound, will ever pray.

Kandy, 22 November 1848.

Goompane Searale.

Colonial Secretary's Office, Colombo, 28 December 1848.

His Excellency the Governor having taken into consideration the petition of Neketegedere Goompane, late Aratchille of Doombera, has directed the petitioner to be informed that there is no vacancy at present to which he can be appointed.

By His Excellency's command.

H. Keyt, Assistant Colonial Secretary.

6257. You have never seen Goompane yourself?—No.

6258. You say that it was from other information that you are aware of what passed at that meeting; what information do you allude to?—From individuals who were present, as well as from the records in the public journals.

6259. Do you know the "Observer" newspaper?—Yes.

6260. Do you know whether that paper is generally admitted to be correct in its publications?—Such matters purporting to be of a public character appearing in that paper are accredited as facts.

6261. Have you any doubt upon looking at these extracts from the "Colombo Observer," of their being correct copies of the petition of Goompane upon that occasion?—None.

6262. Mr. *Hawes.*] Did you ever see the originals?—No.

6263. Why then do you entertain no doubt of their being correct?—Because I believe, from the readiness with which statements have been generally made in the public papers, correcting any misstatements made with reference to the acts of Government, such a representation as this, if it had been incorrect, would have been explained away by individuals connected with the Government.

6264. Are you able to inform the Committee whether any such explanation has subsequently taken place in the local papers?—No, there has been no statement made in contradiction to this petition.

6265. Mr. *Hume.*] Do you know Dr. Elliott, the editor of the "Observer"?—Yes.

6266. What character does he bear in Colombo, where he resides?—He bears generally the character of being a hasty Irishman, who does not in many instances sufficiently weigh matters of doubt before he inserts them in his paper; but it is in reference to matters of report that he principally showed a want of judgment.

6267. From what you know of him, do you believe it possible that he could publish, as authentic copies, any documents that he did not consider correct?—I believe him to be a strictly religious and conscientious man, and that where he knew a document, or believed it to be correct, he would not pervert it, and that he would not insert anything which he believed to be incorrect.

6268. Then those two documents which I put into your hand, you believe, from seeing them there, are correct?—I have every reason to believe they are correct.

6269. Mr. *Hawes.*] When did the gun tax come into operation?—I think it came into operation on the 1st of July 1848.

6270. Was it carried into operation throughout the whole island?—No, it was not. When I say it was not carried into operation throughout the whole island, I mean that a large number of people did not appear to register; but efforts were made by the Government agents to bring it into operation.

6271. In all parts of the island?—I believe in all parts of the island.

6272. Do you know anything about it, or do you speak merely from rumour?—I know it.

6273. Can you give the Committee any positive information, beyond mere rumour; was there any proclamation?—There was the Act itself, which required the law to come into operation on the 1st of July.

6274. What did the Executive Government do to carry out the Act?—I believe it was proclaimed; but I am not prepared at present to state what

H. L. Layard, Esq.
10 June 1849.

immediate steps were taken by the Government to give it publicity, beyond the publicity which is given in the Government Gazette that such and such laws will come into operation on such and such a day.

6275. Do you know that it came into operation throughout all the island?—I know that it came into operation in the Southern, Western, and Central Provinces.

6276. In the Southern and Western Provinces are you prepared to state that it was met by a hostile feeling on the part of the native population?—I am prepared to state that on the 26th July a large number of people from the district of Cotta, in the vicinity of Colombo, assembled with a view of petitioning the Governor with reference to those various taxes; and they were intercepted at Borella, about three miles from the Fort of Colombo, where there was a demonstration of troops and interruption by the police, and some evident disquiet, and some aggressions made upon the police, as well as upon the people by the police, and ultimately the people embodied their grievances in a memorial, which was signed on the spot by the natives, and subsequently presented through Dr. Elliott to the Governor.

6277. That was the memorial of the Cingalese, arising out of the Borella meeting?—Yes.

6278. Will you have the goodness to answer my question more particularly; do you know in the southern or western portions of the island that there was any hostile feeling on the part of the native population to the gun ordinance?—Not particularly, that I am aware of.

6279. Where was the opposition most apparent?—In the Central Province.

6280. You speak now of the Kandyan provinces?—Yes.

6281. Were you in Kandy?—No.

6282. Do you speak merely from the report of the meeting appearing in the newspapers, or from any personal intercourse with parties there?—From personal intercourse with parties who were present; both the Government agent of the Central Province, as well as other public functionaries who were present, and also from the newspapers.

6283. At those meetings was the gun ordinance the ordinance that was alone objected to?—At that meeting on the 6th of July, the immediate object of the people coming was the gun tax.

6284. The sole object?—The immediate object, because it was necessary that they should register their guns on the 1st of July; consequently, as the law was coming into immediate operation, or ought to have been, that was the first matter naturally that interested them, upon which they wished to remonstrate with the Government.

6285. Upon the assemblage taking place to express an opinion adverse to the gun ordinance, what was done by the Government agents?—I do not think I could give a very particularly detailed account.

6286. Give it as generally as you wish to give it?—As far as I remember (for I have not considered it in detail since), the people assembled at the Government agent's office, and the Government agent seeing a large number of people there, directed them to assemble on the esplanade, and he said that he would go down and speak to them from the octagon of the temple.

6287. Mr. Hume.] Was that Mr. Buller?—Yes. While he was explaining to them the nature of the taxes, the natives expressed themselves greatly dissatisfied with his explanation, and hooted and yelled at him.

6288. Mr. Hawes.] Were there not subsequent explanations afforded by the Colonial Secretary?—Yes. I stated that there were explanations afforded by the Colonial Secretary on the 8th of July.

6289. Were the people equally dissatisfied with that explanation?—I have reason to believe they were.

6290. Was there any public expression of their dissatisfaction?—The only public evidence we have is, that on the 26th of July disturbances took place at Matelle and Kurnegalle.

6291. Did the Government continue to enforce the registration of guns adversely to the feelings of the people, as soon as those feelings were made manifest?—They continued to register guns after the 6th and 8th of July, until martial law was proclaimed.

6292. You are now speaking of Kandy?—Of Kandy and Colombo.

6293. Martial law was not proclaimed at Colombo?—No; martial law was proclaimed

267

proclaimed where disturbances took place ; guns were registered up to that period, but they were discontinued after that date.

6294. Do you mean to state that the Government insisted upon the guns being registered after it was clearly ascertained that there was a hostile feeling to that registration on the part of the population?—I state that up to the time of the disturbances in the interior, on the 26th of July, the guns were all required to be registered, and were registered.

6295. Were active measures taken by the Government to enforce the registration up to that period ; and if so, state what were the measures taken, and who were the Government agents who took those measures?—I am not aware of any active measures, for I doubt whether any very active measures could have been taken to have hunted out the people who were in the villages and heart of the forest, and to have brought them forward ; that, with the amount of police force which they had in the island, would have been perfectly absurd.

6296. The efforts made consisted in proclaiming the ordinance and calling upon the people to register?—The efforts consisted in making known, through the headmen of the different villages, the necessity for the people registering, and no doubt they pointed out to them the penalty if they did not do it.

6297. Mr. Hume.] Are you aware what the penalty was if they did not register?—I should be disposed to refer to the ordinance itself ; as I had no gun to register myself, I did not notice what the penalty was.

6298. Sir J. Hogg.] Were you at Colombo or in the interior during the period of which you speak?—I was at Colombo.

6299. Were you at Colombo the whole time that you are now speaking of, during the discussion as to the gun tax?—I was.

6300. Were you at Colombo during the whole of July?—I do not think I was there in the beginning of July, but I was there towards the end of July ; I was in the interior, but not in Kandy, the early part of July, but during the period I am speaking of I was in Colombo.

6301. How did a native proceed who wished to register his gun ; to whom did he apply?—He proceeded to the kutcherry of the province to which he belonged, and he there applied to register his gun.

6302. To whom did he apply?—To the Government agent, or the functionary of the Government agent, who was present.

6303. If the Government agent happened not to be present in the kutcherry, was there any native or other clerk to receive the application?—Generally speaking, an assistant Government agent or clerk was appointed.

6304. There was somebody there to receive his application?—Yes.

6305. With reference to what Sir Emerson Tennent stated to the natives on the 8th of July, I collect from what you say that you speak of that from hearsay ; you were not present yourself?—I was not present.

6306. You stated that you did not think there was any law in existence prohibiting the natives from having guns?—I think he was not correct in regard to the prohibitory law which he propounded upon that occasion.

6307. And the reason you assigned for that belief was that it was not unusual for Government officers to grant licences?—Exactly.

6308. If the natives had a right to possess a gun according to law and usage of the island, why should any licence from a Government officer have been necessary?—The natural inference is, that there was a law sanctioning the possession of guns upon registration ; but my allusion to Sir Emerson Tennent was because he spoke without reference to any existing law at all.

6309. Your impression is, that there was always either a law or usage by which the natives might have guns, provided they had a licence?—Yes, and which licence was, I believe, procured without payment.

6310. Do you know, or have you heard, that the enforcement of this ordinance was ever carried to the extent of summoning a native for having a gun without a licence, or inquiring into his possession of a gun, or punishing him for violating the ordinance?—No, I never heard of a single instance where the penalty has been brought to bear.

6311. The regulation in that respect was abandoned before its penal enforcement commenced?—The Government had not time to ascertain the parties who had guns. I am aware that for some weeks they were registered as fast as they could register them, from morning to night ; but had all the people come in,

H. L. Layard, Esq.

10 July 1849.

agreeably to the provisions of the ordinance strictly adhered to, the effect would have been most momentous. If a man continued a day or two days beyond the limits of the date at which he ought to have registered his gun, he made himself liable to the penalty; and under those circumstances every man obeying the law would have come in to register on the 1st of July, and each of the stations at Colombo, Kandy, Galle, Jaffna, and other places, would have been completely inundated.

6312. In point of fact, every native who had a gun after the 1st of July, which was not registered, was liable to the penal consequences stated in the ordinance?—Yes.

6313. Was it not competent for any native having a gun to come any day he liked before the 1st of July?—In order to answer that question, I should like to know at what date the law was passed.

6314. Do you recollect the date of the law?—I presume that a considerable time lapsed between the date of the ordinance and the period when its penal enforcement was to come into execution; I imagine there must have been some months between.

6315. Was it not competent during those months, or whatever the period was, for any person having guns, to come in and register them, according to their own convenience?—If they had come they could not have got their registration licence.

6316. Why do you state that?—From the very fact, that when they did come after the 1st of July, there were no licences ready for them.

6317. Your opinion is, that the Government were not ready with the necessary machinery to carry their own ordinance into execution?—Yes, that is my opinion.

6318. And that is the impediment you meant: the reason of my asking the question is, that I understood you to say that it was necessary for all the natives to come in on a particular day; therefore I asked whether it was not competent to them to come in at any time from the period the law was enacted to the period of its penal enforcement?—Yes; but those who are conversant with the character of the native of Ceylon know that he will delay attending to any tax or any debt till the last day named, and under those circumstances he would have waited till the 1st of July.

6319. I believe the dilatory habits of the natives of the East would induce those consequences under all circumstances?—Yes, and not only the dilatoriness, but also the natural unwillingness of the people to pay the tax.

6320. Mr. Hume.] Will you explain what other taxes created that dissatisfaction of which you spoke?—The next tax that I would speak of is the shop tax.

6321. Was not that confined to large towns, such as Colombo and Kandy?—I do not remember the exact limitation of it. I know that the operation of it extended to all towns, but I am not prepared to say how much further it extended.

6322. Do we understand you to state, that the gun tax, and dog tax, and the other taxes, six or seven in number, that were passed at that time, had tended to render the population dissatisfied?—Quite so.

6323. You have alluded to the meeting on the 26th of July; that was at Borella?—Yes.

6324. Do you know of any meetings being held at the time the disturbances took place in Kandy, or are you aware, from any communications with parties who were there, what was the nature of the disturbances?—A remarkable circumstance was, that on the very day, the 26th of July, on which the meeting took place at Borella, the inauguration or instalment of the king took place at Dambool.

6325. Were there any disturbances at that meeting at Dambool?—It was on the 26th or 27th that we had the Governor's report of the disturbances which took place between Kandy and Matelle; when a considerable number of natives having sacked Matelle, proceeded towards Kandy, where they were met by two companies of Malays, under Captain Lillie, and a company of Europeans of the 15th Regiment.

6326. Mr. Hawes.] You were not in Kandy at the time?—No, I am speaking from the Government Gazette; and there the natives were routed, with

with some loss on their part, and one European was wounded on the part of the Government. *H. L. Layard, Esq.*

6327. Mr. *Hume.*] Is Major Layard, who is stated to have been at Kurnegalle, your brother?—He is.

10 July 1849.

6328. Can you give the Committee any opinion as to the nature of those disturbances, and whether the ordinary troops were insufficient to put them down?—The best answer I can give to that question would be, the fact of one officer with 12 men routing, as it was then stated, 2,000 and upwards of the natives, and the fact of the troops that were sent up from Colombo, not having encountered the natives in conflict at all; so that, absolutely before the troops had reached Kurnegalle, the whole of the disturbances in that district had been quelled by 12 men and an officer.

6329. Is it your opinion, then, that there was no necessity for martial law, seeing that the small body of troops that you now mention had quelled the disturbance, and had dispersed the mob which had assembled?—From the knowledge I have of the natives, their habits, and their general timidity, I should say that all might have been quelled with the ordinary available detachments of troops co-operating with the civil magistrates.

6330. In point of fact, were they not put down by that detachment, acting under Mr. Buller, the magistrate?—The one at Matelle was put down under Mr. Buller, and at Kurnegalle under Mr. Templer, who was the assistant Government agent there.

6331. Is it then your opinion that martial law was unnecessary to put down that disturbance?—Decidedly.

6332. Can you state what was the general opinion of the necessity of that proclamation of martial law among those whom you were in the habit of meeting?—I think the general feeling was in favour of martial law.

6333. For putting down the disturbance?—Yes; I do not think, in the majority of instances, that they were aware of the nature of martial law, or how far it would operate prejudicially; but as a measure of loyalty, and from a desire to secure peace, I think that they fully concurred in approving of the proclamation of martial law.

6334. What was the feeling of society where you were as to the necessity of continuing martial law to the end of October, seeing that all disturbance had ceased in the first week in August?—In speaking of the views of persons in Colombo (for not being in Kandy at the time, I am unable to state what the views of people there were); but with regard to Colombo, it was considered inexpedient to continue martial law for the length of period for which it had been continued.

6335. Mr. *Hawes.*] by whom was it considered inexpedient to continue martial law?—By the European inhabitants at Colombo.

6336. In what way was that expressed?—In conversation.

6337. There was no public meeting held?—No.

6338. Did the newspapers express that opinion?—I think the "Observer," did; I cannot positively state; but my impression is that the "Observer," some time previously, called the attention of the authorities to the injury that was being sustained by the natives themselves, as well as the Government, by the continuance of martial law after it was seen that sufficient examples had been made of those individuals who had been taken in arms.

6339. Up to what period would you say that the continuance of martial law was supported by public opinion, and at what period did a change take place in public opinion?—I think public opinion was in favour of continuing martial law until it was fully ascertained how far marching troops into the interior and the operation of martial law had obtained the desired effect, which was very soon after its promulgation.

6340. Mr. *Hume.*] You were asked whether there was any public meeting held; was there not a proclamation of Lord Torrington's preventing the holding of all public meetings?—Of the natives. I am not aware that it was intended to operate farther than that.

6341. Mr. *Hawes.*] That arose out of the Borella meeting, did it not?—Yes.

6342. Mr. *Hume.*] But the Borella meeting was ostensibly to petition against those taxes?—It was decidedly to petition against the taxes.

6343. You say that the opinion of society at Colombo was against the

H. L. Layard, Esq.

10 July 1849.

continuance of martial law ; was any effort made by any deputation to the Governor to put an end to martial law, and consequently the executions that were going on ?—I am aware of this, that when the prisoners committed for trial for high treason were convicted and sentenced by the Supreme Court in Kandy, the moment the intelligence came down a meeting was held in Colombo with the view of waiting upon his Excellency the Governor, praying the commutation of the sentence of death, inasmuch as we felt that all that was necessary to maintain peace was done with reference to the executions that had already taken place under the courts martial, and that a commutation of the punishment of those individuals sentenced by the Supreme Court would have better effect than by inflicting the extreme penalty of the law.

6344. You say that a meeting was held ; what parties held that meeting ?—A few members of society, merchants in Colombo. This being determined, it was proposed to call a public meeting for the purpose ; but I suggested that as this was the prerogative of the Governor in the position he occupied as representative of Her Majesty, perhaps it would be better in the first instance to ascertain what was the feeling of the Governor, and rather to strengthen his hands in the extension of the act of mercy ; if he determined upon sparing the lives of the prisoners not to interfere, or to appear to influence him in that act of mercy, except by showing him that public feeling was with him. The consequence was, that Mr. Swan, a member of the council, was requested to wait upon the private secretary to his Lordship and to ascertain his Lordship's feeling upon the subject ; and Mr. Bernard the private secretary, having communicated the circumstance to Lord Torrington, afterwards stated to Mr. Swan that his Lordship would prefer the deputation not waiting upon him, as he had resolved, and as he was always resolved to do, to abide by the recommendation of the Chief Justice in all matters of such a nature ; the consequence was that we felt it would not be right to move any further in the matter.

6345. Mr. Hawes.] The Governor declined giving you an answer till he had received the report of the Chief Justice ?—No ; he said that he should prefer that we should not wait upon him, as he was prepared always, and particularly then, to abide by the recommendation of the Chief Justice, whatever it might be.

6346. Had you any reason to suppose that at that time he had received the recommendation of the Chief Justice ?—I am sure he had not received it officially ; the object was to wait upon his Lordship, as a deputation, by way of showing the feeling of the people upon the point, and to justify him in any act of mercy that he might extend towards the prisoners.

6347. Mr. Hume.] At the proclamation of martial law in 1848, had you any general officers who were well acquainted with the country at Colombo ?—We had no general officers at Colombo, except General Smelt ; we had, however, officers at the head of the military departments who were conversant with the country, and who had been in the country in the former rebellion of 1817 and 1818.

6348. Do you know whether any of them were consulted upon the subject of martial law ?—I know that they were not consulted.

6349. How do you know that ?—I know it from conversation with the individuals themselves.

6350. Mr. Hawes.] To whom are you referring ?—I refer to the different heads of departments.

6351. You are not referring to any of the members of the executive Council ?—No ; I refer to Colonel Braybrooke, Colonel Frazer, Colonel Charlton. Colonel Frazer was quarter-master general, who had been very active in the former rebellion in 1817, and his name itself was one of terror to the natives.

6352. They were not members of the Executive Council ?—No.

6353. And not in any way connected with the Government ?—No, except as heads of the military departments.

6354. They were staff officers ?—Yes.

6355. But not connected with the Government, properly so speaking ?—No, they were not.

6356. Do you mean to say that the Governor did not consult General Smelt, who was a member of the Executive Council ?—I am perfectly aware that the Governor did consult him.

6357. The

6357. The Governor consulted the superior officers, but he did not consult the subordinate officers?—No; the question asked me was, whether there were any officers of old standing who were in the island during the former rebellion who were not consulted.

H. L. Layard, Esq.

10 July 1849.

6358. Mr. *Hume.*] Does not Colonel Drought command part of the 15th Rifles?—Yes.

6359. Was the colonel of that regiment in Colombo?—No, he was in Kandy.

6360. What does Colonel Braybrooke command?—The Rifles.

6361. Is Colonel Drought an old and experienced officer?—He is an officer of some standing, but not of much experience.

6362. How long had he been in Ceylon?—About a year or two.

6363. You say that application was made by Europeans in Colombo in favour of those who had been tried by the court at Kandy; was there any application made, to your knowledge, in favour of any of the prisoners who had been tried by courts martial?—Not that I am aware of.

6364. Do you know the Queen's Advocate, Mr. Selby?—Yes.

6365. Is it within your knowledge that he made an application to the Governor to stay capital punishment against the priest?—I am aware that in the instance of the priest who was shot, Mr. Selby, having reason to believe that the man's life had been falsely sworn away, waited upon his Excellency the Governor with the view of communicating that fact, and of staying the execution.

6366. What was the result?—The result was that the Governor declined to interfere in the matter.

6367. Mr. *Hawes.*] Upon what grounds?—I am not aware of the grounds upon which the Governor declined to do it, but only of the fact of his having declined.

6368. You know nothing of the reasons assigned by the Governor for not interfering?—No; I only judge from his own despatches.

6369. Is the evidence then that you are now giving founded upon the despatches?—No; but you asked me the reason of the Governor not interfering, and I say the only reason I can give for his not interfering is founded upon his despatches.

6370. Will you refer to the despatches?—I can only read this passage at page 220, "I now, therefore, proceed to put your Lordship in possession of the results of these trials so far as they have yet extended; and I regret to have to state that before the civil court the convictions have been fewer than I could have wished, and certainly less numerous than the clearest evidence appeared to warrant. But I have taken every reasonable precaution to prepare a fair and respectable jury list beforehand; and as the actual juries empannelled have shown a disposition towards extraordinary leniency, I can only conclude that they either did not entirely comprehend the importance of the cases brought before them, or that they were scarcely satisfied as to the credibility of the witnesses."

6371. I asked you with reference to the interview which you allege to have taken place between the Queen's Advocate and the Governor with regard to the execution of the priest, and you stated that such an interview had taken place, and that the Governor had declined to interfere, and you said that he had assigned reasons for that non-interference, which are to be found in his despatches. Does the passage which you have now read refer in any way to that interview which the Queen's Advocate had with the Governor, with reference to the execution of the priest?—I am not aware of having stated in my former evidence that the reasons I have now read were the reasons actually given, or the reasons that reached me by report as having been given. I merely stated, upon being asked whether I knew the motives which induced the Governor to decline interfering, the motive which I could arrive at by referring to his own despatches.

6372. Are not the trials referred to in those despatches trials by the Supreme Court?—I should have continued reading further, in order to show the connexion of the train of thought or reasoning which was upon his Lordship's mind.

6373. Are not the trials referred to there exclusively those that took place in the Supreme Court?—Yes. But in the following paragraph, which I should have continued reading, you will observe what his Lordship says with reference

H. L. Layard, Esq.

10 July 1849.

to the courts martial, contrasted with the operations of the civil court: "On the other hand, the cases brought before the courts martial have almost invariably led to convictions, and the effect of the speedy decision in these instances has been highly salutary, inasmuch as it served to impress upon the inhabitants that in the event of open resistance to the law the Government possessed a power greater than the law itself, or rather more summary, and more certain in its operation than the ordinary process of the legal tribunals."

6374. Having already referred to trials in the Supreme Court, his Lordship is there referring to certain trials which took place by courts martial; how does that passage in any way bear upon the refusal to interfere with reference to the execution of the priest upon the grounds alleged?—The opinion which I have given is based upon what his Lordship has communicated as operating upon his own mind. I presume the same feeling operated in refusing to take cognizance or to interfere in the matter of the priest, lest the civil court should not be so summary in its decisions and convictions as the courts martial.

6375. Mr. *Hume*.] You have stated distinctly your opinion that martial law was continued longer than you thought requisite?—Yes.

6376. Are you able to state how far that opinion was entertained by society generally?—The opinion was very general, as I stated before, and it was expressed in our communication with each other.

6377. With respect to courts martial have there been any complaints coming within your knowledge from any officers presiding over or acting on courts martial, as to the manner in which they received their orders to hold courts martial, and the manner in which the business was conducted?—I am not aware of any complaints proceeding from any such officers.

6378. You have stated the dissatisfaction arising from those six or seven taxes which were imposed at one time; can you state what effect the previous taxation, the verandah tax for instance, had on the burghers and other residents in Colombo?—The effect of the verandah tax was to excite a great bitterness of feeling among the burghers and the native population inhabiting the pettah of Colombo; they considered that from the long possession of those verandahs—in fact from time almost immemorial—it was very hard to come upon them at such a juncture to purchase their verandahs for any purpose whatever. The motive on the part of the Government was commendable as far as the object for which the money was to be appropriated, which was to afford greater space for the roadways, and the improvement of the drainage, and improving the pettah of Colombo altogether.

6379. Did that tax irritate that class of people in reference to the fees required for registration?—If you allude to the fees to be paid to the Colonial Secretary for the sale of land, I am perfectly aware that that was a ground of objection and complaint; a party had to pay for the exclusive right of the verandah, besides the fee to the Colonial Secretary giving him the title-deeds.

6380. Sir *J. Hogg*.] He had to pay for the quantity of land that formed the encroachment, and also a per-centage to the Colonial Secretary on purchasing the ground from Government?—Yes.

6381. Mr. *Hume*.] Mr. Wodehouse has stated to the Committee that the merchants could not form any correct opinion as to the state of the country; will you inform the Committee what the Chamber of Commerce in Ceylon consists of?—When I was secretary of the Chamber of Commerce in 1847, it consisted of 23 firms, represented by 33 members of those different firms, of whom 31 only had the right of voting.

6382. Sir *J. Hogg*.] Were those firms all in Colombo?—They were all in Colombo, except one at Galle.

6383. They were mercantile firms, and not coffee planters?—They were merchants and coffee planters; they were merchants, properly so called, but they were proprietors of estates to a large amount.

6384. Mr. *Hume*.] Though numerically small, had they not, by the application of capital and the possession of estates, considerable influence and means of knowing the state of the country?—They had means of knowing the nature of the country to some extent, and the character of the people; but I believe that many of those who were involved to a large extent in commercial pursuits, did not sufficiently study the character of the people.

6385. Did you find the representations of that body made to the Governor at

H. L. Layard, Esq.

10 July 1849.

at the time the changes were being made in the taxation attended to?—There was one very important point upon which that body, consisting of 33 members, thought it their duty to address themselves to the Governor through their representative at that time in the Council—so far their representative, that he was nominated to the Council by the Chamber at the request of the Governor; but that was never resumed subsequently to that period; It was once done, but subsequently the Governor declined referring the matter any more to the Chamber. That point upon which they addressed themselves to the Governor was with reference to the alterations in the customs' duty.

6386. You mean the repeal of the duty on coffee?—The abolition of the export duties. I could state the circumstances under which it was done. The ordinance which involved the abolition of the export duties was first gazetted on the 30th of October 1847; it was read in Council on the 5th of November following, upon which date Mr. M^cCarthy, the Auditor-general, communicated to the Council that it was the intention of the Government, in their financial changes, to do away with all export duties, and to supply the deficiency by a land-tax. The other mode which he submitted, of a tax upon land, being a question which appeared to operate mostly upon the planting interest, and, consequently, upon the commercial interests, the Chamber of Commerce, representing not only themselves and a very large acreage of estates, but also individuals absent from the colony who possessed estates in the island, met upon Saturday the 6th of November, and they called a special meeting for Monday the 8th, on which day the second reading of the ordinance was to take place. There was scarcely time when the meeting took place to prepare any very lengthened statement, but we thought it would be sufficient that Mr. Ackland should pray the Council to suspend any decision upon the question, and to defer the consideration of it till the matter had been fully weighed, and there had been an opportunity given to those most interested in the subject to give an opinion upon it; and I had in my possession at that time, as honorary secretary of the Chamber of Commerce, the resolutions that were passed.

6387. Were those the minutes which were forwarded to Mr. Ackland at the time?—Yes; and the same was submitted to the Agricultural Society for their concurrence.

6388. Have you considered in what way the Government of Ceylon might be improved, either as regards the Legislative Council, or any other matter?—I have considered the subject. In the first place, I think it is necessary that the Legislative Council should be remodelled; the Legislative Council, as representing the people, in some way or other should, I think, have a voice in the administration of the funds and the revenue of the colony.

6389. Mr. *Wilson*.] What do you mean by the people?—I mean the mass of the Europeans and natives; the whole people of the island.

6390. Mr. *Hume*.] Can you state in what way that could be done?—They should administer the revenues of the colony, both in regard to the fixed expenditure as well as the contingent expenditure, and any member of the council should be allowed to originate any law for the well-being and improvement of the colony; and the official and non-official members should consist of equal numbers, and the numbers should be increased. The votes of the members, unofficial as well as official, should be free and unbiassed, and unshackled by the interference of the Governor, which has been prejudicially exercised in various instances.

6391. How would you propose to increase the number of official members?—I am scarcely prepared to say how you would increase the number of official members, but, at all events, the number of the non-official members should certainly be considerably increased, and made equal to the number of official members.

6392. Do you think that the Governor should have a seat in the Legislative Council?—I should say not.

6393. You say that the members should be allowed to have an unbiassed vote; have they not an unbiassed vote now?—They have not.

6394. In what way is their vote interfered with?—In cases where Government have determined upon passing a law, or of defeating any amendment proposed by an unofficial member, the Governor has exercised his authority in preventing the official members from giving an independent vote.

6395. Do you mean that the official members receive orders from the Governor

H. L. Layard, Esq.

10 July 1849.

Governor not to oppose the measures of Government, or is there any rule upon the subject?—I am not aware of any rule existing upon that subject, but I am aware that the Governor has exercised his authority to prevent official members giving an independent vote, a vote in opposition to the Government.

6396. You mean that you find the practice has been so; that official members have not opposed the measures of the Governor?—In a few instances the official members have, but in a very few, opposed the measures of Government, and only in those cases where the Government were rather indifferent to the subject.

6397. *Mr. Hawes.*] Will you state what you refer to when you say that you know that the Governor has interfered to prevent official members giving an independent vote?—In one instance when an ordinance was being introduced, giving power to the Queen's Advocate to remove the trial of Government land cases from one court to another, the feeling against the ordinance by official and non-official members was such that the Government contemplated a defeat upon the bill, and instructions were then communicated to the official members of the Legislative Council that they should not oppose the Government in it.

6398. When was this?—In 1847.

6399. How do you know that such instructions were given?—I heard it from the official members themselves.

6400. What were the instructions?—To the effect that they should not oppose the Government.

6401. *Mr. Wilson.*] Did not they vote at all?—Yes, I think they voted; at all events, it had the effect of defeating the opposition to the bill, and the Government carried the bill.

6402. Do you mean to say that the official members voted in a different way from that in which they would otherwise have voted?—I can scarcely say how the votes were given, but it was so done that it defeated the opposition to the bill, and the Government carried it. The impression upon my mind is, that they voted with the Government against their own feeling and wish.

6403. *Mr. Hawes.*] You speak of all of them?—I am not prepared to say how many there were that voted one way or the other.

6404. *Mr. Wilson.*] Was it that they voted, or that they abstained from voting?—My impression is that they voted with the Government.

6405. *Mr. Villiers.*] Is it not always the case that officials vote with the Government whatever their individual opinions may be, in the same way as they do in this country?—That is the case with the Executive Government, but we have not only an Executive but a Legislative Council, and the official members who are in the Legislative Council are obliged to vote with the Government as well as the members of the Executive; consequently, as constituted now, the Legislative Council is really useless; in effect it is worse than useless, for it produces the impression upon the public mind that the members are at liberty to vote as they please, when in fact their hands are more tied than ever, and the acts go forward as if they had received the confirmation of all the members, when those acts are opposed to the opinions of individual members of the council.

6406. *Mr. Hume.*] How would you have the members elected?—The Government having in part manifested liberal feelings by giving them a constitution, and having a reference to representation, should frame such a constitution as to carry out that spirit of representation, apportioning to each class (suited to a country like Ceylon) the number of representatives that they are to send, so as to bring about a really improved state of matters in the island; if the Government apportion members to the merchants I cannot see why the nomination of those members should not be left to the merchants themselves; and so with the planting interest and with the burgher population, and also with the native; and although it may appear chimerical to include the natives in the system of representation, I would recommend a trial of it, otherwise we must expect to keep the natives in the same state of abeyance in which they have hitherto been, without any interest in the State; it is only by bringing them into contact and communication with the Europeans that you can qualify them for a higher moral and social position the island.

6447. *Mr. Wilson.*] You would recommend, then, a sort of popular assembly?—It would be a popular assembly.

6408. You

H. L. Layard, Esq.

10 July 1849.

6408. You are prepared to give to the Cingalese an elective franchise?—With certain limitations; giving to those who are in an improved position, and capable, to some extent at least, the privilege of exercising the franchise.

6409. What test are you to take?—I should, for instance, be disposed to take the jury list, where it is conceived that people are capable of sitting in cases which affect the lives of their fellow subjects, they would, in some degree at least, be able to sit in the Legislative Council, voting upon matters that arise there.

6410. What is the test of the jury list?—The test is being able to read and write and speak certain languages; there is the English jury list, composed of those that can speak English, and there is the native jury list, composed of those who can read and write Cingalese, and there is the Malabar list.

6411. The test of a juror is that he can read and write English?—Not English, but his own language.

6412. Is that the test for the elective franchise that you would propose, that they can read and write Cingalese?—There may be modifications of it as to the possession of lands and property.

6413. Then you want a property qualification, as well as a reading and writing one?—I should be disposed to unite them both.

6414. Have you carefully considered the subject; are you prepared to propose to the Committee a well-considered and well-digested scheme for representation?—It would be difficult for me to assume the power of putting any well-digested scheme upon this subject before the Committee; but I am prepared, in general terms, to state the views that would guide me in recommending a system of representation, and I should take as a basis, the jury list.

6415. I understand you to say that the basis of the jury list, in the case of the Cingalese, is their being able to read and write?—Yes.

6416. But you do not adhere to that; when you are asked further you are not satisfied with that test without the further test of property?—I am prepared to take simply the test of the jury list.

6417. You recede then from your idea of a property qualification?—I suggested that as a means of modifying it.

6418. You are perfectly satisfied to remain only upon the test of the parties being able to read and write?—Quite so; I am prepared to stand upon that.

6419. Are there many of the Cingalese that can read and write; is it a large proportion of the population?—A very fair proportion; I am unable to say the extent; but I feel this, that there has been a great deficiency in the system of education in the Central Provinces.

6420. What proportion of representatives to the assembly would you propose; you would propose representatives for the commercial body, and for the planting body, and representatives for the burgher body, and representatives for the natives. In what proportion would you propose those four classes of representatives?—What I would suggest is, that the spirit of representation should be more fairly carried out by a government paternally anxious for the improvement of the condition of the people. The matter has not occupied my notice so maturely, and in detail, that I could immediately assist the Committee by any suggestions; but I have made up my mind as to the advisability of carrying out the spirit and principle of representation, which I think would greatly improve the moral and social position of the natives, and improve the position of the colony also.

6421. You stated that it was decidedly your opinion that it was unnecessary to proclaim martial law when martial law was proclaimed?—Yes.

6422. You also stated your belief that it was the general opinion of the Europeans at Colombo that it was desirable that martial law should be proclaimed?—They concurred in it, and no doubt the concurrence, in many minds, went so far as to approve of martial law as a measure calculated to have an immediate effect in suppressing the rebellion.

6423. Was there not a general approval expressed in Colombo of the prompt and energetic measures that were taken by the government to suppress the rebellion?—A qualified one.

6424. Did that general expression of approval include an approval of martial law

H. L. Layard, Esq. law?—I think not. The first address which was submitted to the Governor was from the Chamber of Commerce.

10 July 1849.

6425. What was the date of that address?—I think it was on the 30th of July; the meeting took place with the object originally of considering the expediency of praying that Lord Torrington would suspend the operation of those taxes till Her Majesty's pleasure should be known. There was some difference of opinion with reference to that proposition; the majority, in the first instance, were favourable to the measure; but in a subsequent meeting held on the same day, they came to the resolution of congratulating the local government upon the prompt measures that had been taken in suppressing the rebellion, but without pledging themselves to an approval of the means which had been adopted.

6426. What did they mean by "the prompt measures that had been taken," if they did not mean the proclamation of martial law?—The marching of troops up immediately, and the effect of the troops being marched up into the interior.

6427. Was there any expression at that meeting of disapprobation of martial law having been proclaimed?—No, there was not; but there was disapprobation with reference to the taxes which created the necessity for those measures.

6428. But taking the proclamation of martial law separate from the taxes, was there any disapprobation expressed of the proclamation of martial law after the rebellion broke out?—Not publicly, nor in the acts of any public body.

6429. Generally speaking, the measures adopted by the Government received public approval at the moment?—Quite so.

6430. By public approval I meant approval by the European community in Colombo?—Exactly.

6431. Can you state, from your own information, or from the knowledge you had at the time, whom Lord Torrington consulted, when he first heard of the outbreak in Kandy, as to the measures he should adopt?—No, I am unable to state; but I am aware that General Smelt was consulted.

6432. He was the Commander-in-chief on the spot?—Yes; but I am not aware that any other member of the executive was then present.

6433. Were there any other members of the Executive Council present at Colombo at the Time?—I am not aware of it.

6434. You do not know any person who was consulted by Lord Torrington except General Smelt?—He is the only one that I am aware of.

6435. Who would be the proper persons for the Governor in such a case to consult upon such a subject?—Considering that the Governor had but recently arrived in the island, that he had but a limited acquaintance with the people, had seldom gone from Colombo into the interior, and was little acquainted with the natives, and had shown little sympathy with them, (I speak advisedly,) and considering that General Smelt had not been very long in the island, though formerly he was resident there, I conceive, under the circumstances, with a limited knowledge possessed by the principal members of the colonial government, it would have been at least prudent for the Governor to consult those who, from their long standing in the service, and their experience of the habits and views of the people might have given him a judicious opinion as to the best mode of proceeding.

6436. You think it would have been more proper for the Governor of the colony to have resorted to the opinion of private individuals in the island?—Not private individuals, but public individuals.

6437. When I use the word "private" I do not mean private individuals in life, but individuals who, as regards their official capacity and situation, are not members of the Executive Council. You think it would have been more proper for the Governor to have consulted those persons who were resident in the island, not members of the Executive Council, or the Commander-in-chief, than to have followed the advice of the Executive Council and the Commander-in-chief?—I consider that, generally speaking, the Governor acts without his Executive Council. If in this instance he had consulted all the members of his Executive Council, before he went to the extreme length of proclaiming martial law, and had also conferred with the heads of departments, both in the military and civil service, in order to arrive at the feelings and habits of the people, and the

277

H. L. Layard, Esq.

10 July 1849.

the possible extent of the rebellion as it then existed, he might have been guided in his determination with reference to his proclamation of martial law, and have adopted measures which would have secured the establishment of peace and good order, and perhaps have harmonised better with the general system which ought to be adopted in dealing with the people of Ceylon.

6438. That you deliver as a private opinion of your own?—I deliver it as my opinion, and as the opinion of the majority of the members of the civil and military services in the colony. I had an acquaintance with them, and therefore I had an opportunity of knowing what their opinions were. I speak, therefore, not merely my own opinion on the matter, or the opinions of any private individuals, but the opinions of members of the military and civil departments.

6439. The opinion of the persons resident in the island with whom you had intercourse, was that it would have been better for Lord Torrington to have taken their opinion than to have taken the opinion of his Executive Council and that of the Commander-in-chief. I am not at this moment referring to any other circumstance in Lord Torrington's policy but this one single act. You say that, generally speaking, the Governor does not consult the Executive Council; that is not pertinent to the question now before you; I wish you to confine yourself to this one act; do you say that in this instance of the proclamation of martial law, the Governor did not consult every member of the Executive Council who was within his reach?—I am not prepared to say that the Governor consulted all the members of the Executive Council who were within his reach.

6440. Mr. *Hawes*.] Do you know anything about it as to whether he consulted them or not?—I know that he did not consult Mr. Wodehouse.

6441. Do you know that he did not consult his Executive Council in reference to the proclamation of martial law?—I am not prepared to say the extent to which he consulted them.

6442. Do you know whether he consulted them or not?—No.

6443. Mr. *Wilson*.] When you stated that the Governor was not in the habit of consulting his Executive Council, you did not refer in that answer to that particular act of proclaiming martial law?—I know that Mr. Wodehouse was not consulted; he was absent, I believe, from Colombo at that time.

6444. Sir *J. Walmsley*.] Did not you say that General Smelt was consulted?—Yes; he is the only one that I am aware of having been really consulted upon the matter.

6445. Mr. *Hawes*.] Do you know anything about the Queen's Advocate having been consulted by the Governor?—No, I am not aware of it.

6446. Is he not a member of the Executive Council?—Yes.

6447. Was he not a member of the Executive Council at that time?—Yes.

6448. Was he not at Colombo at the time?—Yes.

6449. Sir *J. Walmsley*.] All that your evidence upon that head goes to is, that you do not know that any member of the Executive Council upon the spot at the time was not consulted, but you say that you do not know that he was consulted?—No.

6450. Therefore you do not make it a charge against Lord Torrington, that on that particular occasion he neglected to consult his Executive Council?—No; I do not know whether he consulted them or not.

6451. Mr. *Hume*.] You have said that the Governor was very little acquainted with the colony, that General Smelt was very little acquainted with the colony, and that it was the opinion of the officers in the civil and military services that the Governor would have acted better if he had consulted other officers who had had more experience in the island; to whom do you allude as the parties whom the Governor should have consulted who had had experience in the island?—I should have suggested Colonel Frazer, as one of the oldest servants in the island, who held an important military position as quartermaster-general, and who knew almost every inch of the interior of the island, he having surveyed it, and who was acquainted with the habits of the people, and who had been actively engaged in the rebellion of 1817 and 1818; and Colonel Braybrooke, who has been many years in the service, and who commands the Rifle Regiment. And then there is the Government agent for the Western Province, Mr. Gibson, who has been there for a long time; he would be capable of assisting the Government in an emergency.

6452. Mr. *Wilson*.] He was there at the time?—Yes, he was in Colombo.

(92.)

H H

6453. None

278

H. L. Layard, Esq.

10 July 1849.

6453. None of the parties to whom you have now referred were members of the Executive Council?—No.

6454. Sir J. Walmsley.] Having stated that the great majority of the European inhabitants of Colombo approved of the proclamation of martial law, I apprehend that if the Governor had taken their opinion the great majority of them would have been still of the same opinion?—I question whether the subject of martial law itself ever entered their minds, beyond the mere fact of its operating to suppress the rebellion; to that extent they would have approved of it.

6455. But you have stated that the majority of them approved of it?—Yes; but we ought to consider the motives which would influence them in approving of any prompt measures, when the interest of the majority of the European population hung upon the prosperity of the estates; the apprehension lest any evil should accrue to them from the outbreak which occurred, would itself naturally induce them to have approved of any active and prompt measures to have suppressed the rebellion, independently of the spirit of loyalty which induced them to come forward and approve of it.

6456. Then I apprehend that would confine it to one portion of the inhabitants of Colombo; as regards that portion, viz. the European class, were they the only portion that approved of martial law?—I believe they were the only portion that approved of it.

6457. Did you disapprove of it at the time, or have you come to the conclusion that it was wrong, from subsequent information, or from the result?—My private opinion was always in opposition to the proclamation of martial law at the time, for I have always felt, that knowing the character of the Cingalese and the natives generally, we have always had more than sufficient troops to meet any emergency of the kind; and when in 1842 I suggested to Sir Colin Campbell the reduction of the expenditure in the military department of the island, which I suggested to him might be done, I at the same time remarked, if there was an apprehension of any outbreak or disturbance in the interior, any little deficiency might be supplied and peace might be obtained by arming the pioneers, who were an organized body capable of performing active service at any moment, for they were dispersed through the interior, engaged in the formation of roads, and by being drilled once a week they might be able to quell any insubordination.

6458. Was this recommendation made by you at the time of martial law being proclaimed?—No, it was previous, but having that feeling I considered that there was no necessity for proclaiming martial law, as the military were ample to meet any exigency conjointly with the civil authority.

6459. Did you hold any post under the Government?—No.

6460. Seeing that you differed from your brethren generally in the island, did you take any means, and if so, what means did you take, of making known your opinion to the Governor or to other persons?—An individual opinion could weigh but very little, and all that I could do was to express it; my opinions were known, but I could not possibly sway the majority.

6461. You did not take any means to make known your opinion?—No, I took no means.

6462. Mr. Wilson.] You admit that you were one of the few exceptions in Colombo who did not approve of the measure; you did not agree with the majority?—Not with the majority; but I believe there were efficient members of the military and civil services, who knew the island very well, who were of the same opinion as myself.

6463. Sir J. Walmsley.] You stated that martial law was continued longer than was necessary; how long was it continued?—From the 29th of July till the beginning of October.

6464. Will you give the reason why you think it was continued too long?—The reason is, the fact of having heard from the officers who were in the interior, commanding the military posts, that after the first effects of martial law were felt, the people were deterred from coming into the towns and villages; even the innocent were afraid of appearing at their usual posts in the market, lest some persons who owed them a grudge should falsely swear away their lives, and should bring them before a court martial, where they would perhaps be tried and condemned, and shot the same evening.

6465. Was there not a proclamation giving the natives an opportunity of returning

returning to their homes?—I forget when that proclamation was issued, but it was some time after, and it would scarcely have any effect while martial law was in existence. The effect of driving the poor people into the jungle, which from their timidity the proclamation of martial law would have occasioned, from the apprehension of being convicted upon false swearing, would be to keep up their feelings of discontent, and they would have been likely to concoct a worse scheme of rebellion than they had concocted before.

6466. Did any other evil besides that arise out of the continuance of martial law?—The suspension of the courts of justice during that period in Kandy, and in consequence a great deal of business was thrown in arrear.

6467. Mr. *Wilson*.] Civil business?—Yes.

6468. Sir *J. Walmsley*.] Are you aware whether martial law was kept up till the pretender was taken?—The real pretender was not taken till some very late date.

6469. Were there not large bodies of men assembled in different parts of the colony during the whole time that martial law was kept up?—No.

6470. Did I not gather from you that a large number of people were from their homes?—They were from their homes in the jungle, or wherever else they might be, but not collected together; they were apprehending danger to themselves, not so much from having participated in the rebellion as fearing the effects of martial law.

6471. You were giving your own views and opinions as to the desirableness of giving a different constitution to the island, and you expressed some views as to class legislation, that is, giving to the merchants, the burghers, the Cingalese, and the natives an interest in the constitution; are you of opinion that if your views were carried out it would materially tend to create a good feeling in the minds of the inhabitants of the colony towards British rule by giving them a voice in the constitution?—I think anything tending to bring the natives more generally into communication with European laws, European habits, and European views would tend to the prosperity of the island; at present there is but little sympathy existing between the governors and the governed. During Sir Edward Barnes's time there was a very close communication between them; the natives respected him exceedingly; his forbearance, the general suavity of his manners, and his constant communication with the headmen, attached the natives to him; and he frequently had the headmen at his own house, and at his own table, with the view of maintaining that communication; and governors were in the habit of having a ball on the Queen's birth-day, to which the headmen were invited, as also the burghers; but since Lord Torrington went out he has had nothing of the kind, and in one instance I know he has gone far to estrange the feelings of the native headmen from the Government with reference to a case, which perhaps Mr. Wodehouse would be able to state more correctly than I can; but in which a native headman, one of the most influential and one of the most talented and polished native headmen, who had been long connected with the Kutchery of Colombo, named Laveira, was suspended upon the exparte statement of two Government contractors who were disappointed in not getting a Government contract; he was suspended by the Governor without any reference to his Executive Council, or even to the head of the department, the Government agent of the Western Province; for six months he was suspended from office upon a private investigation of charges brought against him, and afterwards he was told to return to his duty, and was found fault with because he asked for the reasons of his suspension. These are circumstances that operate very much on the minds of the natives; for unless you keep up a feeling of respect and esteem among the people for their headmen, you will do very little among the people. At the time of the Borella meeting, I ascertained that this and similar circumstances had operated unfavourably on the minds of the native headmen; and it was evident from the then state of feeling amongst them, they would have done little to stem the spirit of disaffection amongst the natives in the maritime provinces.

6472. You stated that you were seven years in the island?—Yes.

6473. Had you much opportunity of mixing with the natives and ascertaining their qualifications for the elective franchise; could you form an opinion whether they appeared sufficiently intelligent or not to exercise the elective franchise?—I have seen a good deal of the natives, and I consider that there is a great deal of quickness and intelligence among them, and especially if they see it their interest to exercise their powers judiciously; but as long as we

H. L. Layard, Esq.
10 July 1849.

keep the natives aloof from us; so long as the Government agents do not go among the natives, as Lord Torrington and Sir Emerson Tennent refer to in their despatches; so long as we do not sympathize with the natives in their habits and views, and confer with them in matters of legislation, the native will be but as a buffalo in the field, he will be indifferent to what is going on around him; he will lie dormant in his village, and you will never shake him out of his apathy.

6474. In other words, I presume that as regards the legislation at present undertaken in the island, the unofficial members are elected by one small class, viz. the merchants?—They are not elected at all; they are nominated by the Governor.

6475. Mr. *Villiers*.] Does the Governor select them; is there any list submitted to the Governor, from which he selects them?—Only in one instance did the Governor, on his first arrival, allow the Chamber of Commerce to nominate their own representative, which was done; but in other cases, the Governor invariably selected such men as would give him least trouble in the Council. If you have an individual who will exercise an independent voice or opinion, he is not a man likely to be selected.

6476. Do you say that there is any desire on the part of any of the headmen or the natives to possess political power, to have any voice in the choice of the members of the Council?—Decidedly; the intelligent natives wish to be brought into the Council, and to have a voice in it; and I am sure that you would be able to find efficient men that would serve in the Council.

6477. Would you go so far as to recommend the headmen themselves to be in the Council; would you see any objection to that?—It depends upon who the headmen are, and whether it is left to the Governor to select them. If the headmen were to be elected by the body of the people, until they know the advantage of electing faithful and intelligent men, they may be influenced perhaps by an undue influence, and the person so elected by them perhaps would be the most inefficient man they could send.

6478. If the Governor selected the headmen, it would be no improvement of the present system?—I doubt whether it would have any good effect. I should be disposed to leave it to the natives themselves, and to their correcting their mistake afterwards, when they selected inefficient men and saw the evil of it.

6479. Can you say what has been the impression upon the minds of those headmen by the measures taken to suppress the rebellion; are they worse affected to the Government in consequence?—Amongst the headmen generally of the maritime provinces I think there exists a feeling of dissatisfaction and want of confidence in the present Government.

6480. But from your intercourse with the colony, do you consider that they were peculiarly dissatisfied with the measures taken by the Government to suppress the rebellion?—No; I cannot say that any dissatisfaction arises out of the measures that were taken for suppressing the rebellion, but I believe that dissatisfaction to a great extent exists in the minds of the native headmen, which will require some time, and great judgment, with a little more consideration, to eradicate.

6481. Did I understand you rightly to say that at Colombo the measures for suppressing the rebellion were approved of; or was it that the result of those measures, inasmuch as property was secured, gave approbation?—Rather the result than the means was approved of.

6482. Mr. *Hawes*.] Were you present at the meeting of the Chamber of Commerce held on the 31st of July 1848?—Yes.

6483. Were you present when this resolution was passed: “Resolved, That Messrs. Ritchie, Smith, Swan, and Dawson, do form a deputation to wait upon his Excellency the Governor, to bring before him the great danger to be apprehended to the planting interest by the existing disaffection in the interior; to express to his Excellency the hearty concurrence of the Chamber in the prompt measures adopted by Government to suppress insurrection, with the assurance of the willing and active co-operation of its members in case of need; and to pray that his Excellency may adopt such measures as may be best calculated to avert the impending ruin which threatens the colony by the departure of the Malabar coolies from the island, while under the influence of alarm”?—Yes, I was present when there was proposed and carried a resolution, showing the loyalty of that portion of the European population in Colombo, and their readiness to assist the Government in the protection of life and property.

6484. Did

6484. Did you vote for it or against it?—I did not vote at all.

6485. There was no division?—No.

6486. Did you oppose it?—No, I cannot say that I did; I was acting at the time as secretary.

6487. Sir J. Hogg.] Was it unanimous?—No, it was not unanimous.

6488. Was there any division?—I stated before that the object for which the meeting was called was not one of that nature, but to recommend a suspension of the operation of the law till Her Majesty's pleasure could be known.

6489. Was there a division upon that particular resolution?—It was passed with some degree of freedom, with a view in the first instance of manifesting the feeling of the merchants with reference to their satisfaction at the suppression of the rebellion, and subsequently to follow it up with representations to the Secretary of State as to the acts and the circumstances which contributed to the development of the disaffection and rebellion.

6490. Mr. Villiers.] What was the date of that meeting?—The 31st of July 1848.

6491. What notice had been given of this meeting before it was held?—Merely a notice the day before.

6492. Were you at Colombo during the time the martial law was proclaimed and continued?—Yes.

6493. Was there any dissent expressed as to the continuance of martial law after the suppression of the outbreak?—It was a matter of public conversation as to the inexpediency of its continuance, but there was nothing of public remonstrance.

6494. There was no remonstrance to the Government as to the mischief that was being done by the continuance of martial law?—No; there was nothing in which the public appeared before the Governor with such an expression of opinion.

6495. Was there any apprehension during the continuance of martial law, after the rebellion was first suppressed, of a further rising?—There were rumours for some days afterwards that there would be a rising in various localities, but when we bear in mind the number of petitions and addresses that were represented to come from various districts, one can scarcely reconcile that with the fact of very extensive disaffection existing.

6496. Was there reason to believe that there was any concerted plan among the natives who were engaged in the insurrection?—No, I think not; I think the plans must have been for a very short time in preparation.

6497. But was it the impression, with regard to those natives, that they had the object of electing a king?—No, I think not; but when you had numbers of the people once collected together it would be a very easy matter to put up any evil-disposed man as king, and a poor Kandyan, ignorant even who the individual was, would accept as king the first man whom you chose to put up.

6498. Was there much talk about this king or pretender between August and October?—Yes, his being abroad; and it was known that he was being searched for; and the country was hunted up and down for him.

6499. Then there was a general impression that there actually was such a person?—Yes.

6500. And that the people were interested in him?—Not that the people were interested in him. The opinion was that he had not the sympathy of the people, the moment that their eyes were open to the delusion, and that they had suffered from joining in the rebellion.

6501. Was there any opinion expressed that martial law should be continued till the pretender was taken; did you hear that opinion generally expressed?—Not in Colombo, but I believe that opinion ruled in Kandy. I think I heard that the people, particularly the planters, and some of the superintendents and others in the interior, rather expressed their wish that martial law should be continued.

6502. Were they in a state of alarm?—Not so much alarm about the pretender as anxious that he should be taken, which it was presumed would break the very neck of the rebellion.

6503. You have said that the natives are generally very intelligent?—The natives of the maritime provinces are very intelligent.

H. L. Layard, Esq.

10 July 1849.

6504. You know nothing of the Central Provinces?—I have been there a good deal; the people who are there are a simple-minded class, but from want of association with Europeans, and from the want of education, their knowledge appears to be very limited.

6505. Do you know whether they can read and write?—A few of them; not many.

6506. Are there not schools generally established?—Not in the Central Provinces.

6507. Do you think that the people there could be easily deluded?—Very easily.

6508–9. *Chairman.*] You have been questioned as to the duration of martial law, and you have expressed an opinion that it was continued longer than was necessary; will you read the first three paragraphs of the circular of the Colonial Secretary of Colombo, and tell me whether you remember the issuing of that circular?—“Circular. Colonial Secretary’s Office, Colombo, August 16, 1848. Sir,—1. In continuation of the periodical reports of the state of the interior, I am directed to inform you that since the 19th instant, the date of last communication on the subject, the accounts from the disturbed districts have been pacific; the troops are engaged with the civil officers securing prisoners and taking possession of confiscated property. 2. The rebels in the Seven Korles have been completely dispersed, and there are no reports of any fresh gatherings; some armed parties are still in concealment in the jungles of the Matella district, but they have not come into collision with the troops. All other parts of the Kandyan provinces are peaceful, and the inhabitants pursuing their ordinary avocations. 3. Courts martial are being held both at Kandy and Kornegalle. The notorious Poorang Appoo has been executed, and several others concerned in the outbreak, including the late Rattamahatmeya, of Matelle, sentenced to transportation. 4. A party of troops sent to Hangwelle, and placed under the instructions of Mr. Layard, justice of the peace, has succeeded in driving away the gang of robbers that infested that neighbourhood. 5. The Malabar coolies in the coffee estates have continued faithful to their trust; there is not any unusual amount of departures from the island, and considerable numbers have lately arrived at the northern ports, many of whom, in the belief that the communication by the direct routs to Kandy was impeded, reached Colombo by the road along the coast, and have proceeded to the interior in search of employment. I have, &c. (signed) *W. Morris*, Acting Assistant Colonial Secretary. To Government Agent, Jaffna.”

6510. Was not martial law continued for nearly two months after the issuing of that circular?—It was.

6511. *Mr. Hawes.*] Do you state to the Committee that there were no rumours of disturbances, and no apprehensions entertained of a renewal of disturbances after the date of the 16th of August?—I do not think there were any.

6512. When did you leave Colombo?—On the 14th or 15th of December; I sailed from Galle on the 15th; I left Colombo on the 12th.

6513. Do you remember a proclamation being issued about that time?—I do not remember it.

6514. The proclamation is to this effect: “Whereas it has been represented to us that designing and mischievous men have been lately spreading reports to the effect that a renewal was apprehended of disturbances in the Kandyan country, and that armed assemblies had been seen at different places: and whereas such reports were intended to facilitate plunder by spreading confusion, and timid people have been alarmed by them; now we desire it to be known that we have caused strict inquiries to be made by the officers of our government into these matters, and as to the truth of these rumours, and that up to this date we have received the most satisfactory reports in reply as to the perfect tranquillity of all parts of the Kandyan provinces.” Do you remember that proclamation; that is dated the 15th of December 1848?—No, I did not see that; I sailed on the 15th.

6515. Previously to that time was it within your knowledge that there were rumours of disturbances?—Not after the latter end of August; I do not think that there were any rumours after that time.

6516. Were there any rumours of disturbances at the latter end of August?—Having no reference to dates just now, I think towards the middle of August there was some rumour that the people were preparing to enter Kandy from the direction of Kadooganawa, and they expected some outbreak.

6517. Was

6517. Was that not after the 15th of August?—I am not prepared to say.

H. L. Layard, Esq.

6518. Are you prepared to say that there were no rumours or apprehensions afloat of disturbances after the 15th of August?—I have no recollection of any subsequent to the 15th or the 20th of August; up to that period there were some vague reports, which turned out to be nothing, but I am not aware of any subsequently.

10 July 1849.

6519. You do not recollect the circumstances which led to this proclamation in December?—No, I do not remember having ever read it.

6520. You do not remember any alarm or apprehension at that time?—No.

6521. You were in Colombo?—I left Colombo on the 12th, and at that period there was nothing to excite alarm.

6522. *Sir J. Hogg.*] Do you think that the troops in the island under the civil authority were quite sufficient to have put down the rebellion?—Quite.

6523. Then do you think it was expedient and necessary to send to Madras for further troops?—When I heard of it, it appeared to me a most ill-advised thing, for it created great alarm, and added to the expenditure of the colony, which could be ill afforded at the time.

6524. It was, in your opinion, quite an unnecessary application?—Yes.

6525. *Mr. Hawes.*] Before you left Colombo you heard nothing of the troops at Matelle having been reinforced by Lieutenant-colonel Drought?—No.

Philip Edmond Wodehouse, Esq., called in; and further Examined.

6526. *Mr. Hume.*] HAVE you given your particular attention to the subject of the connexion of the Government of Ceylon with Buddhism?—Yes, I have.

P. E. Wodehouse, Esq.

6527. At what period and in what state of the question were you first called upon to take part in the discussion?—Principally after the receipt of the despatch from Lord Stanley upon the subject, which you will find at page 44 of the Paper No. 24.

6528. Were you acquainted with Governor Mackenzie's opinion upon that subject?—Yes, to a certain extent; Mr. Mackenzie entertained very strong opinions upon that, and upon religious matters generally.

6529. Did he not, before he left the island, alter his opinion in some degree respecting that subject?—Not that I know of.

6530. What were his opinions?—Mr. Mackenzie entertained the opinion that it was altogether improper for a Christian Government to have any connexion with Buddhism.

6531. Did he put that in the form of a minute?—Yes; I think it is among these papers; he drew up that minute immediately before he left the colony, if I recollect rightly.

6532. In 1845 you submitted a proposition for settling the connexion between the Government and the Buddhist priests?—Yes.

6533. The draft ordinance which you prepared appears in page 48 of the papers; are you still of opinion that that plan was practicable, and might have been made acceptable to the chiefs and the priests?—It was practicable, and might have been made perhaps as acceptable to them as any other upon the subject.

6534. Will you state what was the substance of that original proposition?—It provided for the election of the principal temple chiefs, and of the chief priests, by certain parties named in that scheme; it also stated what powers, to a certain extent, they were to have, and also that the elections were to be held in the presence of the district judge of the district in which the vacancy occurred.

6535. The object being to keep up the connexion between the Government and the Buddhist priests?—No; the object being to carry out Lord Stanley's instruction, that the Government was to cease to participate in Buddhism. But if you ask why the district judge was put in as the party to hold the election, the reason was that the natives would have had no sort of confidence in any election held by any one of themselves, and it was necessary therefore to have a returning officer, and that scheme went to name the district judge as the returning officer.

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6536. You

P. E. Wodehouse,
Esq.

10 July 1849.

6536. You believed that they would have had a confidence in the Government officer for that purpose?—Yes, far more than in any one of their own countrymen.

6537. Do you recollect the minute that Governor Campbell proposed, and the Ordinance which was proposed to be passed, before giving up the relic?—The minute appears in page 49; at the time that minute was framed, I was Acting Assistant Colonial Secretary as well as a Government agent; and it was from my being in the office of Colonial Secretary that this paper was prepared by me for the Governor's approval if he chose to adopt it; it was drawn up by me as then Acting Assistant Colonial Secretary.

6538. Is it not stated in that minute, "In making this arrangement, it is his (the Governor's) wish to secure the peaceable and orderly administration of the religious ceremonies of the Kandyan people, to promote their gradual moral improvement"?—Certainly.

6539. Do you concur in that opinion?—Yes.

6540. Have you any reason to think that that policy ought to have been persevered in?—I must explain that at this time we were dealing with the question, not as we would have dealt with it if we had been left to ourselves, but as we were bound to deal with it under imperative instructions received from the Home Government. If we had been left to deal with it ourselves, we should have said that it was far better to let it alone entirely; but we were bound in honour, either to keep up our connexion with the Buddhist religion, or if we wished to divest ourselves of all connexion with it, to put it in some legal and tangible shape, so that they could carry on their affairs by themselves.

6541. You considered yourself, in drawing up that minute, carrying out orders from home, and not doing what if left to yourself in the colony you would have proposed?—That was the position in which we were at the time.

6542. Did not Sir Colin Campbell pass an Ordinance at that time, No. 2, of 1846, with the view of carrying out that measure?—With certain modifications. This scheme to which you have now been referring was forwarded home to the Secretary of State, and Lord Stanley took certain objections to it; and then upon the receipt in the colony of those objections, the Ordinance No. 2, of 1846, was framed, and passed by the Legislative Council.

6543. You gave your support to that Ordinance at the time, under the circumstances you have mentioned?—Decidedly. I was Colonial Secretary at the time, and had to carry it through the Legislative Council.

6544. Had you had any conference with the Buddhist priests upon the subject before that period?—Yes.

6545. From what passed at the 'conference that you had with the Buddhist priests, which is reported in the memorandum dated 14th of November 1845, in page 68, are you of opinion that they could have been got to concur in the arrangement which was proposed in this Ordinance, which was afterwards disallowed?—I think they would have arrived at the conclusion very speedily of concurring in the Ordinance, for they had no alternative but to concur; they had no chance of getting more favourable terms.

6546. Sir *J. Hogg.*] They concurred as a matter of necessity, and not as a matter of choice?—Exactly; I do not know whether it is mentioned in that memorandum or not; but I have a distinct recollection that at that conference, or a private interview, it was said that by referring to the Government at home they would get better terms, and I recollect saying that so far from their getting better terms from the Government at home, the local government was trying to deal with the people in a far more conciliating manner than the Home Government; that the Home Government was under a very strong pressure from the missionary bodies, and that they had therefore taken up the matter very strongly.

6547. Mr. *Hawes.*] You observe in the postscript to this memorandum, "I should also state that I informed the chiefs and priests that the Government was fully prepared to grant them any assistance necessary towards providing a place of safe custody for the relic and property belonging to it, whether in the form of an iron safe, masonry, vault, or any other thing. They did not, however, give any decided opinion upon this point." Are we to understand that they did not appear satisfied with what you proposed?—They never were satisfied with anything, except that the whole matter should remain

285

remain as it was, and that the Government should remain as the head of the Buddhist religion. P. E. Wodehouse,
Esq.

6548. Then the Ordinance came home?—It came home, and it was some time under consideration in England, and Lord Torrington brought out with him the instructions for its being disallowed.

6549. Were you present at any of the conferences held by Lord Torrington with the chief priest?—No, at none.

6550. You had been before the party who held conferences, and you knew them well?—Yes; I had a conference respecting that Ordinance, and I had been in communication with many of them respecting it.

6551. Were you not a member of the Executive Government at the time?—Not for the first fortnight or three weeks after Lord Torrington's government commenced.

6552. Did not the discussions respecting the arrangements that were to be made continue longer than two or three weeks; were you not a member, in fact, of the Executive Council whilst those proceedings were going on?—I can only explain it from this memorandum of mine, at page 116. It will be seen from that that I was not in the Executive Council at the time; but in consequence of my having had so much to do with the preparation of the Ordinance, and having had a conference with the chiefs, Lord Torrington gave me an opportunity of stating my opinion upon Lord Grey's despatch, which was dated 15th of June 1847, and appears at page 80, and my memorandum upon it appears at page 116.

6553. Do you not in that memorandum state at the bottom, "I trust that the great importance of the subject to which I have on former occasions given much attention, and the serious risk to the welfare and tranquillity of the country with which any ill-advised legislation may be attended, will be deemed a sufficient excuse for my so doing;" that is, the ground for your offering the opinion expressed in this memorandum?—Yes; that is the ground that I give for pointing out the difficulties and objections which presented themselves to the unqualified adoption of Lord Grey's instructions.

6554. Sir J. Hogg.] Did you not say that Lord Torrington solicited your opinion?—Yes, he did.

6555. Mr. Hume.] Do you know whether your memorandum of the 15th of June was sent home at the time to Lord Grey?—I believe not; but in the course of this examination one series of questions has been put tending to show that Lord Torrington acted unadvisedly and in some measure without due consultation, and also did not keep the Secretary of State sufficiently informed of any objections to his measures that were made in the island; and another series of questions has been put tending to show that in all his measures he did consult his Executive Council, and that every member had a fair opportunity of expressing his opinion, and that if they did not remonstrate it was their own fault. The question was also asked whether Lord Torrington communicated with the principal public servants before he undertook any measures; I think, as the Committee will probably have to pass an opinion upon the conduct of the Governor in that respect, and also upon the conduct of the other servants of the Government, that it is certainly fair to Lord Torrington that it should be known in what position he was placed when he landed in the colony, and the nature of the instructions that he had received. Some years before he came out, the Colonial Department had arrived at the conclusion that the civil service of Ceylon was in a very defective condition, and required reform and reorganization, and they undertook measures for that purpose. As a commencement they sent out a gentleman as colonial secretary, who in the course of one year after his arrival sent home a report which was made the foundation for a financial reform of the island.

6556. You mean Sir Emerson Tennent?—Yes. In little more than a year after, they sent out Lord Torrington, unavoidably new to the colony, and possessed with their opinion of the civil service; and they sent at the same time with him another gentleman in a very high situation in the Executive Council, Mr. M'Carthy, as auditor-general, a gentleman of great ability, to whom naturally Lord Torrington was instructed to give confidence, and to look for assistance and guidance in the administration of the Government. Immediately on his arrival, with a Colonial Secretary having an imperfect acquaintance

P. E. Wodehouse,
Esq.

10 July 1849.

tance with the colony, he himself altogether and unavoidably unacquainted with it, his auditor-general, his private secretary, Mr. Bernard, and the Major-general, also in the Executive Council, altogether and unavoidably unacquainted with the colony; in such a position he was called to deal immediately with this question and with the whole government, without having time to look round him or become acquainted with anything relating to it. Therefore, as far as his position is concerned, I apprehend few Members of this Committee would wish to find themselves as Governors of a strange colony under similar circumstances. As regards ourselves, residents in the colony, great allowance likewise is to be made, looking to the situation in which we stood, and the opinion entertained of us by the Home Government, if we did not press our opinions as strongly as we might have done. Therefore, to come to this particular question which has been asked me now, as to whether Lord Torrington sent home this opinion of mine at the time it was given, I think it is nothing very extraordinary that he did not send home an opinion upon which he was not advised to act, which came only from a member of the civil service, a body which he knew did not stand well at home, and which opinion was principally intended to point out what were conceived to be errors in the instructions that he brought with him. It is, I think, but right that this point should be fairly weighed in the consideration of this question.

6557. But had he not members of the Government whose long experience might enable them to advise on these matters?—I have stated that the principal public servants, the gentlemen to whom he was led to look for assistance, were comparatively speaking, unacquainted with the island; those were the parties held in higher estimation at home than any others; and he was governed by instructions from home. I suppose there are few despatches on record containing more distinct and positive instructions than those laid down by Lord Grey in that very despatch, and it was not to be expected that Lord Torrington would act in opposition to it.

6558. *Chairman.*] How long had Sir Emerson Tennent been secretary at that time?—Sir Emerson Tennent went out there nearly at the end of the year 1845, and Lord Torrington came out in June 1847.

6559. *Mr. Hawes.*] Who was the Queen's Advocate at that time?—Mr. Buller, the present Sir Arthur Buller.

6560. Mr. Selby was the Deputy Queen's Advocate at that time?—Yes.

6561. Mr. Buller was in the Executive Council?—Yes.

6562. How long had he been in the island?—He went out in 1841.

6563. He had given great attention to this subject?—Yes; but Lord Torrington does not state in this Despatch of the 12th August 1847 respecting Buddhism, that he brought it before the Executive Council; as I said before he was the bearer of so strong a despatch, that I think he acted with great caution in simply disallowing the ordinance, but he very soon wrote to say that he was in great difficulties.

6564. *Mr. Hume.*] What were the instructions Lord Torrington brought out, to which you allude as being very peremptory?—Lord Grey's despatch; the first practical result of it was the disallowance of the ordinance, and it left everything unsettled; it laid down what we looked upon as very extreme views as to the future legislation that was to take place upon the subject.

6565. That despatch disallowed the ordinance that had been agreed to and that had been passed; and what does it direct?—At page 81, it is in these terms: "your Lordship will therefore understand, and will cause it to be made publicly known, that Her Majesty will not be advised to confirm it; you will communicate to the Legislative Council the grounds of that decision." I believe that Lord Torrington, feeling the embarrassment in which he was placed, did not communicate the grounds of that decision; he could have done so only by communicating this despatch.

6566. You were at that time a member of the Legislative Council?—Yes.

6567. *Sir J. Hogg.*] Were you a member of the Executive Council?—I was at the time of Lord Torrington's arrival a member of the Legislative Council, and I shortly after his arrival became a member of the Executive Council also.

6568. *Mr. Hume.*] Was that despatch of the 14th of April, part of which you have now read, laid before the Legislative Council of Ceylon?—Lord Grey did

did not direct Lord Torrington to lay it before the Legislative Council, but he directed Lord Torrington to lay before them the grounds of the decision.

6569. Were any grounds laid before them?—No; I think, in the circumstances of the colony, it was highly prudent and proper on the part of Lord Torrington not to do so.

6570. Mr. *Hawes*.] You will observe that in the despatch of the 12th of August 1847, from Lord Torrington to Lord Grey, he states that in the first instance he thought it his duty to request your opinion in writing, and that you advised that further reference home should be made before disallowing the ordinance; I presume that you were so consulted and gave that opinion?—It was upon that occasion that I gave that memorandum to which I have referred.

6571. Mr. *Hume*.] Were you after that memorandum was given consulted by Lord Torrington as to the dangers which you had pointed out in this memorandum as likely to arise?—As a member of the Executive Council I was consulted in October 1847. In the enclosure No. 3, in page 116, is a minute recorded by me in the Executive Council embodying that memorandum which had been given some months before.

6572. Mr. *Hawes*.] The memorandum in page 116 is a repetition of the minute you made in writing at Lord Torrington's request, as stated in his despatch of the 12th of August?—Yes, with some further remarks upon what Lord Torrington had subsequently done. It is the first time it appeared officially.

6573. Mr. *Hume*.] In page 82, in Viscount Torrington's despatch of the 12th of August, Lord Torrington says, "I thought it my duty to request in writing the opinion of Mr. Wodehouse, the Government agent for the western province." Is that the opinion which we have at No. 3 in the despatch, in page 116?—Yes, the same.

6574. Lord Torrington in that despatch says, "I enclose to your Lordship complete and satisfactory notes of what passed upon this most interesting occasion; the colonial secretary, the auditor-general, and the Government agent for the central province were present, together with my private secretary and my interpreter." Sir Emerson Tennent was at that time colonial secretary, Mr. MacCarthy was the auditor-general, Mr. Bernard was the private secretary, and Mr. Charles Buller was the agent for the central province; are not those the parties, with the exception of Mr. Buller, to whom you alluded before in speaking of the peculiar situation in which Lord Torrington was placed on arriving in the colony, and having those gentlemen so little acquainted with the colony at that time to advise him?—Yes.

6575. Had Mr. Buller's attention been particularly directed to that question; did he ever attend at any of the conferences between you and the priests?—Yes.

6576. Were you at that time called in and consulted by Lord Torrington?—No; that memorandum which I have referred to here, contains all that passed between Lord Torrington and myself at that time.

6577. Referring to your memorandum, at page 117, you say, "I confess myself to be utterly unable to discover how these matters can in future be managed satisfactorily and peaceably without a legislative enactment." Was any question asked you by Lord Torrington as to the meaning and purport of that paragraph?—Nothing further passed on that occasion between Lord Torrington and myself.

6578. In a subsequent part, at page 118, you say, "I would earnestly beg that it be further considered whether it be prudent or expedient to involve some of the most important interests in the country in such inextricable confusion, by disallowing an ordinance to which the main objections are that it admits the past existence in the Governor of a power which Lord Stanley distinctly did admit." What interests do you allude to in this memorandum as the interests likely to be affected and thrown into inextricable confusion?—Everything in connexion with the temple property in the colony.

6579. In as far as that affected the mass of the people and the priests, you considered it dangerous to disallow the ordinance?—Yes.

6580. You expressed your opinion in these words: "I entertain serious apprehension that the tranquillity of the country will be disturbed; there is no doubt that the priests possess considerable influence over a large proportion of the Kandyan population, and I can state with confidence that the proposed

P. E. Wodehouse,
Esq.

10 July 1849.

measures of the Government, even those which the ordinance contemplates, are most repugnant to them. That is the manner in which you expressed to Lord Torrington your apprehension as to the effect that would be produced by disallowing the ordinance?—Yes; and again in the next paragraph I have expressed the same opinion.

6581. “To say that the people will rebel would be an exaggeration; but it is by no means improbable that disturbances and destruction of property will take place to a great extent (particularly in the districts where the means of communication are few), which it would be for some time out of the power of the Government to arrest, and which would leave, long even after they had been quelled, a general feeling of insecurity and apprehension very prejudicial to the prosperity of the colony;” do you there allude to those districts where the population is thin, such as the districts where the disturbances did actually take place?—Yes.

6582. Then your fears of the disturbances in case of the Government persevering have actually been realized by those disturbances which took place at Kandy?—They have, to the extent to which the disturbances have gone.

6583. Had you any communication with the Governor after writing those two paragraphs, pointing out the danger to the colony; were you called on to give an opinion further upon the subject?—Not till after that memorandum; not between that time and the following October.

6584. *Mr. Hawes.*] When you appended the additional minute?—Yes; I was not consulted during any of the conferences with the chiefs in Kandy.

6585. *Mr. Hume.*] I observe on the 13th of October you express yourself in these words: “It is both an act of obedience to the orders given, and also a concession to that public feeling which, whether well or ill founded, appears to have prompted those orders;” what do you allude to in that paragraph?—To the step that Lord Torrington took of giving over the Relic to a certain number of chiefs and priests, with a direction that they should take charge of it; those parties were not legally constituted as trustees, but it appeared to me the best arrangement he could make, looking to the imperative orders he had received from Lord Grey.

6586. Your opinion now is, as you expressed it at the time, that that was the best step he could take under the positive orders that he had received?—Yes; I look upon it as the best step he could take as a temporary expedient, but in no way has that got over the difficulty of further legislation; which is the difficulty at the present moment.

6587. Is it your opinion, after all that has taken place, that the Governor having given over that Relic, contrary to the advice of, and without respect to the fears expressed by you, the late disturbances have in some degree arisen from the conduct of the Governor?—Yes; you have also had Sir Herbert Maddock’s evidence to that effect; that was one of the main reasons.

6588. I ask you the question, because it appears from your previous meetings with the priests, and your intimate knowledge of their peculiar opinions, that you had, previously to any symptoms of disaffection, expressed yourself fearful of the result; it is upon that ground that I ask you whether the fears you expressed then have not in a great degree been realized?—Yes; I stated, as far as those disturbances went, they were realized.

6589. If the ordinance which was passed had been allowed, might not the plan proposed have been quietly carried out under the direction of the Government agents, and that without producing the disturbances of which you have been a witness?—I cannot quite go the length of saying that there would have been no disturbances.

6590. *Sir J. Hogg.*] You have said that the chiefs would not have liked the ordinance?—No, I do not wish to say that; I believe arrangements might have been made that would have been agreeable to the chiefs, but not to the priests.

6591. They would have taken the ordinance as a matter of necessity?—Yes.

6592. *Mr. Hawes.*] Had you a personal communication with the priests and chiefs on the subject?—Yes.

6593. Through an interpreter?—Yes, and at my own house.

6594. Through an interpreter?—Yes.

6595. Had you any conference with the chief priests?—Yes, with two or three chief priests I had a private interview.

6596. The

P. E. Wodehouse,
Esq.

10 July 1849.

6596. The real objection to that proposal came from the priests in fact, did it not?—The priests always took up the position of saying, “the Queen is the head of our religion, and that we wish it to be; that is what you promised, and what you are bound to do.”

6597. Therefore the practical objection to creating an independent body among themselves to manage their own affairs came from the priests?—It came from both parties; there is no mutual confidence reposed in any one of them.

6598. Did not both the chiefs and priests object to the creation of any independent body among themselves?—Certainly; all parties look to the Government as the only source of respectability or credit or honour in the country, and you cannot divest them of that idea in anything.

6599. Why would you have been for the future satisfied of tranquillity, if this ordinance which you proposed had passed?—Because I conceive it is quite practicable for the Government to conciliate the chiefs and make them good friends, and in that way to neutralize the influence of the priests; for you can never make the priests more than indifferent to our Government; it may be made a matter of indifference to them who govern, but on the other hand it is important to make the chiefs interested in supporting the existing order of things.

6600. You did not hope to satisfy the priests by that ordinance?—No. It is stated in this paper that the great object had in view was to neutralize the influence of the priests by the influence of the chiefs.

6601. Sir J. Hogg.] The result of all the papers and all the communications with the chief priests is this, that they objected to any alteration in existing circumstances, and they urged strongly that the Government are bound by faith and treaty to maintain those existing circumstances?—Yes.

6602. They always stuck to that?—Yes.

6603. The difference between Lord Stanley and Lord Grey was chiefly this, the means of accomplishing the severance; whether it should be by the operation of the ordinance, or whether it should be by an attempt gradually to withdraw?—No; I consider that it is hardly possible to give a general description of Lord Grey’s despatch; it requires to be read in itself in order to be understood, but it embodied a far more religious view of the question, and, as I hold, an utterly impracticable view of the question; it carries out the views, as we say in Ceylon, of the missionaries rather than any system of Government.

6604. Do you think that Lord Grey’s despatch is more extreme in reference to the Government sanctioning religious ceremonies than the despatch of Lord Stanley?—It is, in so far as it allows nothing to be substituted in their place; it throws everything adrift, and denies that the Government is bound to do certain things; but Lord Stanley began his despatch by laying down that the Government was bound to do those things.

6605. Does not Lord Stanley go the length of saying that he will not desire that the relic of the tooth shall be destroyed?—Yes, he says that; that is a phrase used in his despatch.

6606. Is not that opinion as extreme as any opinion that has been expressed in any paper or discussion upon the subject?—Yes, but his orders were more practical and tolerant.

6607. Mr. Hume.] Did not all the priests, in the intercourse you had with them, invariably point to the agreements made in 1815 and in 1818 as the right on which they meant to stand?—Yes.

6608. Mr. Hawes.] Do you mean to state that the convention of 1815 and the proclamation of 1818 are identical with respect to this question?—No, certainly not, for I think that the proclamation of 1818 is rather more binding upon the Government than the convention of 1815; it goes greater lengths.

6609. Sir J. Hogg.] There is nothing as to the custody of this sacred relic in the convention of 1815?—No.

6610. That arises upon the proclamation of 1818?—Yes; the real taking of the country was in the year 1818, the date of that proclamation.

6611. Mr. Hume.] Does not Colonel Brownrigg, after Lord Bathurst had expressed his doubts upon the subject, state that it is his duty, and that he had explained to the natives clearly and decidedly that the British Government would maintain the whole of their religion, as had been agreed?—Yes, it is much stronger than in the convention.

P. E. Wodehouse,
Esq.

10 July 1849.

6612. Have you the words there?—Yes. The convention, at page 4, simply says that “The religion of Budhoo, professed by the chiefs and inhabitants of these provinces, is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected.” Then Lord Bathurst was afraid that would be construed as an exclusion of Christianity; but in the proclamation subsequently, at page 15, the Governor took the opportunity to state still more distinctly what protection the Buddhist religion was to receive, but he took the opportunity at the same time to show that we did not intend to exclude Christianity from the Kandian Provinces. He says, “As well the priests as all the ceremonies and processions of the Buddhist religion shall receive the respect which in former times was shown them.”

6613. Mr. *Hawes*.] I understood you in answer to a former question to say, that you conceived that the proclamation of 1818 by Sir Robert Brownrigg was stronger in reference to the maintenance of the Buddhist religion than the convention of 1815?—The language is stronger.

6614. Will you turn to the convention of 1815, in Article 5; will you read it?—“The religion of Budhoo professed by the chiefs and inhabitants of these provinces is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected.”

6615. Will you read now Article 16, which relates to ceremonies and processions, in the proclamation of 1818?—“As well the priests as all the ceremonies and processions of the Budhoo religion shall receive the respect which in former times was shown them; at the same time it is in nowise to be understood that the protection of Government is to be denied to the peaceable exercise by all other persons of the religion which they respectively profess, or to the erection, under due licence from his Excellency, of places of worship in proper situations.”

6616. Do you conceive that to be so strong as the declaration in the convention of 1815, in which it is said that the religion of Budhoo is to be maintained inviolable?—I think it is stronger, looking to the position the priests held under the Kandian kings. The respect shown to them by the Kandian kings was very great indeed; and the Governor said, “I will show you the respect which in former times was shown to you by them.”

6617. Is not that a respect merely to ceremonies and processions?—There were other proclamations at the same time, which are not here, which distinctly point out that the Government took upon itself the appointment of the chief priests, and every thing else; and, in short, recognised the position of the Governor as the head of the Buddhist church in the Kandian Provinces.

6618. Would it not be a perfectly safe conclusion to come to, that the proclamation which has been referred to, in no way violated the promises which had been made by the convention of 1815 with reference to the Buddhist religion?—Yes.

6619. Mr. *Gladstone*.] Will you allow me to direct your attention to the second article of the proclamation; “The exercise of power by the representatives of His Britannic Majesty from the date of that convention till the insurrection broke out, was marked with the greatest mildness and forbearance towards all classes, the strictest attention to the protection and maintenance of the rites, ministers, and places of worship of the religion of Budhoo, and a general deference to the opinions of the chiefs,” and so on; does not it appear to you that the language in that article had an intentional reference to the language of the convention of 1815?—Yes.

6620. And therefore that it was intended to indicate that an identity of principle was still to be maintained?—Yes; it was intended to satisfy them that the Government meant to the fullest extent to act up to what had been promised them in 1815.

6621. Mr. *Hume*.] Will you read No. 21 of page 16: “The Governor, desirous of showing the adherence of Government to its stipulations in favour of the religion of the people, exempts all lands which now are the property of temples from all taxation whatever;” do you take that to strengthen the agreement of 1815?—Yes.

Jovis, 12^o die Julii, 1849.

MEMBERS PRESENT.

Lord Hotham.
Sir James Hogg.
Mr. Hume.
Mr. Villiers.
Mr. Hawes.

Sir Joshua Walmsley.
Mr. Stuart Wortley.
Mr. Wilson.
Mr. Gladstone.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Philip Edmond Wodehouse, Esq., called in ; and further Examined.

6622. Mr. Hume.] HAVE you seen the Report of Mr. Rogers to Mr. Gladstone, dated June 1846, which you will find in page 76 of the Papers?—Yes, I have. P. E. Wodehouse,
Esq.

12 July 1849.

6623. Was that report sent to Ceylon, and laid before either the Executive or the Legislative Council?—I never saw it till I saw it among these papers.

6624. Have you read over and considered the recommendations contained in that report, as to the re-consideration of the ordinance which had been disallowed?—Yes; I observe that Mr. Rogers takes certain objections to the provisions of the ordinance.

6625. Do you concur in the recommendation given in the last paragraph of that report, as to the possibility of remodelling the ordinance, and carrying out the arrangements under the ordinance?—I am not prepared to agree with Mr. Rogers in that memorandum. A similar opinion is expressed at page 130, in another memorandum, that the ordinance gives a dangerous organization to the Buddhist hierarchy.

6626. You have stated to the Committee that you held conferences with the Buddhist priests on the 10th of November 1845; were there any members of the Government present with you at the time those conferences were held?—There was no member of the Government present, if by that you mean the Executive Council, which may be called the Government. Mr. Wright, who was then auditor-general, was sent up with me to Kandy, for the purpose of holding the conference, but the memorandum states that Mr. Wright was too ill to attend the conference.

6627. Mr. Wright was for many years judicial commissioner at Kandy?—Yes, and he was then auditor-general.

6628. Then you were alone?—I was the only person on behalf of the Government, but there were many people present.

6629. Lord Torrington, in his despatch of the 12th of August, sends home two minutes of conferences which he held with the Buddhist priests; those are at page 86; were you present at any of those conferences?—Not any.

6630. I see that Lord Torrington, Sir Emerson Tennent, Mr. MacCarthy, Mr. Buller, Mr. Bernard, and Mr. De Saram, were present; is Mr. De Saram a European?—No, he is a native Headman; he is the Governor's interpreter.

6631. Are those the gentlemen that were spoken of by you as being of short residence in the colony, and consequently not well acquainted with the customs and usages of the inhabitants?—Except Mr. Charles Buller; I mentioned when the others had been appointed.

6632. Does it not appear that the first demand on the part of the priests was that the Convention of 1815 should be carried out, as regards the maintenance of their religion, in the same way as it had been done by the kings of Kandy?—That was what they demanded.

6633. The priests on that occasion complained that they had been a long time waiting for an answer to their petition. Can you state what that petition was?

(92.)

114

—I believe

P. E. Wodehouse,
Esq.

12 July 1849.

—I believe the petition was sent home by Sir Colin Campbell at the time that he sent home the ordinance ; the petition is at page 71.

6634. *Mr. Hawes.*] It is the petition to the Queen, of the inhabitants of the island professing the Buddhist religion?—Yes.

6635. *Mr. Hume.*] When was that petition sent home?—It was sent home with Sir Colin Campbell's despatch of 7th of February 1846.

5636. Are you aware whether any answer was ever given to that petition?—I do not know.

6637. What is the demand, in a few words, made by the petitioners there?—The last paragraph of the petition states exactly what they wished. The petitioners state what they conceive to have been their former position ; and the petition ends by asking in the last paragraph that the Queen “ may generously confirm and ratify all the promises, engagements, and undertakings entered into and made as aforeshown by Your Majesty's Government, in and by the 5th clause of the above quoted articles of convention ; and thus continue towards the Buddhistical religion that interference, support, and protection which was most generously and tolerantly afforded and indulged to it during the last 30 years by Your Majesty's Government.”

6638. That was signed by 1,941 Cingalese?—So it is stated ; but you may get any amount of signatures to any petition that may be given in.

6639. In page 72, in paragraph 3, does not the petition set forth “ the impropriety, injustice, and hardship, and want of faith on the part of Your Majesty's Government, in now discontinuing and withdrawing the protection and safety hitherto afforded by Government to the sacred relic ; and the high impropriety, injustice, and want of faith manifested now by Your Majesty's Government, in departing from the tenor and express stipulation, contract, and promise which had been most solemnly entered into by the then representative of Your Majesty's Government in this colony, Lieutenant-general Sir Robert Brownrigg, and the inhabitants of the Kandyan provinces in this island, in and by the ‘ articles of convention ’ of 1815, which succeeded the capitulation of the said Kandyan provinces, and their annexation thereby to the British Crown.” Are not those the words of the petition?—Yes.

6640. Will you turn to the bottom of page 86 ; did not the priests require that time should be given “ to enable them to consult the other priests and the people as to what was best to be done, and that they would then submit propositions ”?—Yes ; but I am bound to state that I do not think the priests had any real intention of doing anything of the kind. I think that their application for time was merely a means of putting off any arrangement whatever, and taking the chance of what might turn up in consequence ; they did not intend to advance at all in the arrangement. And with regard to what they state as to the Government acting up to the promises and stipulations contained in the convention of 1815, I conceive that that convention was altogether set aside by the proclamation of 1818, after the rebellion. If you will refer to page 19, clause 56, you will see that Sir Robert Brownrigg “ reserves full power to alter the present provisions, as may appear hereafter necessary and expedient.” And, therefore, I conceive that the Government reserved to itself the most entire power of making any alterations they pleased, and that it was merely a question of policy whether they would do so or not ; there was no breach of faith in altering those arrangements.

6641. At that conference, which is given at page 87, does it not appear that the following memorandum was read to the priests, to prevent any misapprehension : “ The Governor will receive their proposals with the distinct understanding ” (alluding to any proposals that the priests might make) “ that the announcements now made to them are the solemn and final decision of Her Majesty the Queen.” Will you read from the minutes what those propositions were that were “ the solemn and final decision of the Queen ”?—“ First, that Government is to withdraw from all direct interference in their religious observances. 2d. That the custody of the relic is to be given up to themselves. 3d. That no more priests will be appointed by Government. 4th. That all pecuniary payments to the priests will cease. 5th. That all lands recognised and registered as temple property will be entirely exempted from taxation.” That was the substance of Lord Stanley's instructions, and was confirmed by Lord Grey.

6642. Had you been aware of the Governor having made those final propositions

tions to the priests at the time you wrote the minute of the 15th of June?—No; this conference with the Governor took place on the 29th of July, and my memorandum was written on the 15th of June.

P. E. Wodehouse,
Esq.

12 July 1849.

6643. Had you seen these propositions when you made the additional remarks in October?—Probably I had.

6644. Are the Committee to understand that you disapproved of those propositions, and therefore wrote the minute in October?—No, I do not disapprove of those propositions. I conceive that the Government is clearly committed to carrying them out, but certain legislation took place upon other matters which Lord Grey's despatch disallowed, and that legislation is still required.

6645. Are we to understand that, in your opinion, those propositions might have been carried out carefully if other legislation had been preparatorily allowed?—Yes, that has been the object of every arrangement that has been suggested.

6646. Did not one of the chiefs (at the bottom of page 87) state to his Lordship, that "The customs of England were not the customs of Kandy; the last king of Kandy was a cruel man, and did not observe the customs of the country, so that the chiefs invited the English to come; and then they gave over the Kandyan country to them, together with all the king's property." He complained that the English now do not observe their customs; and if they withhold their support from their religion and overthrow their customs too, he wished to know what advantage they had gained by the British connexion. Are not those the words quoted by Lord Torrington, purporting to come from one of the chiefs?—Those are reported to have been the observations of one of the chiefs on the occasion.

6647. In page 90 there is an account of the last conference; were you at that conference?—I was not.

6648. Look at the bottom of that page; the dissave states, "As soon as they have agreed to a code of rules for their own guidance, they wish that the Governor will sanction them, or pass an ordinance to render their rules binding, otherwise they will have no effect at all in law;" and he goes on to state, that without the sanction of Government the courts of law would not admit of any arrangements made by them respecting the property; are those the proposals that you allude to that you would have passed if you had been allowed?—Yes; the large landed property of the temples of the country is at present without any legal management; the persons now in office as the headmen of the temples have no legal appointment as such; if they went into a court of law to enforce any rights as heads of the temples, the court would not recognize them as legal officers.

6649. That is, the want of the sanction of the Government to the appointment of those parties prevents their having a title to the lands, and prevents the benefits from having a title to those lands from being realized?—Yes. The Government used to make the appointments; but since there has been this change made, first by Lord Stanley, and next by Lord Grey, the Government has made no appointments, but as the vacancies have occurred parties have been told to take charge of the temples; they have no legal right.

6650. Mr. Hawes.] By the phrase "sanctioning of the parties," you mean their direct appointment?—Yes. But the state of the country at present is such that very shortly before I left the island, a chief, one of the principal temple chiefs, asked me to apply to the Government to give no answer respecting any temple question at present, as anything that was done might make their position worse.

6651. Mr. Hume.] Was it not an interference absolutely necessary, in order to render the lands productive for the purpose for which they were intended, that that previous legislation should be made?—The lands are as productive probably as they would be. The state of things is this: all the temple lands are inhabited and cultivated by tenants whose ancestors have been there for many generations, and who have a right to remain there, rendering certain service and paying certain dues; and they now remain there, neither rendering the service nor paying the dues, unless they please to do so, because nobody can enforce it.

6652. Mr. Hawes.] That is, the parties receive the dues themselves, instead of the Government, paying over a certain portion to the priesthood?—The priests and chiefs are the parties to collect the dues.

6653. That is the real ground of complaint on the part of the priests?—Yes.

6654. Mr. Hume.] My question to you was, whether from the want of legislation, the priests will be deprived of the advantage that would otherwise have been

P. E. Wodehouse,
Esq.

12 July 1849.

derived from the lands belonging to the Temple?—Yes; the priests and the chiefs will be deprived of that advantage.

6655. At that conference, which is given at page 91, they were asked “when they” (that is, I suppose, the chiefs and priests together) “will be ready to take over the charge of the relic and jewels?” Did not the chiefs make no objection to that, but reply, “As soon as a Land Ordinance has been passed and sanctioned;” is that the Land Ordinance that you considered essential to be passed before giving up the relic?—I do not exactly know to what this expression “Land Ordinance” refers. I do not think it means the same thing; and I consider that this again, very much like the proposal of the priests, was merely a means of gaining time.

6656. It was from a wish to defer the matter altogether?—It was from a wish to get the Government to go back to the original position of remaining at the head of the Buddhist religion.

6657. Will you state to the Committee when and how the relic was given over?—On the 2d of October 1847 the relic was delivered over, as the Governor reports in page 94, to three individuals, two chief priests and the principal chief.

6658. And his Lordship states, “Henceforth, and I trust for ever, the authority of the British name and power will have been entirely withdrawn from the active support of heathenism; and the sanction of a Christian Government can no longer uphold and strengthen, even though it tolerate, the errors of a hopeless pagan worship.” Are not those the words of the Governor?—Yes. There is no wish on the part of any person to perpetuate any interference with the Buddhist worship, or any religious ceremony, but simply to impress upon the Government here the absolute necessity for civil and political legislation.

6659. To show, in fact, by the Government assuming certain powers of appointment, that their religion was, to a certain degree, patronised and protected by the Government?—No; to enable them to manage their own property, without the risk of confusion. That was the principal object.

6660. In your last examination, you stated that in that minute you had strongly impressed upon the Governor your fears that disturbances would arise unless previous legislation was adopted; are we to understand you to allude to the confusion and disturbances which might have taken place if the connexion between the Government and the Buddhoo religion was altogether separated?—I am not prepared to go the length of saying that I should wish the Government to go back to a connexion with the religious worship of the Buddhists at all; I simply wished to point out that Lord Grey, by his despatch as it stood, in breaking up that connexion, did not enable the professors of the Buddhist religion to manage their own affairs.

6661. In fact, it severed the connexion between the British Government and them, without giving to the priests the power of managing their own affairs?—Exactly. It was a very involved and difficult question, and probably Lord Grey at the time the despatch was written was not fully informed of all the points at issue in dealing with it.

6662. Do you mean to say that your minute, and the other communications, did not fully point out the danger that would arise if that legislation was not adopted?—In that memorandum I endeavoured to point it out, but of course that was not before Lord Grey at the time he wrote his despatch, for the memorandum was founded upon Lord Grey’s despatch. If you will refer to page 117, I can point out some of the paragraphs in Lord Grey’s despatch, which will illustrate my meaning. In the third paragraph from the bottom of that page, I say, “The Secretary of State proceeds to object to the clause which grants to a priest, removed by the committee, a right of appeal to the district court, as exposing Her Majesty in Council to the necessity of confirming ‘the removal of a Buddhist subject from his employment and means of subsistence, not because he had done anything deserving of censure, but because he had abstained from doing something profane, impious, and obscene.’ I would, however, beg to call attention to the fact, the charter of 1833 vests in the district courts an original civil, and in the Supreme Court an appellate jurisdiction in all pleas, suits, and actions; and that therefore, even in the existing state of the law, the courts refuse to entertain and determine suits upon questions connected with the discipline and rights of the priests and professors of the Buddhist religion. The records of the
Supreme

P. E. Wodchouse,
Esq.

12 July 1849.

Supreme Court will show that that tribunal formerly decided, after full investigation and hearing, which of the two sects of Buddhists was the orthodox one, and as such entitled alone to hold the temple property of the Kandyan provinces. Lord Grey then observes, 'As far as I can judge at this distance from the place, it appears to me that no law whatever is necessary, or could be properly made respecting the custody of this relic, the choice of Buddhist priests, their internal discipline, or their religious observances.' I confess myself to be utterly unable to discover how these matters can in future be managed satisfactorily and peaceably without a legislative enactment. There are laymen of high rank as well as priests connected with the temples, whose interests are widely different. There is great property attached to the relic, and pecuniary arrangements are more or less involved in their religious observances. There is no probability of any agreement among them if left to themselves, for there has been no greater obstacle to the completion of these measures than the mutual distrust prevailing among them. The relic is not the property of the priests, nor indeed of any particular class, but of the people; and its abandonment into the hands of the priests would, without doubt, lead to the institution of legal proceedings, involving deep and general discontent, and of most uncertain duration."

6663. Does it not appear from Lord Torrington's former despatch, that the jewels and other property alluded to were valued at upwards of 19,000*l.*?—Yes, it is so stated.

6664. Will you state whether any and what measures were adopted after the 2d of October 1847, when the relic was delivered over?—I believe no measures were adopted; I believe the Governor is fully alive to the difficulty of his situation, and has done all in his power to make that known in the proper quarter; but nothing further has been done. These papers contain another proposition for an ordinance in lieu of that which was disallowed.

6665. Will you state what Lord Torrington has recommended?—Lord Torrington has sent home a draft ordinance, but I do not think he goes the length of positively recommending it. At page 120 is his despatch, and at page 123 is the minute.

6666. Mr. *Hawes.*] You allude to the draft of a proposed ordinance?—Yes; which the Governor has submitted to the Secretary of State for his opinion, before bringing it forward.

6667. Mr. *Hume.*] What is the recommendation which is there made?—It is very similar in many respects to the disallowed ordinance; it proposes to create a certain board, as before, for the management of the religious property in the colony. The principal difference between the two is in the mode in which vacancies are to be filled up for the future.

6668. What answer does Lord Grey give to that?—Lord Grey states that he must have further information before he can give any opinion. That is at page 127.

6669. You have read Lord Grey's former despatch, in which he desires that all connexion with the Buddhist religion should be withdrawn. When you look at his despatch, dated 23 April 1849, at page 129, does it not appear that his opinion has entirely changed. He says, "I can have no hesitation in authorizing your Lordship to pass a grant of lands to the temples, in compensation for the discontinued contributions of money, if the facts are in accordance with the statement contained in the memorandum. Nothing could be further from the intentions of Her Majesty's Government, or more inconsistent with the entire principle of these measures for separating the Government from Buddhism, than to make that separation a source of pecuniary gain to the Government, and of pecuniary loss to the temples, in contravention of long recognized engagements." Does he not there reverse his former order?—No, I do not consider that he does.

6670. Has not the relic been taken charge of by a Government officer; does not Colonel Drought report that he has taken charge of it?—That was when the disturbances broke out. There was always political importance attached to the relic, and the Government therefore took charge of it during that time.

6671. Did not the Government approve of the proceeding of Colonel Drought?—Yes.

6672. Mr. *Hawes.*] The relic was taken care of for security during the disturbances?—Yes; it had no bearing upon the main question.

6673. Mr. *Hume.*] After the lapse of time, and after the disturbances that have taken place, will you state what is now proposed to be done, so far as these papers show?—

P. E. Wodehouse,
Esq.

12 July 1849.

show?—The last of these papers shows what Lord Torrington has submitted to the consideration of the Secretary of State, viz., a draft ordinance, which he would bring forward if the Secretary of State encouraged him in doing so. And there is a memorandum at the end of these papers, at page 129, reviewing that ordinance.

6674. That is signed by W. S.?—Yes.

6675. What is the purport of that review?—It goes mainly to repeat the objection taken by Mr. Rogers to the organisation of what is called the aristocracy and hierarchy of the island. If you will refer to page 130, para. 3, you will see the principal objection.

6676. “That very aristocracy and hierarchy, which are the natural enemies of British rule, and have been at the bottom of every insurrection since British rule began, are combined by the ordinance into a legal association of the most widely-spread influence, which although set up for purely ecclesiastical purposes, will, it is to be feared, be too easily converted to political ones.” Is that what you allude to?—Yes, and the whole of that paragraph.

6677. Do you concur in the opinion expressed in that paragraph?—No; I think the arrangement of the whole question depends upon the view taken of that paragraph; and so far from thinking that there is danger in combining the aristocracy and hierarchy, my opinion is, that that combination may be made the principal means of counteracting the influence of the priests in the country. You cannot make friends of the priests, but you can make friends of the chiefs and headmen, and therefore you may make use of the power and influence of the chiefs to neutralise the power and influence of the priests.

6678. Mr. *Harves.*] You entertain great objection to the ordinance which is now proposed to be made?—Yes, I do; because there is another principle to be kept in view, that all rank and power ought to emanate from the Government. Natives ought to possess no political influence which they do not possess by virtue of a position conferred by the Government; and this draft ordinance vests in the committee the power of electing their own successors in cases of vacancy. If that were the case, they would bring gradually into existence a power that would control all the religious property of the country, and be quite independent of all Government control; and therefore I conceive that it would be very objectionable to allow them to elect their successors in cases of vacancy.

6679. Mr. *Hume.*] You consider the connexion subsisting heretofore between the Government and the chiefs, so far as they were appointed by the Government, is a fit and proper principle to act upon at a future time?—Yes. The view that was carried out in the ordinance which was disallowed was giving the right of voting and the right of holding those religious situations only to parties holding certain rank conferred by the Crown.

6680. That is in direct opposition to Lord Torrington’s despatch of the 14th of October, in page 94, in which he expresses a hope that “the authority of the British name and power will have been entirely withdrawn from the active support of heathenism”?—I am afraid I have not made myself sufficiently clear upon the point. I wish to keep up the whole control of Government in a political way; I wish to give those people as much power as possible in managing their own religious affairs, but they should look for all political influence in the country by virtue of their being nominees of the Government, not to religious, but to civil offices.

6681. But in page 95, Lord Torrington says, “The priests and temple officers no longer receive their appointments from Government, and the final surrender of the precious relic of Buddhoo itself has broken the very last link of the chain that bound the British Government to heathenism in Ceylon;” that is Lord Torrington’s opinion?—I quite agree with Lord Torrington, that the priests and temple officers should no longer receive their appointment from the Government; but I would have them elected by parties who hold offices from the Government.

6682. As recommended by you in your memorandum?—Yes.

6683. You would keep up the link indirectly between the Government and them by that means?—Yes; they should be elected by the people of influence in the country; that influence being mainly derived from their Government appointments.

6684. Does not Lord Torrington in that despatch state the desire of the Government to divest themselves of all connexion with the temple lands and temple property, and does he not now, in the last despatch, recommend the contrary course

course to be adopted?—No, I think not. We used to pay a certain annual sum, 200*l.* or 300*l.* a year, in aid of the subsistence of the priests of certain temples; it was very limited. That was ordered by Lord Stanley, as we understood it, to be discontinued. He directed that it should not appear in our annual Estimates that we paid anything for the maintenance of Buddhism, and it was struck out altogether; then the question arose whether you would not make a grant of money as compensation, but that could not be done without an ordinance, because there was no particular body to whom the grant could be made.

6685. Mr. *Hawes.*] That is a question of compensation for a grant withdrawn?—Yes.

6686. It has nothing to do with the passing of an ordinance for the maintenance of the Buddhist religion in the island?—Not the least.

6687. Mr. *Hume.*] Are the Committee to understand that the Government did not, by that letter which you have read, and the memorandum of W.S., intend to accede to the wishes of the Buddhist priests? Is not the import of this memorandum that the connexion between the Government and the Buddhist priests should be in some way established?—So far as I understand the whole bearing of these papers now, I conceive that Lord Grey, when he wrote the despatch that Lord Torrington brought out, wrote it under the extreme difficulty that the Secretary of State must always have under the present system of obtaining correct and full information respecting the actual state of affairs in the colonies; and that possibly, from what has subsequently taken place, he became aware that there were greater difficulties attending the question than he could in the first instance have come to a knowledge of, and that he is now willing to listen to any reasonable proposition, or any feasible scheme which may be suggested for getting the Government out of the difficulty. The difficulty did not originate in Lord Grey's time; it first arose in Lord Stanley's time.

6688. Mr. *Villiers.*] What difficulty do you refer to?—The difficulty of extricating the Government from the connexion with Buddhism, and making other proper provisions.

6689. But Lord Grey fully adopts the opinion which had been expressed by Lord Stanley as his own opinion?—I think the word "adoption" is precisely the correct word to use in this case; Lord Grey was carrying out the policy which had been already acted upon by Lord Stanley.

6690. The words in Lord Grey's despatch are, "I adopt Lord Stanley's opinion, and am prepared to advance even further than he did, in repudiating the obligation which it is thus attempted to impose on the British Crown, not only by the Queen's Advocate, but by the memorial which accompanied your predecessor's despatch of the 7th of February 1846, No. 37." The expression used by Lord Grey is even stronger than that used by Lord Stanley?—Yes; and therein lies the difficulty. Lord Grey stated that he not only adopted Lord Stanley's opinion, but that he went further than Lord Stanley had done.

6691. Mr. *Hume.*] Does it appear that at the time Lord Grey stated that he adopted Lord Stanley's opinion, and declared his intention to go further than Lord Stanley had done, he had the opinion of any government officer connected with the colony before him?—I do not think that the original discussion of the matter, or anything that took place upon it, has been much governed by the opinions of persons in the colony. I believe that the Colonial Office here were strongly urged by the missionary bodies to dis sever the connexion between the Government and the Buddhist religion, without reference very much to the opinions that were entertained in the colony.

6692. Does it not appear by Lord Grey's despatch, of the 23d of April 1849, that he has altered his opinion, because he says, "I think the measures suggested are deserving of the consideration of yourself and the Executive Council; and if they should appear to you capable of being entered upon with advantage hereafter, though not at the present time, and to promise an eventual settlement of this difficult question in a mode less open to controversy, I should be quite willing, for such an object, to defer the period for relinquishing the interference of Government with temple appointments." Does not that show that Lord Grey has now seen the difficulties attending the settlement of the question, and is desirous to have the opinions of persons in the colony upon it?—Yes; I have stated that Lord Grey is, I think, now alive to the difficulty, which he could not have been aware of at the time he wrote his first despatch; but Lord Stanley entered upon this line of policy under the pressure of the missionary bodies. These papers refer to certain pamphlets given in by Mr. Peggs, and other people.

P. E. Wodehouse,
Esq.

12 July 1849.

6693. Nothing was done in the colony in consequence of Lord Stanley's despatch?—Yes; the ordinance framed in consequence came to England while Mr. Gladstone was Secretary of the Colonies; it was not disposed of by him, but stood over till Lord Grey came into office. If Mr. Gladstone, or any other Secretary of State, had happened to have confirmed that ordinance, Lord Grey would have had nothing to do with settling the question; the local government would merely have given orders for carrying it out.

6694. Mr. *Villiers*.] But it was not done with the ignorance of the parties in the colony. Mr. Buller strongly objected to dissevering the connexion of Government with the Buddhist religion?—Yes; Mr. Buller was very strongly opposed to the connexion of Government with the Buddhist religion being dissevered.

6695. And the memorial also expressed an opinion against dissevering the connexion?—Yes.

6696. It appears, then, upon the face of this despatch, that Lord Grey was informed of the danger and difficulty of attempting to dissever the connexion?—He was aware that certain members of the Government entertained an opinion adverse to dissevering the connexion; but I spoke generally of the great difficulty that a Secretary of State must have in acquiring accurate and positive knowledge of the condition of any distant colony. I will read the passage at the bottom of page 81; it will show that the Colonial Secretary only acted from the pressure of religious feeling in England: "It is not without regret that I observe that the preceding instructions are opposed to the opinions and the wishes of nearly all the members of the local legislature. To their superior knowledge of all local affairs I cannot too unreservedly defer; but the present is a case in which the principles brought into debate depend, not upon any local circumstances, but upon considerations which can be appreciated with equal clearness in whatever country they may be discussed, or which, it may be no exaggeration to say, can be appreciated more clearly at a distance from the scene of action than in the centre of a society agitated by the proposed application of them to practice. To separate the British Government from all active participation in practices at once idolatrous and immoral is a plain and simple though a most urgent duty. That they who live in Ceylon may have a far clearer and more comprehensive perception than I have of the difficulties and even of the dangers of performing that duty there, I do not for a moment dispute; it is possible that the vividness of that perception may have reconciled them to that compromise of the duty which the earlier parts of this ordinance appear to me to contemplate and to sanction. I trust that on a review of the subject they will agree with me that the difficulties, whatever they may be, must be encountered, and that the danger, whatever it may be, must be incurred, in order to maintain inviolate the sacred principle in question, to the maintenance of which, I am well assured, the members of the legislature of Ceylon are not less earnestly attached than are the members of Her Majesty's Government in this country." That feeling has been at the bottom of everything that has been done upon this matter both by Lord Stanley and Lord Grey.

6696*. Mr. *Hume*.] The ordinance you prepared was to mitigate as far as possible the difficulties arising from dissevering the connexion of Government with the Buddhist religion?—Yes; we were peremptorily instructed by Lord Stanley to take measures for the purpose of dissevering that connexion.

6697. Notwithstanding those decided opinions given by Lord Stanley, nothing, in fact, was done as to delivering over the relic till Lord Torrington received his positive instructions from Lord Grey?—Preparatory measures in the colony had been adopted; the local Government had done sufficient to enable the relic to be handed over the moment the answer came to say that the ordinance was confirmed.

6698. Mr. *Hawes*.] This question of connexion or disconnexion of the Home Government and the Local Government from Buddhism did not, in your opinion, originate the discontent on the part of the Buddhist priests with British rule?—I think it has been very much at the bottom of that discontent.

6699. Was there no discontent on the part of the priesthood during the time that the Government was, in point of fact, making the appointments directly to the temples?—Not as long as the Government made those appointments properly and without delay; but when Mr. Stewart Mackenzie, who entertained religious scruples about it, demurred to signing the necessary appointments, then they began to feel the inconvenience of it, and they began to be discontented.

6700. In

299

P. E. Woodhouse,
Esq.

12 July 1819.

6700. In what year was that?—Prior to 1841 ; Sir Colin Campbell came out to the colony in 1841.

6701. Do you mean from your knowledge of Ceylon to state that there were no open manifestations of discontent on the part of the priesthood prior to the year 1841 ?—I cannot at this moment recollect any manifestation of discontent on the part of the priesthood before that time.

6702. Are you acquainted with the history of preceding insurrections in Ceylon?—There has been but one insurrection, which was in 1817, when we took the country.

6703. Were there any priests connected with that insurrection?—That was the actual conquest of the island ; before that we had not really the possession of the island.

6704. You are speaking now of 1817?—Eighteen hundred and seventeen and 1818.

6705. Was there any disturbance in the year 1823?—There might have been ; that was before my time ; I am not aware of any period at which the priesthood were disaffected and discontented before Mr. Stewart Mackenzie began to discontinue making the appointments.

6706. That was in 1841?—He ceased to be Governor in 1841 ; I cannot recollect when he went out to the colony.

6707. On or about the year 1841 the discontent of the Buddhist priesthood began to show itself towards the Government?—The country was discontented before that ; in 1832 the country was discontented with the late Lord Grey's Government, for abolishing compulsory labour in Ceylon.

6708. Prior to that time, from your recollection of the past history of Ceylon, should you say that there were no manifestations of discontent on the part of the priesthood?—Not to my recollection.

6709. Are you acquainted with any prior insurrection?—Not with any prior to 1832.

6710. You know nothing of the insurrection of 1823?—No.

6711. And nothing of the insurrection of 1824?—No ; there may have been disturbances in those years, but I do not know anything about them, one way or the other.

6712. Has not one great source of discontent on the part of the priesthood arisen from the apprehended establishment of Christianity in the island?—No ; I do not think the Buddhists look upon Christianity with any hostility whatever ; many of the natives think very little of attending Christian worship and attending Buddhist worship too. A man receives education in one of the towns, and calls himself a Christian some years of his life ; and he goes back to his own village and his own family, and becomes as good a Buddhist as ever.

6713. Then it is your opinion that the Buddhist priests do not at all apprehend the advance of Christianity ; that is not a source of discontent with them?—No, I do not think it is, so long as they are allowed to maintain what they consider their proper position.

6714. Have they not lost influence since we have acquired the Kandyan provinces?—I cannot say positively ; they may have lost influence, but they still have very great influence.

6715. Is it not the prevailing opinion among parties acquainted with the history of Ceylon that the priests have lost influence since our possession of the Kandyan provinces?—Most probably that is the case.

6716. That has been a source of discontent, has it not?—Yes. I have stated in my answers before, that you never can make good friends of the priesthood. I have been careful in my remarks to separate the priests from the chiefs. You can only make indifferent parties of the priests, but not friends.

6717. Mr. Villiers.] You can make them greater enemies?—Yes.

6718. You can make them decidedly hostile to the Government if you irritate them sufficiently?—Yes.

6719. If they have lost any influence, do you think it is owing to conquest or to Christianity?—To conquest. There is little or no conversion in Ceylon ; it does not exist.

6720. We seem to be more apprehensive of Buddhism than the Buddhists are of Christianity?—Yes ; I do not think they are apprehensive of Christianity.

6721. Have any Christian settlers been converted to Buddhism?—Not that I know of.

P. E. Wodehouse,
Esq.

12 July 1849.

6722. Is there anything immoral or bad in Buddhism?—I believe, nothing. I believe a Buddhist may be a moral man.

6723. And, practically, their morality is very good?—Yes.

6724. There is, I presume, the same difference between good and bad men among the Buddhists as there is among persons professing Christianity?—Yes.

6725. You do not observe that every man professing Christianity there is a good man, or on the other hand that every Buddhist is a bad man?—No.

6726. Have you found that the disconnexion of the Government with the Buddhist religion has the effect of civilizing the people?—It has not been in operation sufficiently to have had any real effect upon the people at large.

6727. I observe in Lord Grey's despatch he talks of the high calling of the British Government to teach and civilize the subjects of Ceylon, and therefore urges the disconnexion of the Government with the Buddhist religion. Do you think that it is likely to make them better men, or to civilize them, if you offer offence to their religion?—No, I confess that I do not. I do not think you promote their conversion or the spread of Christianity by doing anything which at all offends their ideas, or by doing anything which they think looks like bad faith.

6728. You do not think that what has been done in disconnecting the Government with the Buddhist religion has affected the influence of the priests or the existence of Buddhism?—Yes, I think that the priests very clearly see that the disconnexion of the Government with their religion will weaken their position to a certain extent in the country, because the great mass of the people attach great importance to any connexion with the Government in any shape whatever; but if you ask me whether I think such a disconnexion will promote Christianity in the island, I do not think it will.

6729. Is it your opinion that, inasmuch as it will weaken the influence of the Buddhist priests, but at the same time will not make the Cingalese Christians, the effect will be to promote infidelity in the island?—I am afraid, from all we hear and see, that that is the general effect upon the natives; upon the first introduction of Christianity I think they become very much infidels.

6730. The influence of their own priests ceases, and they do not adopt Christianity?—The influence of their own priests ceases, and I do not think any other influence operates much upon them.

6731. Is there anything very offensive to Christian morals in the rites and ceremonies of the Buddhist religion?—Not that I am aware of.

6732. Mr. Hawes.] Are there no rites and ceremonies offensive to Christianity in any sects of Buddhists?—I do not know of anything; there is nothing cruel, and there is nothing that we should call indecent in their rites and ceremonies.

6733. Mr. Villiers.] Do you know what it is that Lord Grey refers to in his despatch, where he speaks of the impropriety of the British Government connecting itself with rites and ceremonies which are impious, immoral, and obscene?—I think that is precisely one expression which is used under the influence of what I have been alluding to, the extreme difficulty that the Secretary of State must have in becoming acquainted with the actual condition of the people of a colony.

6734. You are aware of some of the rites and ceremonies practised in Hindoo temples?—I have not seen them.

6735. But perhaps you have heard that some of those rites might deserve that character?—Yes, I have heard of some rites being practised in some parts of India which might deserve that character.

6736. Would you distinguish the rites and ceremonies practised in Ceylon from those rites and ceremonies which you have heard of as having taken place in some of the Hindoo temples in India?—Yes; I have never heard of anything taking place in Ceylon deserving the character which some of the rites practised in the Hindoo temples in India would deserve.

6737. Does the aversion of the priests to our Government arise from any aversion to our religion?—I do not think they have any great aversion to our religion, because their feeling is that there is good to be got out of any religion; but they must see that our form of Government, and everything connected with it, is in no manner calculated to promote their influence among the people. In the first place, they do not owe their position to the Government; therefore the more influence the Government have, and the more influence the Government officers have, the less must be their influence in the country as a necessary consequence, they being altogether irrespective of the Government.

6738. But

6738. But the Government does not interfere with them ; I suppose there is no attempt on the part of the Government to promote conversion, or to alienate their flocks from them?—No. *P. E. Wodehouse, Esq.*

12 July 1849.

6739. If the Government do not attempt to interfere with them, or to disturb the relations existing between them and the people, why should they have that feeling of aversion which you describe as being quite hopeless to overcome?—Because I think any body of men more educated and more influential among their own countrymen must necessarily view with aversion the introduction into their country of a body of men such as the European functionaries, who from their greater education and their connexion with the Government must have much greater influence and power over the people of the country.

6740. You stated that the people had ceased to respect the priests, or had not respected them so much since we have had an influence there?—No ; of course the people have not respected the priests so much ; they have not the same power in the colony as they formerly had.

6741. The Buddhist priests are not paid ; it is against their principles to hold property?—Yes ; but there are lands attached to the temples.

6742. Do not those lands become more valuable in proportion as capital is laid out by European settlers?—Yes, to a certain extent ; but still they would not attach nearly the same value to money that they would attach to influence.

6743. But money and influence are not distinct, are they?—Yes, they are very much so in Ceylon.

6744. The people do not make any contributions to the priests, in the way of money or anything else?—At certain festivals they do ; but I am satisfied that no acquirement of money would make up to the priests for the loss of influence that must be the consequence of communication with Europeans, and of the government of the country by Europeans.

6745. What is the object of the lands which are connected with the temples?—The priests derive the whole of the revenues.

6746. How do they expend the revenues?—A great many of the priests become rich men, totally contrary to their vows.

6747. Then they care for wealth?—Yes ; but if you put it to the priests whether they would have wealth or influence, and more particularly the clever priests, they would in their hearts say, “ Give us influence, and we will look after the money afterwards.”

6748. To take the case of a zealous man, a Cingalese man professing the Buddhist religion who is anxious to conciliate his priest, does not he endeavour to do so by giving him money or land?—No priest can hold it, and it is a great question whether land can be legally granted to a temple ; at present I believe it cannot.

6749. But you say many of the priests become rich men?—They acquire money, we do not know how : and it is not their wish that we should know how.

6750. Do not they rise in public estimation in proportion as they are thought to be rich?—No, I do not think they do ; the influence of a priest depends upon his talents and learning, and general ability.

6751. Are the priests highly educated?—Some of them are highly educated in a particular line.

6752. Have they many works on theology which they study?—Yes, there are many works in ancient languages, Sanscrit and others, that they study.

6753. Are they on good terms with the chiefs?—To a certain extent they are on good terms, but they are jealous of one another, and they are very jealous on this question ; there is a great struggle amongst them which is to have the most power in the management.

6754. If there is a jealousy between the chiefs and the priests, I presume that any measure that will diminish the priests' influence the chiefs are glad to see carried out?—They might be glad to see measures taken that would indirectly diminish the influence of the priests ; but they would take offence if you did any thing very directly that was offensive to the priests.

6755. Are the chiefs outwardly religious ; do they attend the temples?—Yes ; and no man of rank in the Kandyan country will think of sitting in a room where a priest is, without his leave.

6756. Are the chiefs beholden to the priests in any way ; do the priests perform their marriages, or register their births?—No, it is merely a respect that the

P. F. Wodehouse,
Esq.

12 July 1849.

priests have acquired, and a hold that they have acquired over the feelings of the people of the country for many generations.

6757. Would the priests accept a stipend from Government, if that was proposed?—No, I think not; they would say that by their religion they were not allowed to do so.

6758. Sir J. Hogg.] If no instructions had been sent from the Colonial Department, but you had been left to the exercise of your own discretion as regards the religious ceremonies of the natives, I presume you would have left things as they were?—Yes, we should not have interfered at all.

6759. If any interference is to be made under orders from home, you think it ought to be done by the enactment of such an ordinance as you have recommended?—Some such ordinance is absolutely necessary.

6760. Mr. Buller goes still further than you do, as to the inexpediency of at all interfering with the formerly existing state of things in regard to the connexion of Government with the Buddhist religion?—Yes, the present Sir Arthur Buller went still further than I did.

6761. Though he entertains a stronger opinion than anybody else as to the expediency of continuing the connexion of Government with the religion of the natives, I believe he is still of opinion that if there be any severance under the orders from home, it should not be done by an ordinance, but should be done by orders from the local Government?—No; I think Mr. Buller perfectly agreed with me in the absolute necessity of an ordinance. I do not think it is a matter of question with any person in the colony.

6762. Does not Mr. Buller in his letter or minute state distinctly his opinion, that it had better be done by orders from Government, and not by an ordinance?—I cannot recollect that.

6763. In page 56 will you read the 4th and 5th paragraphs of Mr. Buller's minute: "But I object to it still more strongly, because while by it we withdraw from heathenism our present merely nominal protection, we substitute in its place a protection that will really be of great avail. The ordinance is an elaborate and well-considered scheme for the ensurance of the best selection of heathen priests, and for the faithful appropriation of the revenues of the temples. The merits of the ordinance are its only fault. It would be admirably adapted for the purposes of an enlightened Boodhist reformer, and I am sure would be looked upon by Mr. Peggs, as it would in reality prove if carried into effect, 'An Ordinance for the encouragement of Buddhism:?' that paper is not in favour of an ordinance?—I quite agree with Sir Arthur Buller in that respect, that the ordinance is, to a certain extent, an ordinance for the encouragement of Buddhism; but if you look at the top of the same page you will see what he says.

6764. The reason of my asking the question is, because he states that "We have by almost imperceptible degrees withdrawn ourselves more and more every year from all practical connexion with idolatry; and without making ourselves obviously obnoxious to the charge of openly breaking our faith, we find ourselves now in point of fact only observing it in appearance." Was it not his opinion, to be gathered from that passage, that whatever change was desirable it ought to be effected by a gradual operation brought about by the orders of Government, rather than by a distinct legal enactment; do not you gather that to be his opinion?—We are all perfectly agreed upon that point; he and I certainly were most perfectly agreed upon that point. We did not wish to legislate at all upon the subject, if the Secretary of State or the Home Government would have left it alone. If you will look at the paragraph immediately following the one you have read, he says, "I think it is far better not to disturb the existing arrangements relative to appointments; let the power of making them, as heretofore, be with the Governor; for if he formally divests himself of it, we are bound to make it over to some other authority, and then legislation becomes unavoidable, and with it endless and vigorous provisions, such as those which are to be found in Mr. Wodehouse's draft." That is the exact position in which we were; the Home Government would not leave the matter alone; the Governor would not go on making the appointments, and therefore we were driven to legislation: you must provide for the management legally.

6765. He points out objections to the draft you had suggested, not emanating from yourself, but in conformity with instructions from home?—Yes. He says, "Legislation becomes unavoidable, and with it endless and vigorous provisions, such

such as those which are to be found in Mr. Wodehouse's draft." The draft was prepared under the pressure of those orders from home.

*P. E. Wodehouse,
Esq.*

12 July 1849.

6766. Lord Stanley, I believe, sent out the first instructions, and was very desirous of severing the Government from any connexion with the religion of the natives?—Yes.

6767. Lord Stanley was of opinion that the best way of effecting that object was by an ordinance?—I cannot recollect whether Lord Stanley distinctly stated that, but he told us that we must do certain things.

6768. He admits in his despatch the necessity of some ordinance or legal provision?—Yes.

6769. Lord Grey is at least equally desirous, and you think more desirous, of severing that connexion, and he is of opinion that it ought not to be done by any legal enactment?—Yes, that is the purport of his despatch, in a great measure.

6770. It appears that there is great disparity of opinion as to what should be done, among those who entertain different opinions upon this subject?—I am not sure that anybody now thinks that it ought to be done without an enactment; I think everybody is agreed, that unless Government will go back to its original position, and go on making the appointments, some legislative enactment we must have.

6771. The last memorandum refers to the lands that had been invariably invested in the chiefs, and belonging to the sect that are called the Wiharis?—This proposed ordinance provided for the management of the property of the Buddhist temples, as well as of the Wiharis.

6772. Is there not a suggestion made in favour of providing for the management of the temple lands by some general law?—The allusion is made there to what I mentioned in the former part of my evidence; the Governor was in correspondence with the Home authorities respecting a general settlement of land throughout the country; and that is what is referred to in that memorandum. The question is whether to settle the temple lands as part of the general lands of the colony, or to settle the temple lands separately by themselves.

6773. Those you spoke of as maintaining the ancient faith of the Buddhists are the Wiharis?—Yes.

6774. The others that have introduced impurities from the continent of India, are the Dewallas?—Yes.

6775. Then in speaking of the religion of the people, is it not the fact that the two religions have been mixed up and mingled together; do not the priests who officiate in one temple officiate also in the other?—Not at all.

6776. Do not the Buddhist priests officiate or take any part in the Dewalla ceremonies?—No, they do not; there is no Buddhist priest officiating in any way whatever in the Dewalla temple.

6777. Then the statements to that effect in the papers are erroneous?—A priest might perhaps be present at the Dewalla ceremonies as one of the congregation, but not as taking part in the performance of any ceremony.

6778. Has the Buddhist system in Ceylon been preserved pure, or has it been corrupted by the introduction from the continent of India of ceremonies and impurities connected with the Hindoo religion?—A Buddhist priest would at this moment tell you that the Buddhist religion was preserved inviolate, and would disclaim all connexion with the Dewalla ceremonies.

6779. I have no doubt that a priest himself would give that answer; but, practically, has not the Buddhist system become corrupted, speaking from your experience in the island?—What we call Buddhists in the island attend the ceremonies both of the Buddhists and the Dewallas.

6780. Those who are called the Buddhist priests attend both the Wihari and Dewalla temples?—No. When I use the term Buddhists, I am speaking of the congregations that frequent the Wihari and the Dewalla temples; but a Buddhist priest would take no part in the performance of the ceremonies in the Dewalla.

6781. Do the Dewallas attend in the Wihari temples?—Yes; but they can perform no part of the service there; they attend merely as part of the congregation.

6782. *Mr. Villiers.*] They are like Protestants and Catholics in a Christian country?—Yes, in that respect they are.

6783. They were both protected by the old kings of Kandy?—Yes, they were protected by the old kings of Kandy.

P. E. Wodehouse,
Esq.

12 July 1849.

6784. Sir J. Hogg.] Does the Hindoo faith prevail in Kandy?—No, it does not, except among those who come from India, and the Malabars.

6785. Was not one of the embarrassments arising from the proclamation of 1818, that it was not confined to the Buddhist faith, but that it related generally to religious ceremonies, which included the whole of the religious ceremonies of the Kandyan provinces?—Yes, we classed the Wiharis and the Dewallas under one and the same definition of temples.

6786. The proclamation of 1818, which you conceive to be more cogent than the convention of 1815, related to and included all the Wiharis and Dewallas, and the whole religion of the people in the Kandyan provinces, whatever the religion might be?—Yes; it comprehended the Wiharis and the Hindoo Dewallas; there was no distinction drawn in the old proclamations of the Governors with regard to the lands of the temples, but they held themselves bound to exempt them from taxes, and to give them all other privileges.

6787. There is scarcely a more difficult question to deal with than this question of the severance of the connexion of Government from the religion of the country, and the best mode of effecting it?—It is a very difficult question.

6788. Is it your opinion that the difficulty of the local government in settling the question will be increased or diminished by the publication of these papers, and the discussion in this Committee, and the necessary expression of opinion one way or the other?—I think the difficulty would certainly be increased by that, unless it were accompanied at the same time by a positive settlement of the question; in that case, I suppose, supported by an expression of the opinion of Parliament. If all went out to the colony with a variety of opinions expressed upon it, and no determinate decision come to, it might certainly lead to much difficulty.

6789. Then whatever the opinion was, if it were expressed by this Committee, and adopted by the Colonial Department, am I to understand that it will be willingly acquiesced in by the natives of Ceylon?—I apprehend that any arrangement which would obtain such sanction as that it would go out from here with the approval of the Committee, and of Government, and Parliament, would be the most satisfactory and most reasonable arrangement that could be arrived at under the existing circumstances of the case; and if well considered and well carried out, I think it would give satisfaction.

6790. That is, if it were a good measure, and a wise recommendation, it would give satisfaction?—Precisely. I do not say even then that it would give satisfaction to the priests.

6791. Do not you think that some measure emanating from the Committee and the Colonial Department, with the sanction of Parliament, would have been more easily and more satisfactorily carried out by the local Government, if there had not been the publicity induced by the production of the papers and the discussion in the Committee?—I confess that that appears to me to be a very difficult question to answer, it is so very comprehensive. I agree that, in many cases, great inconvenience results from public discussions of difficult questions of that sort.

6792. Mr. Hume.] Will you look at page 26; there is a Letter from Lord John Russell, dated the 10th of April 1841. Lord John Russell says: "In the meantime I have to acquaint you that the Queen, while she is determined to abide by the treaties of her predecessors, does not consider herself bound to give any active or ostentatious support to the religion of the natives." It is your opinion, that if this Committee should express the opinion in favour of Her Majesty abiding by the treaties of her predecessors, as regards the religion of Ceylon, under the terms there stated, that would give satisfaction?—I stated just now that I do not admit that even Lord Grey, in the extreme view expressed in his despatch, departs from good faith as to the observance of the treaties, because there was a positive power reserved to alter any measures which we liked.

6793. You have been asked whether an expression of opinion on the part of Government and the Parliament would not give satisfaction; and you said that you would wish to know what the expression of opinion would be before you give an answer to that question?—I do not think any good would come from the announcement that the Queen meant to abide by the treaties; that would seem to imply that she had departed from the treaties, which would not be the case; but if Government came to the determination that the discussion should not go on any further, and that the Governor should make the appointments, it should

I think

P. E. Wodehouse.
Esq.

12 July 1849.

I think be an express stipulation with any person sent out as Governor to the colony, that he should make those appointments; because Mr. Stewart Mackenzie, entertaining strong religious opinions, would not make the appointments: any person before he went out, should be told, "If you entertain those scruples, you should not go there."

6794. Mr. *Villiers*.] Is it complained of as a grievance that we have departed from treaties?—Decidedly; the priests in the conference that was held urged that.

6795. Are they aware that there was power reserved of departing from the stipulations of the treaties; has that been explained to them?—There can be no doubt that they are aware of it, though they did not think fit to bring it forward; they are very quick in arguing upon their own side of a question.

6796. They must have been aware then of this circumstance?—Yes.

6797. And they must have been aware that there has been no violation of the treaty with them?—I think they must have been aware of it.

6798. What is the date of that opinion of Mr. Buller which appears in page 56?—It must have been about April or May 1845.

6799. This passage appears in that opinion: "We have, by almost imperceptible degrees, withdrawn ourselves more and more every year from all practical connexion with idolatry; and without making ourselves obviously obnoxious to the charge of openly breaking our faith, we find ourselves now, in point of fact, only observing it in appearance." Was that the state of things in 1845?—Not quite; because, as I said before, Mr. Mackenzie had begun to refuse making appointments; but till Mr. Mackenzie did that, we had kept up the connexion with the religion only in appearance; we did as little as possible; we took no part in their ceremonies.

6800. There was no ostentatious severance?—No.

6801. Were there any persons in the island who complained of Government having, even indirectly, any connexion with the Buddhist religion; were there any persons who approved of Mr. Stewart Mackenzie's course in refusing to sign the appointments?—There were some of the missionaries in Ceylon that corresponded with missionary bodies in England, who were urging the same views.

6802. At what time was it that the missionaries took a particularly active part in the matter, either in the colony or at home?—There was Mr. Peggs, who was the principal party that was active in the matter. The missionary body kept up this pressure upon the Colonial Office. Mr. Peggs sent in to the Colonial Office a pamphlet, with a frontispiece giving a picture of a Buddhist priest in Ceylon; it was in reality extracted from an old history of Ceylon; it contained a picture of a chief in Ceylon; with a priest walking by his side, but he suppressed the word "chief," and he left the readers of the pamphlet to infer that that dignified person was a Buddhist priest; that was with a view to convey the impression that the Government were most officiously connected with the Buddhist religion, and was giving it great support.

6803. Was Mr. Peggs resident in Ceylon?—No.

6804. Were there any persons in Ceylon who objected to that connexion of Government with the Buddhist religion?—I know of no parties in Ceylon, except the missionaries, who objected to it.

6805. Do you think that if you could restore some sort of connexion, not a very decided but a friendly connexion, between the Government and the Buddhist religion, the Europeans in the island would be dissatisfied?—No, I do not think they would; but the difficulty is in receding after going so far as we have gone.

6806. You think that would be impossible?—It would look weak, and I am not sure that it would do good.

6807. You do not think it would tend to create a friendly feeling on the part of the priests and the natives towards the British Government?—No; I think the chiefs can be made friends of without that step being taken.

Jonathan Forbes, Esq., called in; and Examined.

6808. Mr. *Hume*.] YOU are an Officer in Her Majesty's Service?—I was; I have left it now.

Jonathan Forbes,
Esq.

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Jonathan Forbes,
Esq.

12 July 1849.

6809. Of what rank were you?—I was for 34 years in the service, and I left it with the rank of lieutenant-colonel.

6810. Were you with your regiment in Ceylon?—Yes.

6811. In what years?—From 1826 to 1837.

6812. Mr. *Hawes.*] Have you been there since?—No.

6813. Mr. *Hume.*] Were you employed by the Government in any public capacity during the time you were in Ceylon?—Yes.

6814. In what situation?—I was commandant, district judge, and assistant agent at Matelle.

6815. How long were you in that situation?—From 1828 to 1837.

6816. Acting in a public capacity the whole of that time?—Yes.

6817. Did your duties bring you in contact with the native priests and headmen?—Very much so, for the whole district was commuted by me; every individual portion of land was settled with every individual inhabitant.

6818. Do you speak the Cingalese language?—Very imperfectly.

6819. Mr. *Hawes.*] Can you understand a native without an interpreter?—I can understand a great deal of what he says, but I cannot reply to him.

6820. Mr. *Hume.*] What do you mean by your commuting the district?—There was a registry made of every field and every portion of a field, and the average produce of it for a certain number of years; and an option was given to every individual to commute, for a fixed amount, for a certain period of years.

6821. Did that extend over the whole island?—It extended over the whole of my district, and, I believe, the Kandyan provinces generally.

6822. In what year was that settlement made?—It took several years to accomplish; I think it must have been about 1830 and 1831.

6823. Did that bring you personally into communication with the priests and headmen of the district?—With every one in the district.

6824. When did you leave the island?—In May 1837.

6825. Had you any offer to remain in the civil service, if you would continue?—Sir Robert Horton proposed that to me, and said no doubt it would be arranged, from a letter which he received from the Colonial Office.

6826. From your knowledge of the native character and institutions, do you consider that the Cingalese were generally attached to the rule of the British Government?—In Matelle they were decidedly so when I left it. The best proof of it is that a great many of them had redeemed their taxation, which of course was identifying their own interest with that of the British Government.

6827. It gave them satisfaction, in as far as it secured them possession of their property?—Yes, and it also made them dependent upon the British Government.

6828. Sir *J. Hogg.*] You refer to the tax upon the paddy lands?—Yes.

6829. Mr. *Hume.*] Were there any instances of discontent during the time you were there; and if so, will you state the grounds of it?—I do not think there were any instances of discontent; but on two occasions a pretender appeared, and before that there was a slight instance of discontent.

6830. Mr. *Hawes.*] What were the dates to which you refer?—There was one in 1822, and I am not sure whether the second one was in 1823 or 1822.

6831. Were there any other instances?—There was an attempt at the appearance of a pretender in 1831 and in 1836.

6832. You describe that as an attempt at a pretender's appearing?—One pretender was preparing for it in the village, and the other actually established himself for a day or two.

6833. Mr. *Hume.*] What is the extent of the Matelle district?—For some years during which I had it, it was very extensive indeed. The part of the country where the tanks are was attached to it, and it was nearly 100 miles long; but after the new arrangement and the charter, it was restricted to Matelle proper, which I should think is about 35 miles long and 25 miles broad.

6834. What was the population at that time?—I forget exactly at this moment; I think about 30,000.

6835. You have alluded to disturbances in 1822 and in 1831; how were they put down?—My belief is that they were partly got up by a Government official, and the same person put them down.

6836. Do you know the grounds on which they were raised?—They set up a pretender in the usual way. A priest and a headman were executed on one of the occasions.

6837. Mr.

307

Jonathan Forbes,
Esq.

12 July 1849.

6837. Mr. Hawes.] Will you state the dates of those occurrences?—It was in 1822, as nearly as I can recollect.

6838. Mr. Hume.] On what ground do you suppose that the disturbance originated with any servant of the Government?—Principally from information I obtained when, about 10 years afterwards, most of those who were transported for the insurrections at that time were with my sanction released upon giving security for their good behaviour. Immediately that was done one of them appeared, and upon my saying I would apply to the Government to get back a portion of his land that was left, he said he would have none unless he got all; he could prove that he was illegally convicted, and his land forfeited and given to the man who had convicted him. I was desired by the Government to investigate the case; in doing so I conceived that the man proved his case, and I recommended the Government that the individual should be prosecuted, and that the man should be remunerated.

6839. What was the case in 1831?—In 1831 it was merely a parcel of people who had frightened the villagers by throwing stones, and making them assemble in large bodies at night. Something of the same kind had appeared in previous insurrections. I sent off a report to the Government agent by express; he arrived during the night, and started with me the same night for the village; we ascertained who the people were who were getting up this affair, and they were sentenced to imprisonment on the spot.

6840. And that settled the matter?—It did.

6841. Did you require the use of the military upon that occasion?—No; only the agent, Mr. Turner, and myself, went with the headmen.

6842. Had any serious mischief been done?—No; some houses had been reported as burnt, but the people who were attempting to create dissatisfaction had done that on purpose.

6843. Were any priests or headmen concerned in that attempt at disturbance?—There was one headman, but none of the priests were concerned in it.

6844. Was there any disturbance in 1836?—There was no disturbance, but a pretender established himself at a remote part of the district. A report was made to me privately by an inferior headman; I immediately sent over two of the constables in disguise, and arrested him in the middle of the night, and ordered all the villagers who had been his dupes to attend at the court. I had obtained the Government permission previously to treat him as a vagrant.

6845. Were the parties tried by the civil law, or what was the result?—In 1831, Mr. Turner acted on the powers he had then, and passed sentence of two months imprisonment at once upon the headman. In the latter case, I committed the pretender as a rogue and a vagrant; I had the Government permission so to do, previously.

6846. Do you conceive the population in this district to be warlike, or to be generally disaffected to the Government?—They certainly were extremely well affected to the Government when I left it; they showed that, as I said before, by redeeming their taxes.

6847. In the communications you had with the headmen and the priests, did you understand in what light they considered the connexion which the Government had with their religion or religious ceremonies?—By three proclamations, we guaranteed the Buddhist religion.

6848. Are you aware what their views were of the terms on which the agreement between the British Government and them rested; had they a clear understanding of the terms promising the maintenance of their religion by those proclamations?—A perfectly clear understanding; they understood it perfectly.

6849. Did they comprehend the custody of Buddah's tooth and the appointment of the priests?—The appointment of the chief priests and the custody of Buddah's tooth were acts of royalty. We succeeded to the custody of the tooth, and to the right to those appointments, from their having chosen us as the governors of the country in place of their own king.

6850. You mean that the kings of Kandy had formerly had possession of those rights?—Yes.

6851. Were any immunities secured to the priests?—Both by the proclamations of 1815 and 1818.

6852. From what you know of their opinions, do you consider that the priests would be dissatisfied with our relinquishing the custody of the tooth, and giving up the appointment of the priests?—It would be a very difficult thing to make

Jonathan Forbes,
Esq.

12 July 1849.

an arrangement that would be satisfactory to both the Government and the people.

6853. Mr. *Villiers*.] The present Governor of Ceylon has referred to the cause of the recent insurrection in one of his despatches, where he says that he is "persuaded the real origin of it must be traced back to a much older and more exciting cause" than the recent taxation, viz. "the long-standing disaffection of the chiefs and priests, ever waiting for an occasion for its development, ever watchful to misrepresent the intentions of the Government, and always ready to mislead the people to their own wrong." From your residence in the island, and from your experience of the chiefs and priests, do you think that that is a somewhat highly coloured description of the disaffection?—Up to the time I left it, it is certainly highly coloured.

6854. They were dissatisfied upon some points, were they not?—The chiefs were after the abolition of compulsory labour in 1834. They were forming some plans and combinations against the Government in consequence of the abolition of forced labour.

6855. You think that the priests may have become disaffected from the interference with the connexion between their religion and the Government?—Yes.

6856. But you could not have described their disaffection to the Government in those terms when you were there?—No; not as an expression of general disaffection on the part of the priests.

6857. You did not observe them to be always looking for an opportunity to throw off the power of the British Government, and to misrepresent its intentions?—I think the last year or year and a half that I was there they had become quite reconciled to the new system, several more of the chiefs having been taken into pay than had been before.

6858. You alluded to the insurrection in 1835 when you were there?—There was a conspiracy in 1834. The present head of the police was tried then for conspiracy and treason.

6859. *Chairman*.] Do you refer to Loco Banda?—Yes.

6860. Mr. *Villiers*.] You referred to their dissatisfaction with the abolition of compulsory labour?—It was after the abolition of compulsory labour that they began to conspire.

6861. Mr. *Hume*.] Will you state what was the nature of the rajkaria, or the system of compulsory labour, the abolition of which you conceive altered the feelings of the headmen?—The chiefs and headmen called out the people for those services, and that gave them a great opportunity of misemploying the labour of the people, and appropriating it to their own service; besides which they had the power of corporal punishment, though they never used it in my time. Altogether it gave them great authority and influence over the people.

6862. Was not the abolition of that system recommended by the Committee of Inquiry in 1832?—It was abolished by Order of the King in Council in the year 1832, and proclaimed on the 28th of September.

6863. Mr. *Hawes*.] It was recommended by the Commissioners of Inquiry?—It was.

6864. Mr. *Hume*.] Was that abolition accompanied by any taxes in lieu of such labour, to provide for the services which the forced labour had rendered?—None.

6865. In that way were the interests of the headmen affected?—Those that were in office, and those that expected to be in office, lost their influence and their advantages very materially. Those that were out of office gained by it.

6866. Did you approve of that abolition?—Entirely.

6867. How was it intended that the services formerly rendered by the rajkaria should be provided for in future?—The chiefs were not entitled to any advantage directly from the rajkaria. It was indirectly that they obtained their advantages.

6868. What parties lost the compulsory labour?—The Government.

6869. How should the chiefs be dissatisfied with the loss of labour which the Government only profited by?—Because the chiefs had a great many advantages which they had no right to, and which they were not acknowledged to have by right. They employed the people then, and called them out of their turn. It was according to the portions of land they were employed for service.

6870. You mean to say that the chiefs, having the direction of the compulsory labour,

labour, could show partiality or otherwise by the mode of calling out the people to do that labour?—Yes, and thereby benefit themselves.

6871. After the abolition of the rajkaria, the chiefs lost that power?—Yes.

6872. Do you consider that that produced dissatisfaction among the headmen generally?—I think it did.

6873. Were you there when the tax on the paddy lands was imposed?—The tax on paddy lands was in force when I went there. It was afterwards commuted, and a great part of it redeemed when I was there.

6874. What do you mean by its being commuted; what was the principle on which it was to be commuted? The commutation was merely an agreement between the agent and the proprietor, for him to pay a certain sum annually, instead of a yearly portion of the produce in kind.

6875. Was that a measure which was approved of by the natives?—Yes, in Matelle it was.

6876. Was not it a beneficial thing also to the country in general?—I consider that it was; it was optional upon their part.

6877. Was it generally acted on?—In Matelle it was altogether.

6878. What is the general character of the Cingalese; is there any difference between them and the Kandyans?—I was only two years in the maritime provinces, and therefore I can hardly speak to their character. The Kandyans, though they are credulous, are generally very intelligent, and particularly well acquainted with all points connected with any duties which they may be called on to perform, or any privileges that they are entitled to.

6879. Do you consider them to be likely to be affected by any change of custom, or the imposition of new taxes upon them?—Generally very much so.

6880. What taxes were paid by them when you were there?—The only direct tax was a tax of one-tenth on paddy land.

6881. During the time that you were there, there were no grounds of dissatisfaction by the introduction of new taxes?—None.

6882. Mr. *Hawes.*] Were there any new taxes introduced?—No.

6883. Mr. *Villiers.*] Is there any superstition among them about a king or pretender who is to rise up and reign over them?—Those pretenders are low country speculators; they are robbers, in fact.

6884. Has there been somebody of that kind pretended to be descended from some king, ever since 1815?—Yes, they do that to deceive the people. The people come and bring them presents. They establish themselves in some place where the people are ignorant. They get a couch carried out covered with white cloths, and the people are afraid when they see the followers of those people, who are thieves like themselves, and they come and make them presents of fruit and vegetables, and rice and money.

6885. Is that from any recollection of their own monarchy; are they attached to the descendants of any line of kings?—I do not believe they are in the least.

6886. What is their object in giving them presents?—In the year 1836 I apprehended a man who had established himself there; the person who came and told me said he did not know what to do; there were three or four fellows there who were keeping a kind of watch over this man, and they thought it safer to make him offerings of rice and so on; but they sent to me to know what was to be done.

6887. In giving him presents what is their notion of what is to be gained by it?—It is merely for the time, not knowing what he really is till they can ascertain.

6888. Do the priests support him; do they favour a notion of that sort, that a king will reappear?—Not when I was there.

6889. Mr. *Hume.*] Can you give the Committee any information concerning the proprietorship of the lands in that district?—They are very minutely subdivided. The commutation commenced by a register of every separate portion of every man's field; that was completed first; and it was upon that that the commutation was carried on.

6890. Are the Committee to understand that there is a general registry in Matelle at this moment?—Yes, of every field and every separate portion of a field.

6891. Showing the royal villages?—Yes, each village and each department.

6892. Were you present in the colony when the cultivation of coffee was introduced?—Yes.

Jonathan Forbes,
Esq.

12 July 1849.

6893. Are there any waste lands in the colony?—An immense quantity of waste lands.

6894. To whom do they belong?—The forest land belongs to the Government; it has been disputed whether the chany grounds belong to the Government or not.

6895. What has been the practice with the Government in encouraging coffee planting; have they proceeded by the sale of land, or the renting of land, or in what way?—I purchased land myself from the Government for the purpose of coffee planting.

6896. Mr. *Hawes.*] In what year was that?—I had a grant first; and then the Governor said he wished I would pay for it, or it might look ill. It must have been at the time that 5*s.* an acre was fixed. I could have insisted upon it; but they wished that I should pay, and I did pay for it, at 5*s.* an acre.

6897. In what year was that?—In 1832 and 1833.

6898. Mr. *Hume.*] There are two descriptions of land, are there not?—Yes, forest land and chany land. The chanies are lands on which every six or seven years the jungle is cut down and cropped, and those lie immediately near the fields, generally stretching up a hill.

6899. Did the sale of those lands to the coffee planters produce any dissatisfaction among the natives?—No doubt it did.

6900. How should it have caused dissatisfaction among them when all the lands were measured, surveyed, and the owners known?—That was only the rice field. The rice field is generally a small proportion of the village that can be irrigated.

6901. You speak now of the sale of land for the purpose of grazing?—Yes; the rice land that was sold was undoubtedly Government property.

6902. Was there any arrangement made to give any compensation to the chiefs for the loss of the grazing ground which they might have claimed?—I believe not; there was nothing done of the kind in my time.

6903. In your time, did that cause any discontent among the chiefs?—Very little had been granted in proportion before I left. The people of the villages talked of it, but there was very little granted. At that time there were very few coffee planters.

6904. You are not able to state what effect the introduction of coffee planting into the island has had upon the natives generally?—Not generally.

6905. Was the commencement of it satisfactory to the natives, or was it opposed at first?—In the Matelle district mine was first, and they were very willing to work indeed, and they did work a good deal at it.

6906. Was the object of the Government in selling land merely to obtain a revenue, or was it for the purpose of encouraging coffee planting?—I cannot say. I suppose it was for the purpose of encouraging coffee planting; but that is a mere matter of opinion.

6907. Did the natives suffer any evils from the introduction of coffee planting while you were there?—Not while I was there.

6908. There were no disputes about cattle trespassing, were there?—They very often were disputing, but I was obliged to give them up. I always gave their cattle to them. There was no other estate in the district.

6909. What was the mode of raising the revenue before our Government was established; was it by direct or indirect taxation?—It is very difficult to say. I was never able to ascertain, though I took a great deal of trouble to do so, the exact revenue, nor how it was raised by the kings of Kandy.

6910. Was there any land-tax?—Yes, as well as I can make out there was a land-tax of about one-twentieth; that refers to the irrigated land.

6911. Mr. *Hawes.*] Do you speak from any positive information when you say it was one-twentieth?—From the best information I could obtain; it was a subject I was anxious to investigate, but I could not get any satisfactory information upon it.

6912. What was the nature of the information which you did get?—It was obtained by inquiring of the chiefs and headmen and people who could give me information at that time.

6913. Had you any positive or accurate information on the subject?—I had not any positive information.

6914. Mr. *Hume.*] Has the land-tax ever been commuted in any other part of the country?—Yes, I believe in all the Kandyan country.

6915. Mr. *Hawes.*] You would not call it a land-tax, would you; it was a portion of

Jonathan Forbes,
Esq.

12 July 1849.

of the produce reserved for the chief or sovereign?—Yes, it was a portion given to the sovereign, besides the services that were done for the land; some had only services to perform, others had the services and a small land-tax also.

6916. Mr. *Hume*.] Did you consider that the commutation secured them against any future tax?—I think I first commuted the tax for five years, and then for 20 years; but when they got the option of redeeming the taxation, they redeemed it altogether upon the data furnished by the commutation.

6917. Did the redemption mean that at no future period any land-tax was to be levied upon their property?—Yes.

6918. Do you mean to say that the Government now cannot after the commutation, in your opinion, levy a land-tax?—Not upon the land where it has been redeemed.

6919. Mr. *Hawes*.] What was the condition of the commutation?—The commutation was for a period of years; I took the average of the three years previous. I obtained the best evidence I could, and in general they agreed to what I considered to be fully one-tenth.

6920. Ten years' purchase?—Yes; that redeemed the tax.

6921. The imposition of a land-tax now, in your opinion, would be contrary to the guarantee which was given when the redemption took place?—Upon the land that was redeemed.

6922. Have you considered the subject of indirect taxation; do the natives feel the duties on the import of salt and other matters oppressive?—When salt was very high, much higher than it is now, they used to complain, but it was very much reduced after that; in no other case of indirect taxation are they really aware of it.

6923. Was not there money in the country when you were there?—They had money to redeem their taxes, but they brought it often in solid masses of copper coin.

6924. Do you consider that they are in a state of ignorance as to the bearing of new taxation?—As regards indirect taxation, I think they are.

6925. In your view, any new taxes would be likely to produce discontent?—Direct taxes would.

6926. Your opinion is, that if taxes are to be raised, it must be indirectly, in the price of the article used?—Yes.

6927. Mr. *Hawes*.] Where the direct taxes imposed do not fall upon the great bulk of the people, you would have no objection to direct taxes upon property, would you?—Any direct taxation would immediately cause discontent.

6928. If a tax were imposed which did not fall upon the great bulk of the natives, they would take no interest in it, would they; take the shop tax, for example: the natives in the rural districts would not object to such a tax?—From what I have read of the shop tax, it is not one which I think the Kandyans would take an interest in generally.

6929. Mr. *Hume*.] You are aware that there were taxes proposed upon guns and dogs and roads; that was a class of direct taxes which you think would be distasteful to them?—Yes, all those would be distasteful to them.

6930. Were fire-arms much used in the district where you were?—A great deal.

6931. For what purpose are they used?—For the protection of their fields, and for killing game.

6932. What kind of game do the natives kill?—Deer and pea fowl, and jungle fowl.

6933. Are there large quantities of them?—Great quantities.

6934. Mr. *Hawes*.] Are they pretty good sportsmen?—They make sure of every shot; they will crawl up for half a day till they get quite close to them. Their guns are very bad, but they very seldom miss; they generally have a plug of iron nearly the size of their gun, and they cut off a bit of it.

6935. You speak of the state of the fire-arms at the period that you were in Ceylon?—Yes.

6936. Mr. *Hume*.] You say you consider those direct taxes to be likely to cause discontent?—Yes, particularly the road tax.

6937. Why the road tax particularly?—Because I consider it is restoring the raj karia.

6938. Mr. *Hawes*.] Will you state what you consider the road tax to be?—I consider it is one of two things, either a poll tax or a restoration of the raj karia.

Jonathan Forbes,
Esq.

12 July 1849.

I should say the latter; it is a compulsory gratuitous service, under pain of corporal punishment; exactly what the raj karia was.

6939. What was the nature and extent of the raj karia before?—In the Kandyan kings' time it was limited by the authority which they had over the nation, so that they could never trespass very far; under our Government it was exceedingly severe sometimes.

6940. What was the amount and extent of the labour required from the people generally when the raj karia was in force?—It was according to the portion of land they held; every piece of land is divided into portions, each portion had to furnish one man probably, for road service; it might be three or four months that they were called out.

6941. Am I to understand you to say that they might sometimes be called away from their homes to work at forced labour for a period of four months?—Not one individual; according to the size of the land which he held he was liable to be called on.

6942. What was the longest time that an individual might be called out, under the old system?—It depended upon the extent of land he had; if he held many portions of land his under-tenants had to attend.

6943. What knowledge have you upon the subject enabling you to say to what extent they had their time employed upon the public works?—The greatest extent of labour, I suppose, almost ever done in Ceylon was under myself; because I expected that forced labour could be done away with, and after consulting with the chiefs and headmen, I called out from 1,000 to 1,500, and run through a road of 60 or 70 miles; that was the Trincomalee road.

6944. For what period of time were they working upon that road?—I should think four months.

6945. How far were they from their homes?—The people of the furthest district, I should think, must have been 40 miles.

6946. Did the natives appreciate the value of roads in your time?—Some of them did.

6947. Generally did they?—About Matelle they did.

6948. From your knowledge of the native character generally, did they attach value to the making of roads?—I do not think they did generally; in some parts of the Matelle district, where the people are better informed, I think they did.

6949. Mr. Hume.] Were the Commissioners there when you were there?—Yes, they were at Matelle.

6950. They took your examination, did not they, as to the effects and the extent of the raj karia?—They sent, I think, 200 questions for me to answer.

6951. During the three or four months that those individuals were absent working upon this Trincomalee Road, did you supply them with any food?—No.

6952. How were they supported?—They supported themselves in the best way they could; they lay out in the jungle; the Government consulted as to what time it would be healthy for them to be there, and fixed a day for the work to be suspended, and that was only three or four days before forced labour was done away with.

6953. Mr. Hawes.] What was the nature of the compulsion you used, in the event of their not working?—I had the power of flogging but I never used it.

6954. That was the punishment at that time?—It was; the chiefs never used it, nor did I. I always found on inquiry that the people came if they were regularly called, and not taken out of their turn.

6955. The chiefs you say never used corporal punishment as a means of inducing the people to work?—They were given to understand that they must send the people before me.

6956. Am I to understand you to say that the chiefs never resorted to corporal punishment?—Not in my district; I gave them to understand that I would not permit it.

6957. In other districts was that done?—I cannot say.

6958. Mr. Hume.] You have no doubt, have you, that that power which had existed so long was often exercised with great severity upon the natives?—Under the British Government it was with dreadful severity.

6959. Did you approve of the abolition of that system?—Entirely.

6960. It was abolished in 1833, was not it?—In 1832.

6961. Are

6961. Are the Committee to understand you to say the establishment of the road taxes afterwards would bring to the recollection of the people the severities of the old system, and consequently cause discontent?—Yes.

6962. Mr. *Hawes*.] Do you know anything of the present state of opinion upon that subject among the natives?—I do not know anything of the present state of opinion.

6963. In reference to the Road Ordinance?—Except so far as with reference to the promise made through me to the people of Matelle by the Government.

6964. Do you know anything of the present state of feeling and opinion among the natives as regards the Road Ordinance?—No.

6965. Mr. *Hume*.] What promise do you allude to?—It was ordered to be proclaimed within 48 hours after its reaching the island. I had a communication with the Government agent, Mr. Turner, saying that it would be a dangerous thing to declare the people to be free, unless it were clearly and distinctly so, because of course it would dissatisfy the chiefs; and if they dissatisfied the chiefs, and left them at the same time the power of calling out the people, it would be very dangerous to the country.

6966. Your feeling is, that the road tax might be objected to, from a fear of the renewal of the old practice?—I cannot have a doubt of it.

6967. You know nothing of the present state of opinion?—No; but from the long experience of the people that I have had, and having pledged the Government, or rather through me the Government having pledged itself to the abolition of it, to have it restored again I think must be very injurious.

6968. Mr. *Hawes*.] Are you labouring under the apprehension that the old system of forced labour is to be restored?—I do not see any great difference. It is to be for six days; and if it is for six days, there can be no reason why it should not be for 60 days.

6969. It is limited to six days by the ordinance?—At the present time it is.

6970. Are you able to state, from anything you know, that the natives object to it?—I cannot say that they do object; but I have no doubt they would object. The Commissioners in their report say it was told the people distinctly that there might be local assessment for local purposes. I do not mean to say that an ordinance might not be framed so as to include all the roads within a reasonable distance. At the same time, I think it would require to be introduced with much more caution than this is; and also a number of things should be included, which, in my opinion, are absolutely indispensable. It was upon the Government pledging itself to do away with rajkaria that it was told the natives that there might be local assessment for local purposes.

6971. Mr. *Hume*.] You do not see any objection to an assessment for local purposes, if it be judiciously made?—I have made out a list of what I consider to be local purposes, which I think are necessary for the welfare of the natives. If those were mixed up with the Road Ordinance, I have no doubt it would be acceptable. I think the name is one of the objectionable parts of the Road Ordinance.

6972. What are the objects which you think ought to be carried out?—There should be local assessment for local purposes; that, I have already said, the Government were not pledged against. I think there should be the establishment of a local authority, acting when necessary in connexion with the Gamsabha. The clearing and repairing, and the making of roads, is necessary; also repairing the embankments of tanks, or rivers, or watercourses, leading to the fields; repairing the general fences round the rice grounds; arranging the distribution of water to the various subdivisions. Those and some other points are all essential to the existence of the people, almost.

6973. In your intercourse with the natives did you find any difficulty in obtaining from them obedience to all your reasonable orders?—No, certainly not.

Martis, 17^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hawes.
Sir James Hogg.
Mr. Stuart Wortley.
Mr. McCullagh.
Mr. Hume.
Lord Hotham.

Sir Joshua Walmsley.
Mr. Wilson.
Mr. Adderley.
Major Blackall.
Mr. Villiers.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Major T. Skinner.

Major Thomas Skinner, called in; and Examined.

17 July 1849.

6974. Mr. Hawes.] YOU have served in Ceylon?—I have.

6975. How long have you served there?—About 30 years.

6976. In what capacity?—First I entered the army in the year 1819, and was employed under Sir Edward Barnes, at a very early age, in opening the country; for 10 years I was employed in the Quartermaster-general's department; and for about the last 11 years I have been employed in a civil capacity: two years as surveyor-general and civil engineer, and during the last eight or nine years as commissioner of roads.

6977. Your duties have, I presume, brought you a good deal into contact with the native population in Ceylon?—They have, probably more generally so than any other European, inasmuch as my duties compelled me to travel continually about the country.

6978. You have not been confined to one part of the island, but you have visited the whole island?—It is my duty to visit every province as frequently as possible; in fact to be as nearly a perambulator of the island as possible.

6979. And in the discharge of your duty you have probably become pretty well familiar with the social condition of the people of the island?—Yes; I have, or ought to have, as perfect a knowledge of their social condition as any other person can have.

6980. Has their social condition been improved or not, since the time you first went to Ceylon and served under Sir Edward Barnes?—Very much the reverse; the social condition of the native population has, I conceive, undergone a very great change for the worse, more especially since the termination of Sir Edward Barnes's Government.

6981. Will you explain to the Committee the nature of that change, and the causes of it, so far as you are acquainted with them?—The change I consider to have arisen from the departure from that principle of government which Sir Edward Barnes adopted, which was quite of a paternal character.

6982. By paternal, do you mean despotic?—It was more or less despotic, but he exercised a very great regard for the interests of all classes of the natives, and especially upheld the authority of the chiefs and native headmen, generally; knowing that the power and influence of his government depended much upon that which he could derive through the chiefs and headmen of the country; and during the period of his government the country was content, happy, and prosperous.

6983. Will you explain to the Committee the causes of the deterioration of the social condition of the people to which you have referred?—The deterioration has been more marked in the last 10 or 12 years, and it has been a progressive deterioration during that period. The causes of that deterioration have

have been, that an impression (very erroneous as I think) has existed that the authority and influence of the native chiefs was incompatible with the security of the authority and influence of the Government; and without probably any distinct professed determination of undermining the authority and influence of those chiefs, practically our policy has had the effect of doing so; and in destroying, or allowing to be destroyed, the influence and authority of the chiefs, we unfortunately have not substituted any improved authority of our own, but rather the reverse. The authority of the Government and of the public functionaries has decreased just in proportion as the authority of the native headmen has diminished.

Major T. Skinner.

17 July 1849.

6984. When you say the social condition of the people has been deteriorated, are you speaking of the labouring population, the peasantry of the island, or are you speaking of natives of a superior class?—I was proceeding to say that the effect of this loss of authority on the part of the native chiefs and headmen, and also on the part of the local government, has been to throw whole districts, in fact almost all the rural population, into a state of disorganization; and in the absence of any efficient government whatever, there has been no sufficient restraint over the vices of the lower orders. It is known that the native chiefs generally have no legally recognized authority or power, and that the whole of the executive government depends upon their moral influence over the people; and it necessarily followed that when you destroyed that influence the authority of the Government almost ceased. There have been other causes of demoralization consequent upon that: intemperance has spread to a very great extent, I am sorry to say. The people have become lawless; there has been no sufficient authority to control them. The introduction of a great amount of capital into the country has had the effect of inducing all the most lawless of the population of the maritime provinces to flock to the interior, into those districts where the coffee cultivation has been carried to a great extent; and crime, intemperance, and bloodshed have prevailed of late years, where such things were never heard of before.

6985. Has the physical condition of the lower orders of people been deteriorated?—In some districts it has very much deteriorated, in others it has very much improved; depending very much upon the efficiency of the local authorities who have presided over the district. There is one province especially which is a very bright example of improvement, and exemplifies the result of good government; I mean the North Province of Ceylon; that is in a very flourishing condition.—[Witness begs to refer the Committee to a Memorandum which he has drawn up, and which describes more fully his views of the social condition of the native community of Ceylon.]

Vide Appendix.

6986. Who is the Government agent there?—Mr. Dyke.

6987. He has been long resident there, has he not?—Yes.

6988. He is familiar with the language?—Yes.

6989. And has mixed a good deal with the native population?—Yes; he makes a point of travelling through his district twice a year; I have frequently travelled with him on those occasions, and it has been a subject of very great gratification to see the improvement of that district in almost every village.

6990. Am I to infer that it is your opinion that in that district the authority of the Government has in some degree, from the active services of the agent of the province, been a substitute for the loss of that authority of which you speak on the part of the chiefs and headmen?—Mr. Dyke's district is the exception: he has a great amount of authority; the native headmen are respectable; they are respected throughout the province, and so also is the authority of the Government. There is nothing but good order and good government throughout that province.

6991. Is it in your power to explain to the Committee the course of policy which Mr. Dyke has followed; does he uphold the authority of the headmen?—He does, by respecting their native prejudices; he does not think it necessary to undermine their authority, or interfere with their prejudices of caste; he allows education and civilization to overcome that which in other districts we are rather desirous, I think, of precipitately abolishing.

6992. Major Blackall.] Does he employ the headmen officially in his district?—Yes; he employs them officially, and he has a very perfect executive throughout

Major *T. Skinner.*

17 July 1849.

throughout his district; his orders are promptly obeyed, and he exercises a proper degree of power and influence throughout the district.

6993. Is there anything in the state of the northern district different from the other districts, which would account for its improvement; is it less populated than other districts?—No; Jaffna Proper is more populous, with reference to its area, than any other part of Ceylon.

6994. Has there been as much capital introduced into that district as into any other district?—A good deal more capital, with reference to its area, has been introduced into that district than into any other, except into those within the mountain zone, where a large amount of capital has been expended.

6995. But the introduction of capital into that district has not had the ill effects which you describe as taking place elsewhere?—It has not, inasmuch as there the influence of the Government agent and that of the native headmen have been exercised with a more salutary effect.

6996. If the same influence had been exercised in other districts, you think the influx of capital into them would not have had the ill effects that you ascribe to it?—I think with good government and an efficient subordinate executive, the existing evils resulting from the introduction of capital might have been in part or probably wholly averted.

6997. Mr. *Hawes.*] You have spoken of the northern province; do you know anything of the state of the other provinces?—Yes; I am perfectly familiar with them.

6998. Speaking of the central province, what is the social condition of the people there, and what is their feeling towards the Government?—I should say that when I left the island, the people generally were in a very disorganized condition, and the influence of the Government was, I think, at its lowest ebb.

6999. Without drawing any invidious distinction between the exertions of individuals, can you state to the Committee why the social condition of the people in the northern province is superior to the social condition of the people in the central province?—I think it is owing to its being more remote from the seat of Government than the other province is. Mr. Dyke has been there for a great length of time, and the object of his enlightened policy has been to uphold all the elements of good government, and he has very effectually succeeded in his end.

7000. With regard to the western province, can you state anything with reference to the feelings and social condition of the people there?—The general feeling of the native headmen throughout the country, is that their influence has been undermined more or less. I should say, that generally they are dissatisfied with their position.

7001. That is not the case in the northern province?—It is not the case in the northern province; they are perfectly content and happy there.

7002. Can you describe to the Committee distinctly what creates that difference?—The headmen generally are placed in an anomalous position; the Government expect them to keep their several districts in good order by the exercise of their influence; they have no positive legally recognized authority, but by their influence they are expected to keep their districts in good order; but literally they have not the means of doing it, for our policy has completely undermined their authority. There are but one or two classes of petty headmen in the island who have any legally recognized power.

7003. Is there the same active exertion made in the various provinces of the island to conciliate the people, and the headmen and chiefs, as you have described to be made in the northern province by Mr. Dyke?—Far from it; I consider that one of the greatest evils of our Government has been the want of intercourse, and of sympathy with the natives, on the part of the civil functionaries; and that has increased very materially in the last eight or ten years, indeed since the termination of Sir Edward Barnes's government, and we are now very little regarded in any other light than that of tax-gatherers.

7004. Is the want of knowledge of the language one serious deficiency in the administration of the affairs of Government?—I think it has been so; but I should observe that I know some years ago it was considered that it would be better to extend the knowledge of English, by inducing the natives to learn it,

it, with a view to their taking part in the government of the country; it was better to insist upon their learning English, than, by insisting upon the public functionaries speaking the native language, to preclude the necessity on the part of the natives learning English. But I think that it has had an evil tendency generally, inasmuch as any public functionary cannot without a knowledge of the language enter so completely into the feelings of the people, and sympathize with them, as he would do if he had a knowledge of the language.

Major T. Skinner.

17 July 1849.

7005. Is it not the fact that but few of the Government functionaries have a thorough knowledge of the language, so as to be able to speak it fluently and freely?—For the reason I have stated, it was not encouraged; it was not expected; but it was rather discouraged for a short period.

7006. Are you not aware that recently it has been made a condition of promotion in the service?—Yes, such an order has been issued, and I believe it is now perfectly understood that no man can expect promotion unless he can speak the language.

7007. Can you state how long it is since that order was given?—I cannot speak to the exact date, but I think it has been within the last two years.

7008. In your opinion the feeling of the native population at large, including both the lower orders of the people and the chiefs and headmen, is rather becoming adverse to the British Government; would you go so far as that?—I think they are dissatisfied with their condition, but I do not mean to say that their feelings would carry them to the extent of any hostility to the Government. I think the great evil of which we have to complain is the disorganization from the want of proper government in the rural districts, and especially in those two districts which lately rose in arms.

7009. That state of feeling is the result of many years' previous misgovernment, according to your view?—Yes, for the last 10 or 12 years, as I before stated, the social condition of the people has been retrograding. On the eve of Sir Colin Campbell's departure from Ceylon I received instructions to make a long tour for the purpose of reporting upon the state of the migratory labourers in Ceylon; I think I was absent about two months, and I returned to the seat of government in the month of Lord Torrington's arrival in the country. I then told Lord Torrington, as I told several other officers of the Government, that the disorganization in which the two districts of Seven Korles and Matelle then were, must inevitably end in a state of anarchy, unless steps were taken to remedy the evils which I described. Those districts had a few years ago been in the most perfect order, the people were contented and happy; the mere expression of a wish on the part of the Government agent would have been obeyed from one end of the district to the other; but so completely had we frittered away our influence and our authority, that nothing but disorganization and demoralization existed in those districts.

7010. You speak of Seven Korles and Matelle?—Yes; and I was in no great degree surprised when I heard that those two districts had, 12 months after this warning which I had given, revolted.

7011. Did you give warning specially to any organ of the Government, or did you send it to head-quarters?—I mentioned it to all the authorities of the Government; I had conversations with the colonial secretary upon the subject. But I was not in immediate charge of the districts, and I can quite understand that the information I conveyed might have been considered exaggerated, inasmuch as the officers in the immediate charge of those districts had made no such representation to the Government.

7012. Did you communicate with the agent of the Central Province?—I am not sure that I did.

7013. Did you communicate with the agent of the Western Province?—Yes, and with the colonial secretary; in fact I felt so anxious upon the subject of those two districts in particular, and also the social condition of the native population generally throughout the country, that it was very frequently the subject of my remarks and of my advice, that measures should be taken to avert the evils which I thought would result from it.

7014. Do you or not know how far Mr. Buller concurred with you in those views?—I do not.

Major *T. Skinner.*

17 July 1849.

7015. Have you or not seen the papers laid before Parliament, signed by Mr. Buller, with reference to the state of public feeling in the districts to which you refer?—One of those districts only belonged to the Central Province, Matelle. I have not seen all the Parliamentary papers; I have read incidentally some of the papers.

7016. In point of fact, from the breaking up of the ancient authority which controlled the people, without the substitution of any other authority, there has been a progressive deterioration of the social condition of the people, and a gradual loss of that attachment to British rule which existed in the time of Sir Edward Barnes?—Yes.

7017. I correctly interpret your evidence in stating that to be the result of it?—Quite so.

7018. Then I presume you were not surprised to hear of the insurrectionary proceedings in those districts?—I could not be surprised at it, inasmuch as I had predicted it the year before.

7019. To what causes would you attribute that insurrectionary proceeding?—I have heard it attributed to the taxes which were imposed about that time; but I think those taxes could have had but very little influence in bringing about the insurrection, inasmuch as they applied to the island generally, and the disturbances were confined to those two districts, which I know had been long before in the disorganized state which I have described. If the insurrection was attributable alone to the taxation, that insurrection would surely have been as general as the application of the taxes; but so far as I have read, directly the nature of those taxes was explained at the several meetings of people who congregated for the purpose of receiving information upon the subject, the moment they understood the nature of the taxes, as it appears to me, if I have been rightly informed upon the subject, they all went to their respective villages, and to their usual occupations.

7020. The tax ordinances had passed long before you left?—I think not all of them; I left in May 1848.

7021. Keeping in mind the state of feeling on the part of the population which you have described, do you or not think that very serious consequences might have resulted had the disturbances in those districts not been suppressed with promptness, decision, and vigour?—I think that the promptness and decision with which they were quelled was decidedly the course of mercy; inasmuch as had not the disturbances been quelled with that promptness and decision, but had they been allowed only to have existed 48 hours, many more persons would have been implicated than were implicated, and the difficulty of quelling them at all would have been very seriously increased.

7022. You were in the island during a portion of the time of the former great insurrection, during the government of Sir Robert Brownrigg?—No; I was placed in the army just at the close of that insurrection, in 1819.

7023. At that time martial law was proclaimed, was it not?—I believe it was; but I have no recollection of it.

7024. With regard to the measures which have been adopted to quell this insurrection and restore tranquillity, from your knowledge of the people and knowledge of the island generally, have you any opinion to offer to this Committee?—I would rather refrain from giving any further opinion upon the subject of the measures adopted with reference to the suppression of the rebellion, inasmuch as I can only found an opinion from those which others have given with whom I have conversed since their return to England; and I have heard such a diversity of opinion from the parties whom I have spoken to on the subject, that I do not think I should be justified in giving any opinion. At all events the Committee is, I think, as capable as I am of forming an opinion upon the subject, and probably more so, inasmuch as they have direct evidence upon the point.

7025. In your opinion were the measures that were adopted well calculated or not to secure tranquillity?—I think the measures could not possibly have been too prompt. From the nature of the information which the Government of the colony had at the time as to the state of feeling of the population, and that it was reported that two districts, with a population of some 80,000 or 90,000 people, were in arms, and that 8,000 men, on two lines of road, were converging towards Kandy, I think that no Government could have been justified in taking less prompt measures than I have understood the
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Government of Ceylon took on that occasion. I do not mean to say that their information was correct; but with the information they possessed I think they would have been very culpable had they not taken the measures which I hear they did take, of calling in aid another regiment, inasmuch as the force of the island at that time could not have, I think, exceeded 2,500 effective bayonets. Had the insurrection been as general as it was supposed, that force could have done little more than act on the defensive; it would have been necessary, had the insurrection been as general as was supposed, to have established eight or ten outposts throughout the country, and that force could have done little more than keep up its communications. I think the measure of calling in an additional regiment was therefore a very necessary one; and it is quite certain that if the Government availed themselves of the knowledge and advice of the principal officer of the staff there, Colonel Fraser, the Quartermaster-general, on military matters, they could not have erred, inasmuch as he is as able an officer as any in the service; he has had between 30 and 40 years' experience of the colony, and his advice could not be questioned by any man.

7026. *Chairman.*] Have you any reason to believe that his advice was taken?—It is impossible that any movement of troops could have occurred in Ceylon without the advice of the Quartermaster-general being taken; he is the officer to direct all movements of troops.

7027. *Mr. Hume.*] Do you know that he was consulted on this occasion?—I do not; but if he was consulted, the Committee may rest perfectly confident that the advice which Colonel Fraser would have given would have been most judicious.

7028. *Mr. Hawes.*] Of course the proper authority to consult him would be the General in command?—Yes.

7029. You were the commissioner of roads in the colony, and perhaps you have had your attention drawn to the recently enacted Road Ordinance?—I have.

7030. Will you favour the Committee with your opinion as to whether that ordinance would be beneficial or otherwise, to the population at large?—If the Committee will give me leave to do so, I will put in a paper which I wrote, and which will place the Committee in possession of my views upon the subject better than in any other way.

7031. At what period did you write that paper?—It is dated the 28th of April 1849.

7032. Will you state to the Committee the substance of that paper?—The great cause which has operated against the improvement of the colony, especially the remoter districts, which have been very much neglected, has been the want of roads; illustrative of which I would mention the district of Nuralawa, in the Northern Province; it comprises an area of nearly a quarter of the island; it was for a length of time, that is for 35 years, entirely neglected by us. The soil is very fertile and rich; the population, which is large, was buried in the recesses of the jungles and forests, and the produce of the district was valueless, except for the immediate necessities of the people; the revenue to the colony was nominal, the country being inaccessible. By dint of great importunity on the part of the Government agent of the Northern Province, and myself, we obtained in a series of years, by small instalments, sufficient means to open this interesting country by roads through its length and breadth, from north to south, and from east to west. Where the grain dues were formerly commuted at 1*d.* or 2*d.* a bushel (and it would not realize more in the country, from the impossibility of the means of transit to any market, town or port), by the opening of these roads the revenue has gradually increased; there is a constant flow of traffic along them; the productions of the district have increased, and the people are generally improving in their condition. There are many other remote districts which are completely sealed up and in a state of barbarism from the want of roads, and to which, roads might most beneficially be made.

7033. Assuming the great importance of the formation of roads, and of the improvement of the communication to all parts of the island, what is your opinion upon the recently enacted Road Ordinance, with a view to facilitating the making of roads, and obtaining the labour of the natives in the making of those roads?—I consider that looking to the improvement of the colony and

Major *T. Skinner.*

17 July 1849.

of the people, the ordinance in question is one of the most important which have been enacted for many years past.

7034. Do you think that it is likely to be practically useful?—I think it is likely to be practically useful in many respects. In the first place, from the influx and employment of capital of late years there has been a great preponderance of European interests, and the natives have been comparatively neglected, more especially in remote districts, where they have been as little thought of as if they formed no part of the island. It is quite impossible that the revenues of the country will admit of funds being appropriated for the opening of those districts, and they can only be opened by the local aid of the inhabitants themselves.

7035. I think you were in the island when compulsory labour was abolished?—Yes, I was employed at the time in the interior of the country.

7036. Can you inform the Committee how long a time the individual labourer was compelled to remain, under the old system of forced labour?—I have had men work under me on compulsory service for the last 28 years till its abolition, and a fortnight was the utmost that I ever knew a man kept on a road; he might have been relieved at shorter intervals, but I never knew a case of a man being kept there for more than 14 days.

7037. If men were in any instances left for a longer period than that, it was an unusually rare application of the old custom?—I never heard of such an instance.

7038. When the abolition of forced labour was adopted, was it made known by any persons in authority, in any way whatever, that no gratuitous labour would henceforth be ever required by the Government upon any public work or undertaking?—As I before said, in 1833, when the abolition of compulsory labour was proclaimed, I was employed in the heart of the interior with a very large force of labourers. I was at that time invested with civil authority for the purpose, and I received the proclamation from the Government, and was instructed to proclaim it and make it generally known; but I was not authorized in any way, nor did I in any way make any pledge that labour was not to be required of the population hereafter, on the part of Government.

7039. *Chairman.*] Was the Northern Province the province in which you were chiefly employed?—No; my duties compel me, if I fulfil them rightly, to visit every province and every district in the island where roads exist; but I had been for a length of time employed on the trigonometrical survey of the island, which compelled the necessity of my being wherever points could be fixed, or wherever there was work to be done.

7040. You have spoken of the character of the native population; is the general character of the Cingalese population mild and inoffensive, without sufficient energy, for example, to make good soldiers?—They vary in different districts: in the maritime districts, which have been for the last three centuries under European influences, the natives differ very much in character from the natives of the interior.

7041. What is the character of the natives of the interior; in the Central Province, for example?—They are a more active and energetic race, I should say, than those of the maritime provinces, as are all mountaineers generally; they are a fine, robust, and I think generally an energetic set of people, especially where their interests are concerned.

7042. Are they generally a quiet and peaceable and orderly set of people?—They were formerly; I cannot give them generally that character at the present moment, inasmuch as they have suffered from their intercourse with us.

7043. You say that the Central Province was in a very disorganized state, and that the headmen were very much dissatisfied, and you attribute that generally to want of sympathy on the part of the Government; do you attribute that want of sympathy to the fact of the leading members of the Government having been sent out from England very lately?—I attribute the retrograde feeling of the population generally, in the first place, to go to the fountain head, to a want of knowledge of the country on the part of its Governors; if the Governor does not know the country thoroughly, if he has not a local knowledge of it, he has not the power of knowing whether his subordinate officers do their duty or not. I am sorry to say, since Sir Edward Barnes' government his successors, Mr. Stewart Mackenzie excepted, have scarcely in a single instance thought it necessary to travel about the country, and to obtain a general know-
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ledge of it. Sir Edward Barnes had so perfect a knowledge of the country that no officer, under him, let his position be what it might, dare remain in ignorance either of the country or the population of it; but there has been of late such a want of intercourse on the part of a portion of the subordinate officers of the Government with the natives, and such a want of sympathy with the interests of the people, they have been little more than taxgatherers in the districts.

7044. Is it not the fact that most of the leading members of the Government are recently arrived in Ceylon?—Yes, it is.

7045. The colonial secretary, for instance?—Yes, and several others.

7046. They are ignorant of the feelings of the people?—They arrive there in great ignorance, of course, of the feelings of the people. But I have the means of saying, that in Sir Emerson Tennant's case he is no longer in ignorance of the social condition of the people, inasmuch as he has travelled through many districts, and especially through the remoter ones, and he is aware of their internal state, and many measures have been taken to remedy existing evils. And the subordinate officers of Government are now compelled to make progresses through their districts; they are compelled to keep diaries of their observations, and those diaries are sent to the Governor. Had that principle been acted upon for the last 10 years, we should now have had a different state of the colony.

7047. Mr. Villiers.] How long had Sir Emerson Tennant been colonial secretary before he made a progress through the island?—As he could get time to visit districts, he has done so. I have accompanied him on several of his tours. Whenever he can find time, he is too happy to do it; whether it is that he has a taste for it, or that he considers it to be his duty, I cannot say, but the fact I know, that he has spent a good deal of time in visiting different districts.

7048. For what length of time had he been in Ceylon before he made any tour through the island?—I do not think he had been in the island many months before he visited the districts.

7049. He visited different districts in that way before the rebellion?—Yes; I was not in Ceylon during the rebellion; during the last three or four years he has done it.

7050. Chairman.] You stated that the headmen in the Central Province were very dissatisfied, but not in the Northern Province; do you attribute that to the fault of the agent, or of the Government?—I did not particularize the Central Province; I say that the native headmen, the native aristocracy generally of the island, with the exception of the Northern Province, are more or less dissatisfied, and justly so.

7051. Do you attribute that to the orders of the central Government, or do you attribute it to the conduct of the subordinate officials who have charge of the district?—I attribute it in the first instance to the want of local knowledge of the Governor, and in the next place to the want of sympathy and interest on the part of the local functionaries. With a population such as that of Ceylon, which is diffused generally over the country in small villages averaging 15 or 20 houses each, and with a country almost inaccessible to us, as a matter of course it is impossible to govern the colony without the instrumentality of the native chiefs and headmen; and those parties are without authority and without influence, and they cannot possibly carry on the government; they are helpless for all purposes of good.

7052. You have assumed in your evidence that the outbreak in the Central Province was very promptly put down; but what means have you of knowing that it was promptly put down?—From what I have heard and read I draw that inference.

7053. Have you read the Blue Book?—I have not read the Blue Book consecutively through, but I have had an opportunity of seeing it, and of reading some parts of it.

7054. If you had heard that the Government agent at Kandy had notice of the gathering of the people some days previously, and had taken no step, and had waited till it had come to a head, should you call that putting it down promptly?—Certainly not.

7055. Mr. Hawes.] But you do not know that the circumstances referred to in the question have any foundation in fact?—No; I suppose it to be a hypothetical case.

Major *T. Skinner.*

17 July 1849.

7056. Mr. *Villiers.*] I understand you to say that you left Ceylon in May 1848, three months before the insurrection broke out?—I left on the 16th of May.

7057. You have no knowledge on the subject, except what you have collected from the people who have been in the island since you left it?—No.

7058. And you have found a great diversity of opinion on the part of those with whom you have conversed?—Yes, I have found a very great diversity of opinion upon the subject of the measures that were taken by the Government.

7059. And that among persons who were in Ceylon at the time?—Yes.

7060. And I suppose that that diversity of opinion exists in Ceylon also?—I cannot tell.

7061. You stated that the impression in the island is that the Government has no local knowledge?—I have observed a very great difference between the Government of Sir Edward Barnes and that of every governor who has succeeded him. Sir Edward Barnes felt it to be his duty to obtain a personal knowledge of the country, and he knew almost every individual of its aristocracy or headmen, and he possessed an amount of influence over the people which few subordinate public servants exercise now over those immediately under their control; but such was his influence that his name was honoured and respected by the chief men of that day; he was idolized by many of them.

7062. The fact was that he did his duty?—Yes.

7063. And if other governors did the same they might get the same influence over the people?—If they adopted the same course of policy that Sir Edward Barnes adopted, I think they would obtain and preserve the influence and regard which he possessed over the people; but any governor who now attempted a similar course of policy would have great difficulty to contend with, inasmuch as much mischief has been done, which would take a long time to remedy.

7064. But if I understand you correctly, a governor must depend upon the information which he receives from his subordinate officers?—He must depend entirely upon that, where he knows nothing about the matter himself.

7065. Would it not seem to be the duty of a governor to make himself master of everything in the colony when he arrived there?—Yes.

7066. You would consider that he has the means of doing so?—I think it very difficult for a governor, who has been all his life in England, on first arriving in the colony, to obtain correct information second-hand, inasmuch as it is impossible for him even to realize the descriptions that may be given him of the districts, and furthermore, every province of the island is, to a certain extent, dissimilar; there is a great variety of population, and of climate, soil, and interests, which a man can only fully appreciate from personal knowledge.

7067. But are we to collect it to be your opinion, that no person is fit to be governor there who has not lived for some time in the island?—I do not say that, but the sooner he obtains local information the better. I think the knowledge he acquires personally is far better than what he obtains second-hand. Of course he must obtain a good deal of knowledge second-hand.

7068. Sir Emerson Tennent, you said, had acquired this local information?—He must necessarily have acquired a great amount of local information.

7069. You have been brought a good deal into contact with him?—Yes, I have travelled a good deal with him in the remoter districts. Just before I left Ceylon I travelled with him for two months through districts in which no governor or officer in his position had been before within my knowledge of the island; that is for 30 years.

7070. If the Governor when he went out to Ceylon had consulted Sir Emerson Tennent, he would have found a well-informed officer, and he would have got all the information he required?—To the extent of the knowledge of Sir Emerson Tennent he would.

7071. How came it that as regards those ordinances that were passed, and particularly the Road Ordinance, there was so much misapprehension on the minds of the people, and that as soon as it was explained the people were reconciled?—It was to be foreseen that when a number of ordinances passed at the same time there was a very great necessity on the part of the subordinate officers of government to superintend personally the promulgation of them,
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and to satisfy themselves that they were thoroughly understood by the population. In fact I myself in forwarding remarks upon the Road Ordinance, particularly mentioned that I thought it was absolutely necessary, and much more so than on ordinary occasions, to inform the population upon the nature of that and other contemporary ordinances. Whether that was done or not I am not prepared to say.

7072. You are aware of the fact that the ordinance was much misunderstood?—I have heard so.

7073. With respect to the outbreak, you have expressed an opinion that the Government adopted proper measures for suppressing it upon the information they received; namely, that there were 8,000 people converging towards Kandy. Have you any authority for believing that or knowing it?—No; I was in England at the time.

7074. From what you know of that province, and of the people, and their habits, do you think it at all likely that so large a force should have so suddenly become armed and organized, and have taken those steps to resist the British Government?—I should have doubted the fact of there having been 8,000 armed, and certainly I should very much doubt the fact of their having been organized in any degree.

7075. Mr. *Hawes*.] By “organized” you mean disciplined?—Yes.

7076. Mr. *Villiers*.] Your experience of the people would not lead you to expect that?—Certainly not.

7077. Have you had any communication with Colonel Frazer?—No, not upon the subject of the insurrection.

7078. You do not know whether he advised the Governor to take the steps which he took in suppressing the insurrection?—No; but I can scarcely suppose it possible that the Governor would have acted without consulting persons who were capable of giving him the best advice; but I do not know whether he was consulted or not.

7079. Sir *J. Hogg*.] How long was Sir Edward Barnes in Ceylon?—For nine years; for two years he held the Lieutenant-governorship, and subsequently for seven years he held the Governorship.

7080. In the northern district of which you have spoken, are the native population of the same class and character of persons as in the other provinces?—No, they differ very much; the northern portion of the population of the Northern Province is Tamul, and the southern portion is Cingalese.

7081. Do you attribute any part of the difference in the state of that province to the nature and character of that population?—I attribute much more to the policy, the benevolent policy I may say, of the man who has ruled over it for so many years.

7082. You attribute it to that cause chiefly; but do you attribute it partially to the nature and character of the population?—I would in a small degree attribute it to that, but in a great degree to the exertions of Mr. Dyke.

7083. They are better materials to work with than the population in the other provinces?—Yes; but to the system adopted by Mr. Dyke, the difference is to be attributed more than to anything else.

7084. How long has Mr. Dyke been agent in that district?—I cannot speak to the time with accuracy, but some 15 or 18 years.

7085. In the other districts, and more particularly the western and central districts, have there been frequent changes in the Government agents, or has the same Government agent been there for a great number of years?—The Government agents have been very frequently changed.

7086. Do not you think that that very frequent change of the principal authority in the district is of itself a great injury to the district?—It is undoubtedly most prejudicial.

7087. Is there much coffee planting by Europeans in the northern district?—No.

7088. Is there any coffee planting by the natives in the northern district?—Little or none.

7089. Do you think the absence of coffee planting under Europeans has at all contributed to make that district more tranquil and prosperous than other districts?—Though there is no coffee planting in the Northern Province, the cultivation of the cocoa nut has been carried to a considerable extent.

Major T. Skinner.

17 July 1849.

7090. Has that cultivation been extended by the natives' capital or industry, or by Europeans?—By Europeans.

7091. Are the Europeans resident in the northern district whose capital is so employed?—Either the proprietor, his agent or superintendent, is resident in the district.

7092. Do you not think that that introduction of British capital in the cultivation of the cocoa-nut in the northern district has been beneficial to the natives, and to the district generally?—Undoubtedly.

7093. Do you think that the introduction of coffee planting generally throughout the island by Europeans, and with British capital, has been beneficial?—It must have very much improved the condition of the natives, but it would have much more improved their condition had the executive government of the colony prepared itself to meet the changed circumstances of the population consequent upon this introduction of capital.

7094. You think its introduction was too rapid?—I do not think the introduction of capital was too rapid had pains been taken to guard against the evils which necessarily attend the sudden influx of a large amount of capital amongst an uncivilized race of people.

7095. You mean the evils incident to an uncivilized population getting possession of means beyond what they have been accustomed to enjoy?—The introduction of capital has also led to the introduction of numerous vices, especially that of intemperance, amongst a previously sober and honest race of people; it has also occurred that robberies, murder, and bloodshed in their various degrees have resulted from the introduction of capital, where formerly any amount of property would have been perfectly secure in the open air; therefore it would, I think, have been wise if simultaneously with the introduction of capital the hands of the local authorities had been strengthened rather than weakened.

7096. Have you any doubt that ultimately the introduction of British capital into the island must prove beneficial?—Undoubtedly it must; but I think great care should be taken that this introduction of capital should not give to European interests a still greater preponderance of influence than they have acquired already; I think the preponderance of European interests has acted prejudicially on the native population, inasmuch as they have, especially in the remoter districts, been very much neglected.

7097. There is a certain conflict between the interests of the native population and those of the European population?—There are necessarily contending interests, and the European will push his interests with a degree of importunity that the native will not.

7098. Is there any way of counteracting that but by the influence of the Government?—I think it should be done principally through the Government.

7099. In any alteration in the future constitution of the island, it will be necessary to bear in mind the conflicting interests of which you speak?—Yes, I think it should always be remembered that the amount of the European population of Ceylon, exclusive of military, is very little more than 500, while the native population is a million and a half, or probably nearly two millions, and the native interests should, I think, be much more attended to than they have been of late.

7100. Do not you think that by the extension of trade the interests, both European and native, must necessarily progress together?—They ought to progress together, but I think the native should have a larger voice in the government of the country than he has hitherto had.

7101. Do you think that the native population generally are in that social state that they are competent to take a prominent part in the government of the country?—I think they are, in the subordinate departments of the executive, and I think it is very necessary indeed that that should be yielded to them as soon as possible, for it is quite impossible that you can govern the country satisfactorily without doing that.

7102. You confine your observation to the subordinate departments?—I have heard a representative form of government advocated, but the country is perfectly destitute of all the elements necessary for the formation of such a system; but I think in the subordinate departments of the executive, the natives should be employed to a greater extent than they have hitherto been, and that they should have a certain amount of authority given them.

7103. The

7103. The island is not in the state in which anything like a representative form of government could be with advantage introduced?—Certainly not. Major T. Skinner.

7104. You spoke of the natives retaining an influence in the northern district; do they retain their influence there to the extent to which their influence formerly existed?—I cannot say what influence they formerly possessed, but at present they possess a very wholesome and efficient amount of authority and influence; the Government agent taking very good care to regulate and control both.

17 July 1849.

7105. Do the headmen in the northern district possess as much influence at present under Mr. Dyke as they have exercised at any time since you have been in the island of Ceylon?—Yes, I should say they are probably more respected now; they are now made respectable, and they are more respected than I have ever known them before.

7106. Then there does not appear to have been anything in the orders of Government to have prevented the agent of any other province from adopting the same course with the like success in his district?—In the metropolitan districts I think that probably the Government agent himself has been rather controlled; and I think, furthermore, that the power of the native headmen has been more circumscribed there than in other districts; whether that has been merely in a negative way, from in fact not upholding them, I cannot say, but the headmen require an active support; it is very easy to allow their authority to decline without taking any active means to bring it about.

7107. Their authority depends upon immemorial usage, and not upon any positive enactment conferring power upon them?—I believe there are but one or two classes of headmen in the country who have any legally recognised authority and power, all the others exercise whatever control they may have over the population, by moral influence alone.

7108. Have you read the papers in this Blue Book relating to the late rebellion?—I have not read them all; I have had an opportunity of occasionally reading some of the papers.

7109. Have you read a considerable portion of them?—I cannot say that I have.

7110. From your knowledge of those two districts, which you say were in a disorganized state at the time the rebellion broke out, is it your opinion that there would have been danger to life and property if prompt and vigorous measures had not been taken to suppress the rebellion?—I think there can be no doubt upon that point, if what I have heard be true, that they had risen in arms, and had proceeded to the head-quarters of the police and revenue officers of the district, and had seized the Kutcherry, and destroyed property there; if they had gone that length, I think they would not have stopped short of sacrificing life.

7111. If they had gone the length you have now spoken of would you consider that there would have been imminent danger to life and property if decided and vigorous measures had not been adopted by the Government?—I think certainly it might have gone the length of life and property being sacrificed if vigorous measures had not been taken for the suppression of the rebellion, because there are chiefs, especially in the remote districts, who may be more or less dissatisfied with the Government, and their influence over the population might have induced them to join in the rebellion.

7112. Are not the population of those districts generally armed?—The population of Ceylon, not only in those districts, but generally, is armed; you will sometimes see three or four guns in one house.

7113. Are the guns such as to be formidable?—They would not be very formidable in the ranks of a European army; but behind a rock, or a tree, they are very effective in the hands of a native; he does not hesitate to attack an elephant, a chettah, or a bear, with his gun.

7114. Are they good marksmen?—Very good, but they are particularly cautious.

7115. Mr. Hume.] Are you aware that there was not one person killed among the military?—Yes I heard so.

7116. How do you reconcile that with the fact of the natives being good marksmen, if so many of them are armed?—Because I suppose they did not attempt to use their arms; they were, I presume, surprised by the military.

Major T. Skinner.

17 July 1849.

7117. They can shoot at an elephant, though they did not shoot any of the military?—Yes.

7118. Do you know Loco Banda?—Yes, very well.

7119. Where does he reside?—He resides in Kandy, and is the superintendent of the police.

7120. Do you know David of Belligal Korle?—I cannot identify the one you allude to, there are so many Davids.

7121. Do you know Kaigalle?—Yes.

7122. Where is it?—On the road between Kandy and Colombo, at the 49th mile-post.

7123. You say, without prompt and vigorous measures that danger might have been apprehended, but what do you mean by prompt and vigorous measures?—Such measures as would have suppressed the outbreak, but what those measures should have been I have not attempted to define.

7124. You mean calling out the military in aid of the civil power?—If necessary.

7125. Are you aware whether the military power was called out in aid of the civil power?—I have heard so.

7126. You have used the expression, “promptness”; upon what ground do you consider that the local authorities or the Governor acted with promptness?—In suppressing whatever amount of insurrection there may have been in the country at the time.

7127. You are aware that detachments under Captain Lilly and Lieutenant Annesley (for I presume you allude to those) were employed to quell the disturbance?—I have read so.

7128. Do not you consider that they were amply sufficient to put down and that they did fully put down the rioters?—I have heard that they did at the time.

7129. Mr. *Hawes*.] You mean that particular body of rioters?—Yes.

7130. Mr. *Hume*.] Are you aware whether there was any other body of rioters?—I have read that it is supposed that there was another body.

7131. Was not Lieutenant Annesley sent there?—I am not aware of the officer's name.

7132. I will read this letter; it is from Lieutenant-colonel Drought to the Governor: “Kandy, 2d August 1848. My Lord, I have the honour to forward to your Excellency three reports from Lieutenant Annesley, commanding a detachment of the Ceylon Rifle Regiment, occupying the town of Kurnegalle, by which it appears, that notwithstanding his having routed and dispersed the insurgents from thence on the 30th ultimo with considerable loss to the rebels, they entered the town twice during the afternoon of yesterday in numbers of about 4,000, and were most gallantly repulsed by a sub-division of the detachment, under the immediate command of Lieutenant Annesley.” Do you consider that a prompt and energetic measure?—Yes; that was a prompt and energetic measure, which was followed by its intended result.

7133. Are you not aware that in the same manner the detachment under Captain Lilly, accompanied by Mr. Buller, on the road seized a number of persons, and dispersed others?—Yes.

7134. You consider that a prompt measure?—Yes; it was attended with the result of dispersing the people.

7135. Are you aware whether that took place in the night of the 28th of July?—I am not aware of the date.

7136. Do you consider that after the application of prompt and vigorous measures by the aid of the military, when all was quelled, there was any necessity for putting those districts under martial law?—The only object I can conceive for putting the districts under martial law, under such circumstances, is that it might be very necessary to apprehend persons who were implicated in this insurrection, especially the Pretender, whoever the fellow may have been. I think if they had attempted the apprehension of this individual, clogged with all the formalities of the civil courts, the officers would have had very great difficulty in carrying out the object; inasmuch as you can take up no man without a warrant, and you cannot without a warrant make a forcible entrance into a man's house in the civil course of law; and probably under those

those circumstances, if it was a matter of very great importance to apprehend those people, perhaps it was correct to proclaim martial law. Major *T. Skinner*.

7137. Whom do you allude to as being parties whom it might have been of importance to apprehend?—Any parties who were implicated with this Pretender.

17 July 1849.

7138. You were aware that Captain Lilly, before the proclamation of martial law, accompanied by Mr. Buller, seized a certain number of rioters and dispersed all the rest; and why therefore do you say that he could not do it without martial law being proclaimed?—He could not legally do it; he could not have followed any of the leading characters who were implicated in the insurrection to their homes, and have legally seized their persons in the usual course of the civil law, unless he had had a warrant from the district court in which the parties were; and I know perfectly well that it is a very common practice that a criminal will live on the borders of a district, and the moment a warrant comes to apprehend him from the court of one district he will pass over into the adjoining district and evade the warrant; and under those circumstances there may have been great difficulty in arresting parties implicated, unless martial law were proclaimed.

7139. With a warrant from each district court, could there have been any difficulty in apprehending the parties?—It is very possible that those warrants might have been evaded.

7140. Have you ever been where martial law has been proclaimed?—Never.

7141. Are you aware what the operation of martial law is?—I should be very sorry to be obliged to define it, remembering that the Judge-advocate General the other day had some difficulty in doing so.

7142. Do you consider that the measures adopted by the military were sufficient to put down the disturbances?—They have done so, and therefore I should say that they were sufficient.

7143. You have spoken of promptness; are you aware that so early as the 23d of July the police officer writes from Kaigalle in these terms: "Knowing that it is a part of my duty to inform you what I hear, although it is not on good authority, yet there is reason to believe there is a Pretender to the Kandyan throne now concealed in the jungle at Matelle or in the neighbourhood of Dambool, collecting arms and ammunition (aided and assisted by Kandyan chiefs and others, who, by the recent ordinances of Government upon the subject of taxes, have become discontented) to carry on war. They intend to divide the large body of people they have there into two parties," and to attack Kur-negalle; "but I beg inquiry to be made from Mr. Buller and Mr. Waring, as regards the truth of it." That is on the 23d of July; if you are told that no notice was taken of that, do you think it shows any promptitude on the part of the Government?—Certainly not; my allusion to the promptness of the measures adopted was after acts of violence had been committed. From what I have heard and read there were 4,000 people in each of the two districts on the roads leading to Kandy, and the measures that suppressed that on the instant I consider to have been most prompt, and likewise to have been wise, inasmuch as it would have been leading more people into the crime of insurrection if it had been allowed to go further, and had not been suppressed.

7144. In fact, you approve of the aid of the military to the civil power, in order to put down the disturbance?—I approve of whatever means were necessary for the purpose; if the military and civil power could only conjointly do it, it was desirable that it should be so done; but I could not have any opportunity of judging of that, at this distance from the scene of action.

7145. You know Loco Banda?—Yes.

7146. Is he a public officer?—Yes.

7147. On the 25th of July 1848, from Kandy he writes a letter to the secretary of the Governor, W. D. Bernard of Colombo; you know Mr. Bernard?—Yes.

7148. Is he the person to whom reports are made generally of proceedings by police officers?—He ought not to be, I think.

7149. Why not?—Because it is not the usual course of official correspondence.

7150. I will read this letter to you after the opinion that you have expressed; this is from Loco Banda to W. D. Bernard, dated the 25th of July 1848, four days

Major *T. Skinner*. days before the disturbance took place: "Several reports were this morning sent to Kandy, both to me as well as the Government agent, stating that a great number of people are assembled with swords and fire-arms at Matelle, between Dumbool and Nalande, for the purpose of creating alarm. That after some consultation with the Government agent, and the district judge, just now, we have come to the resolution of keeping quite quiet about it until they (the mob assembled) would commit some disturbance, so as to enable the authorities to bring them to justice. As I have already observed, in my former correspondence, it is so now my humble opinion, that one-half of these reports are unfounded; however, it would be advisable that we be always on the lookout, as I have reason to believe that some prisoners, who were either acquitted or absconded from the public gaols, are by joining with some low country Cingalese and desperate Kandyans, now disturbing the villages." After learning that this notice was given by Loco Banda, that there was what is here called a mob assembled; that he had consulted both Mr. Buller and Mr. Staples, the Government agent and district judge, and that they had advised that they should allow the mob to collect and should take no means to suppress it; after hearing that statement, could you conscientiously say that there was promptness in putting down the disturbance at that time?—There was not promptness in that stage of the case; the promptness which I adverted to, approving it, was that which suppressed the insurrection when the people appeared in arms.

7151. Mr. *Hawes*.] In fact, promptness on the part of the Government?—Yes, when the insurrectionists appeared in arms.

7152. Mr. *Hume*.] You have stated that the Government knew the state of feeling of the people in those two districts; in what way were they acquainted with it?—I stated before that in June 1847 I informed the Governor, Lord Torrington, and Sir James Tennent, Mr. Wodehouse, and a variety of public authorities, that from the facilities which I possessed of travelling through the provinces periodically, and seeing them at intervals of time, I probably saw the retrograding state of the social condition of the people in stronger relief than any person could do who was living continually amongst them, and what I have now described was the state of those two districts; and I also further stated that unless measures were taken to alter our internal policy, I thought those districts would before long be in a state of anarchy.

7153. Were those official communications?—I cannot say whether they were considered as official or not, but I had given in writing to Sir James Tennent a statement of my views upon the subject; I am sorry I have not a copy of it.

7154. Did you receive any answer to your representations as to the state of those provinces?—The colonial secretary certainly agreed with me to a certain extent, that from the want of intercourse with the people, and the want of interest, the disorganization of the districts which I represented was more or less the consequence; but he had no representation, nor had the Governor any representation from the responsible officers. I was only the commissioner of roads, and as the Government agent, who was the responsible officer, had not represented that to be the state of things, it might be considered that my statement was exaggerated.

7155. Who were the Government officers at the time in the districts?—The Government agents and the assistant Government agents.

7156. What were their names?—I think the assistant Government agent was doing the duty of some other officer at Colombo. Mr. Morris was the assistant Government agent of Seven Korles at the time.

7157. Where was the Government agent?—He was at Putlam, a distance of 60 miles on the sea coast.

7158. Did his duty take him there?—Yes; Putlam was the head-quarters of the North Western Province.

7159. Was there any other officer of the province who might have made a report of its state?—Yes; there was an officer of the district who was at the time doing the duty of a district judge and acting assistant agent.

7160. Was he an officer who had been long in the colony?—Not long.

7161. Did you know Mr. Turner?—Yes.

7162. Had he been resident in that district?—No.

7163. Of what district was he the Government agent, and where resident?—The Central Province, and he was living at Kandy.

7164. Was

7164. Was he not a very efficient officer?—Very efficient.

7165. When did he leave?—I am not prepared to say the year, but I think 1843.

7166. Do you include him in the list of those who were unacquainted with the natives?—Certainly not; he was well acquainted with them.

7167. During the time he was there was there any disturbance or dissatisfaction?—There have been, on several occasions, reported intentions of insurrection; there was one in 1834 or 1835, when Mr. Turner was Government agent there.

7168. But nothing serious occurred?—It was thought serious enough to occasion a turn-out of the troops at the time, but it was all nonsense.

7169. You have stated that Colonel Frazer was an officer of great experience, were there any other experienced officers at Colombo when you left Ceylon?—There were several who have been in Ceylon for a great length of time, but there is no man who is possessed of a greater amount of knowledge of the country than Colonel Frazer possesses.

7170. Has he commanded in Kandy only?—He has been everywhere throughout the island, and has a knowledge of the whole island.

7171. Do you know Colonel Drought, who commanded in Kandy?—Yes.

7172. What experience had he of the country?—Not above three or four years I think, if so much; I doubt whether his regiment came to Ceylon so long ago as that.

7173. He is not of the class of men in which you put Colonel Frazer, as being well acquainted with the island?—There is no man in the country better acquainted with it than Colonel Frazer.

7174. Have you any reason to know that he was consulted upon this occasion?—I can scarcely believe it possible that any measures of a military nature would have been taken without his being consulted.

7175. You have stated that the Road Ordinance would be a good one if it would open up the communication to those impenetrable districts to which you have alluded; do you think that compulsory labour of six days, or a fine of 3s., was likely to go down without dissatisfying the natives generally who would have become subject to it?—When the subject of this ordinance was under consideration, as I was continually moving about the country, I made it my duty to consult the people generally; being very much interested in their welfare, I was anxious to ascertain their feeling with reference to this ordinance; I described to them what I believed to be the intention of Government with reference to it; that the application and distribution of that labour, or the money paid in lieu of it, was to be entirely at the disposal of the natives themselves, and that it was to be under the control of committees, which committees in all cases should have a majority of natives, or be almost entirely composed of them, and that the funds so collected, or the labour so rendered, was to be for the advantage of their several localities; and the natives approved of it in all cases, with the exception of one, in which I have ever consulted them; and provided the labour is fairly and properly applied, I think the natives will continue to rejoice in the measure, inasmuch as it is quite hopeless to expect that their interests will be attended to as they ought to be; if the existing appropriation of the funds of the colony is continued, the natives in the remote districts have no more chance of obtaining anything for their districts than if the money was to be voted in England for them.

7176. In point of fact was any measure taken to place the money in the hands of the natives?—It is, I believe, fully intended to do that, but no measures have as yet been taken.

7177. Mr. Hawes.] It is provided for in the ordinance?—Yes; the ordinance expressly states that the Committee for the appropriation of the labour are generally to be entirely native.

7178. Mr. Hume.] You have stated that the natives were neglected as much as if they had not existed?—Yes, in some of the remoter districts.

7179. How long has that been the case?—Ever since I have known the country, 30 years.

7180. To what extent of the island you apply that statement?—It is very difficult to describe the exact proportion of the island that I would include under that, but it is a very large proportion: it comprises the eastern district, and all those districts which are remote from the seat of Government.

Major *T. Skinner*.

17 July 1849.

7181. But surely when you stated that the population of those districts was large, and that the soil was fertile, but that the people were buried in the jungle, and that the produce was valueless, and that a bushel of paddy was only worth 2*d.*, you must have made up your mind as to the extent to which those remarks were applicable?—Those remarks to which you refer apply to the Nurakalawa district of the Northern Province, which as I stated, bore a proportion of one-fourth to the area of the whole island.

7182. That description then would apply to one-fourth of the whole island?—Yes, to more than a fourth.

7183. Mr. *M'Cullagh*.] Would it apply to the same proportion of the population?—In the remoter rural districts the population is thinner than in the metropolitan districts.

7184. Mr. *Adderley*.] You justified the promptness of the Government in the proclamation of martial law, but you do not justify the continuance of martial law for 10 weeks?—I have made no allusion to martial law; I stated that from the information the Government possessed, which must necessarily have been very imperfect, when they were almost surprised by the assembling of those people, from the information, or rather from the want of information, and the ignorance in which they were of the state of the disturbed districts, it was a very natural course of proceeding that they should have secured the means of putting down the insurrection, supposing it to have been as great as they originally imagined it to be.

7185. You have expressed no opinion whatever of the necessity of martial law?—I have stated no opinion upon that question.

7186. Mr. *Villiers*.] Do you speak the Cingalese language?—One is obliged to speak a great many languages there to carry you through the country; I speak very little of Tamul, Portuguese, Malay, and Cingalese, but enough to make myself understood by the people.

7187. When you speak of your knowledge of the natives, you have conversed with them in their own language?—Yes; I have lived in the island from the age of 15, and have been portions of the time among the natives more than among Europeans.

7188. Do the officers of the Government generally speak Cingalese?—There are a great many who have a moderate colloquial knowledge of it; but, as I before stated, it was formerly the policy of the Government to make the natives learn English, rather than to make the public servants learn Cingalese.

7189. Do the natives understand English?—The English language is very much on the increase. You find many grounded in English, and the education in English has been extending generally.

7190. You would express a favourable opinion of the intelligence of the natives?—They are very intelligent and trustworthy, speaking from my own experience, and from my own appreciation of their character. I have raised many of them in my own department, and have appointed them to an equality of responsibility and trust with Europeans, and I have rarely had an instance in which my expectations of them have been disappointed.

7191. Did Sir Edward Barnes speak the language?—No, he did not; he may have understood it.

7192. Mr. *Hume*.] Do I understand you to say, that whilst Sir Edward Barnes was Governor, more attention was paid to the appointment of individuals acquainted with the country than has lately been paid to that point?—I stated, that because Sir Edward Barnes was thoroughly acquainted with every portion of the country almost, and with a great number of the people in it, the subordinate officers in his government were necessarily compelled to keep pace with his information, and they were thoroughly acquainted with the people, I think.

7193. Then is it your deliberate opinion that, as much as possible, individuals acquainted by residence and experience with the colony, ought to be appointed to important situations in the island?—I think, especially in reference to the Government agents, it is absolutely necessary that they should have a much greater knowledge of the people generally, and more especially of the provinces over which they preside, than they in many cases now possess.

7194. Do you approve of parties unacquainted with the island being sent out from this country to assume situations of importance either at Colombo or at other parts of the island?—It depends very much upon what situations you allude

Major *T. Skinner.*

17 July 1849.

allude to ; there are some situations which I think may be very properly filled from home, but with regard to the situations which involve the necessity of the incumbent being continually brought in contact with the natives a knowledge of the character of the people is very important.

7195. Have you been employed in the island upon the trigonometrical survey?—Yes.

7196. For how long a time have you been so employed?—For about 10 years I have been employed in the quartermaster-general's department, and during the portions of the year adapted to that work, we have been employed upon it. We have thrown a trigonometrical net over the island, and have sketched in the whole of the mountain zone, comprising an area of between 3,000 and 4,000 square miles, and Colonel Frazer has now nearly completed a smaller map of the size of that in the committee-room ; it is expected home by the next mail.

7197. On what scale is it?—The mountain zone, which is between 3,000 and 4,000 square miles, has been sketched in on a scale of one inch to the mile. The total area of the country is 24,000 square miles ; and a general map, of the size of four miles to an inch, has been prepared by Colonel Frazer, and is on its way home, for publication.

7198. You stated that you had found the natives intelligent, and had raised some of them ; were any of them employed by you upon that duty?—None were employed by me on that duty ; but I have in the department over which I preside at present as commissioner of roads, employed natives in surveying ; I have taught some, and I have employed others who have been taught by the America missionaries in the Northern Province ; and I have reason to believe that they will become very faithful and accurate surveyors. Of course they require a certain amount of close supervision to verify their work ; as indeed you would require with every man who was learning.

7199. Mr. *Hawes.*] You have had your attention called to the letter signed "Loco Banda ;" what is the date of that letter?—The 25th of July 1848.

7200. Will you turn to page 181, and give the date of the proclamation of martial law?—The 29th July 1848.

7201. Will you turn to page 183 ; you see the account there given by Colonel Drought of the disturbance at Kurnegalle, and also the account given by Lieutenant Annesley ; will you give the dates of those two communications?—The one is dated the 30th July from Kurnegalle ; that is the letter signed by Mr. Templer. There is another dated "Kurnegalle, the 1st August, two o'clock," signed by "Charles Annesley, lieutenant commanding the detachment."

7202. Lord *Hotham.*] Were you in the Engineers, or to what branch of the service did you belong?—I belonged to the Ceylon Rifle Regiment ; I have left the army, and am now in the civil service of the colony.

7203. In consequence of an answer which you have lately given, I should wish to know whether you consider the Government agent of the Northern Province fully acquainted with his province, and with all the duties of his situation?—Most fully.

7204. You have stated that you consider the social condition of the natives of the island has greatly changed for the worse since the time of Sir Edward Barnes ; have you observed any improvement or otherwise in the appointments to the civil service since the time of Sir Edward Barnes?—It is difficult to answer that question ; I consider that the general character of the service itself has deteriorated.

7205. May not that deterioration in the service have been owing either to the comparatively inefficient discharge of duty on the part of individuals in the provinces to which you have alluded, or to the persons selected for the appointments being inferior to those who used to be selected during the time of Sir Edward Barnes?—I think the primary cause has been our policy with regard to the native chiefs and headmen, and I think it very unfortunate that the civil service of Ceylon no longer holds out those bright prospects that it formerly did ; but I did not say that an inferior class of individuals has been appointed, for probably it is not so ; they were a very efficient class of persons who formerly held the appointments. There was a great amount of talent in the civil service of Ceylon a few years ago ; there may be found to be the same amount of talent in it now ; it is about to be called forth, because the amount of every

Major *T. Skinner*. man's ability will be tested by the measures lately adopted ; but the civil service is not so desirable an one now as it was formely in point of emolument and retiring allowance.
 17 July 1849.

7206. Major *Blackall*.] You mentioned your having made a tour in 1847, and reporting to the Government the disorganized state in which you found society in the Central Province; did you communicate your opinion upon that subject to the Government agent of the province at the time?—I stated that I reported to the Government that I found the social condition of the people generally deteriorated or retrograding, but that there were two districts in particular, Seven Korles and Matelle, that were hurrying rapidly to a state of anarchy, and that unless measures were taken to alter our course of policy towards those districts, and organize them, nothing but anarchy could result from the state of things, that I foresaw ; but a short time afterwards Lord Torrington was in the district; there was an elephant kraal there, and he saw the smooth surface of society, and I suppose thought I had exaggerated in my statement.

7207. Are you aware whether the Government agent of the Central Province entertained the same opinion as you entertained with regard to the retrograding state of society?—I doubt whether anybody in Ceylon held the same opinion as I held upon the subject, inasmuch as no other officer of Government had the same means of judging as I had of the social condition of the people generally throught the island.

7208. The present Government agent of the Central Province has been for some time employed there, has he not?—For several years.

7209. And he speaks Cingalese?—Yes, fluently.

7210. You drew a distinction between the manner in which the headmen were treated in the Northern Province, and in the other provinces?—Yes.

7211. You stated that the headmen were employed by Mr. Dyke officially?—The headmen are employed officially in all parts of the island, but there is a vast difference in their efficiency. They are upheld by Mr. Dyke, and their authority is recognised by the natives, and their efficiency is consequently comparatively great.

7212. Do you think that they are not treated in the same manner to insure respect from the natives in the other provinces, as they are in the Northern Province?—I think they are not treated with the same consideration in any other province as in the Northern Province, and I attribute the good order of the Northern Province to Mr. Dyke's good management in that respect.

7213. Kandy is the seat of Government?—Yes, occasionally.

7214. Therefore the treatment of the headmen in the Central Province would be more immediately brought under the notice of the Governor than their treatment in any other province?—Probably it ought to be, from its being within the range of his observation ; but the Governor may be in Kandy and still have a very imperfect knowledge of anything that is going on beyond a radius of five miles round Kandy.

7215. Do you know any other causes that you think would have created the difference in the state of the Northern Province than that to which you attribute that difference, namely, the treatment of the headmen?—A great deal has been said about Buddhism, and there is no doubt that the severance of our Government from the management of their religious affairs may have created some dissatisfaction in the minds of the priests; but I think, generally, there is so much indifference upon the subject of religion, that I should not consider that it has had any material effect.

7216. And that would have affected the Central Province more than the Northern Province?—Yes.

[*The Witness delivered in the Paper containing his Observations upon the Road Ordinance, which is as follows :*]

MEMORANDUM with reference to the Road or Labour Ordinance of Ceylon.

Major T. Skinner.

17 July 1849.

CEYLON, from the nature and variety of her soil, climate, and temperature, and the extreme luxuriance of her vegetation, possesses capabilities of production which I believe are unsurpassed in any country; how then, it may be asked, is it that though we have held possession of the island for upwards of half a century, these capabilities have been so imperfectly developed (especially as regards the industry of the native population); and why should the colony be dependent on the Indian continent for the large portion of the staple article of food which she imports from thence?

The answer is simply this; that from the close and inaccessible nature of the country generally, where it has not been opened by roads, the natives lead such secluded lives, and are so primitive in their habits, that their wants are few, and their indifference to comforts and luxuries so great, that they have little motive to exertion beyond that which is requisite to supply their own immediate necessities, while the difficulty and expense of transport is so great that in many districts much of their produce will scarcely bear the excessive cost of transit to a shipping port or market.

Illustrative of this, I will describe the state of what is called the Nurakalawa and Wanny divisions of the Northern Province; they comprise an area of little short of one fourth of the whole island. A few years ago they were described in some maps as uninhabited mountainous district, and our own knowledge of it was very imperfect. It was accessible only by narrow tortuous paths, so overgrown with thorny jungles as to be difficult of passage for anything but foot passengers; it was so infested with wild animals that to penetrate its recesses was considered by Europeans so great an adventure that it was rarely attempted except by enterprising sportsmen. In four years Government paid for the destruction of 3,500 wild elephants in the district, while the cheta and the bear were still more destructive of human life than the elephant; the natives scarcely dared venture out of their houses after dark, unless provided with blazing torches for their protection.

The revenue of this extensive tract of country was almost nominal, the grain tax having been commuted at 1*d.* or 2*d.* the bushel, the market price at the chief towns for similar imported grain being at the time about 2*s.* the bushel; poultry could be procured for 1*d.* and 1½*d.* a head when the market prices in the large towns were from 600 to 800 per cent. above those rates; all this depreciation in the value of produce resulting from an absence of the means of transport at a rate of cost which would admit of its removal to a market. The district formed a safe refuge for criminals and outlaws; and was a favourable locality for designs and plots against the Government.

Of late years, by the urgent importunities of the Government agent of the Northern Province and myself, we succeeded in obtaining from Government, by small annual instalments, the means of opening the trace of a road from north to south, through the centre of this country; and nearly at right angles to this line, two others from the old capital (Anarajapora), one leading to the eastern coast at Trincomalee, the other to the western coast at Putlam. The country thus opened proves to be thickly studded with villages, with a fine population and a peculiarly rich soil; along those newly-opened lines of road now flows a regular stream of traffic, which has so raised the value of the productions of the country, that its revenue has gone on steadily increasing year by year.

Imperative as was the duty of Government to open up this large section of country, and obvious as were (to those who were conversant with the capabilities of the district) the advantages to be anticipated from the measure, such has been the competition of various contending interests for roads in the country, that it has only been by the persevering importunity of the Government agent of the Northern Province and myself, that we have succeeded in obtaining from Government in six years (to the end of 1847) the sum of about 10,500*l.*, for the opening of nearly 290 miles of road above referred to. Any lukewarmness on our parts would have consigned this fine country to a continuance of the neglect to which it had so long been doomed, and would have deprived its population of the stimulus to improvement which it now enjoys.

I have stated that the opening of these 290 miles of road had cost in six years, up to the end of 1847, about 10,500*l.*, or at the rate of about 36*l.* per mile. It is necessary to define what is meant by the term "opening;" viz. tracing, clearing, rooting, and burning the forest to a width of about an average of 25 feet; and of levelling, so as to render it perfectly passable for wheel traffic, a width of about 15 feet. But to bridge, and render these roads fit for wheel traffic at all seasons of the year, will require a further large expenditure; their upkeep and repair will necessarily demand an annual outlay; while to extend the usefulness of these trunk lines, branch roads must be opened in various directions leading into them. But if these improvements in this, as well as similar ones in other rural districts, are deferred until the ordinary revenue of the country (unaided by the local assistance of the people) can afford, and the Councils are willing to devote, means for their completion, we must abandon all hope of any great amelioration in the condition of the mass of the population in our day; for these districts to which I refer, whose antiquities attest to their ancient wealth and grandeur, are remote from the seat of government; their interests are purely native; for five-and-thirty years they were doomed to almost utter neglect. During the 30 years I have known the colony, one Governor only, I believe, has been attracted to them, for the purpose of visiting the ruins of Anarajapora; and as I doubt if any arguments will succeed in obtaining from the local Legislature a title of the means needed for the completion of our designs, or even sufficient for the preservation of the unfinished roads as they are, I can

Major *T. Skinner*.

17 July 1849.

only look forward to their falling into entire neglect, unless local means are provided for perfecting the plans, which, even in their embryo condition, have proved of such practical utility as to awaken in the natives a just appreciation of their vital importance to the prosperity of their country.

Now these means can only be provided by such an enactment as that of the Labour Ordinance, which I cannot admit to be as oppressive in its character as some parties imagine.

The population along the various lines (I am referring to the districts first alluded to) is so diffused, that villages occur on an average at every two-and-a-half or three miles. The proper time to work on these roads is that period of the year when the natives are least engaged in any kind of agricultural pursuit; and it might be so timed and arranged as not in the slightest degree to interfere with cultivation, or generally to take the villagers a distance from their homes which would preclude the possibility of their returning to them at night.

Having been aware, some time before the Road or Labour Ordinance was brought forward, that such a measure was in contemplation, I made it my business to discuss its objects and intended provisions with the natives, whenever favourable opportunities offered; and only in one instance did I ever find it objected to by any intelligent native.

Nothing can be more embarrassing, costly, and objectionable than the present system, which centralizes in the Government the charge and repair of every public building (in the aggregate their numbers are fearfully great), every road, bridge, drain, canal, &c. &c. in the colony; involving an amount of petty official correspondence, and a multiplicity of accounts, sufficient to clog the machinery of any government.

The Road Ordinance will, it is hoped, in due course of time, lead to the entire transfer of the charge of roads and canals from the Government to the provincial and district committees, of which I should hope the majority of members in all cases, and the whole in most instances, will be natives; thereby giving to them the distribution of their own labour, an interest in the preservation of existing roads, and a voice regarding the projection and execution of lines to be hereafter opened; and this I conceive to be a most essential advantage; for the purely native interests in the all-important matter of facilitating the internal communications of the country, are at present dependent on such advocacy as may incidentally step forward to their support, with chances of success at best but precarious.

The description I have given of the state of the Nurakalawa and Wanny divisions of the Northern Province, before those districts were opened by roads, is more or less applicable to all the remote agricultural districts in which native interests are alone concerned; and it may be relied upon, that so long as the funds of the colony, available for the construction and upkeep of roads, are disposed of as heretofore, the claims of the remoter sections of the native community will ever be thrown into the shade, by the bolder and more persevering importunity with which the European interests are urged. Considerable experience enables me to write very positively on this point.

But in defence of the Road or Labour Ordinance, I would urge other benefits, which I think it likely to confer on the native community, besides those more immediately connected with roads.

As in the Government is centralized the charge of every public building, road, bridge, and canal throughout the length and breadth of the island, so practically, though not professedly in theory, has the principle of centralization in the government of the minutest detail of executive authority generally prevailed, that the influence and authority of the native functionaries, in most of the districts, has almost ceased for purposes of good. A population so diffused as is that of Ceylon, in small villages over the surface of a close and inaccessible country, cannot be effectively governed without the instrumentality of an effective native executive, the respectability, influence, and authority of which it would have been wise to have upheld, while we directed and controlled it, rather than in any degree to have permitted it to decline, which unfortunately it has done to an alarming degree. To the working of the Road or Labour Ordinance, I look for the first check to the retrograde movement in the social condition of native society, which has been very marked, inasmuch as it will be the first step towards the establishment of municipal institutions, and with them the restoration of order and authority in the rural districts. The machinery for carrying out the provisions of this ordinance will not work without the constant intercourse of the European local functionary with the natives; which, with his active supervision of its details, will give him a knowledge of and interest in the country and its people, which in many instances have heretofore in various degrees been wanting.

Feeling a deep sympathy for and interest in the people of Ceylon, the result of nearly 30 years' intercourse with them, I look with extreme anxiety for the success of the Road or Labour Ordinance, on which I feel the improvement of their country more depends than on almost any measure which has been devised, with that object, for years past. If it is thought to bear disproportionably hard upon the poor or working classes, it would be far preferable to equalize it through the medium of any other taxes, than in any degree to frustrate the objects of the ordinance.

Unless we resolve to keep the remote districts sealed up in their present state of secluded barbarism, and to confine the cultivation of the soil to the limited necessities of its immediate and strictly local population, the country must be opened by roads, its water communications must be improved, and every effort made to cheapen transport and encourage production; then the energies and industry of the people will require little further stimulus to render their country as rich as it is beautiful.

Devonport, 28 April 1849.

(signed) *T. Skinner.*

George Ackland, Esq. called in ; and further Examined.

G. Ackland, Esq.

17 July 1849.

7217. *Mr. Hume.*] YOU were asked a question as to the constitution of the Chamber of Commerce. Are you now prepared with a list of members, with a view to show how the chamber was composed? *Mr. Saunders* stated that there were 17 firms in it, and two or three members of each firm?—I hand in a list which I have prepared from the Ceylon Almanack, published by authority, showing the composition of the Chamber of Commerce which was spoken of by *Mr. Layard* in his evidence ; this I know to be correct. I should add, with reference to some other observations in the evidence, that I have put an asterisk against the firms which have been, or are to my knowledge, proprietors of estates in their own right.

[*The Witness delivered in the same, which is as follows :*]

MEMBERS of CHAMBER of COMMERCE, 1847.

FIRM OF		Number of Members.	Number of Votes.
*Ackland, Boyd & Co. - -	Geo. Ackland - - S. Butler - - J. Capper - - H. Oswin - -	4	2
*Armitage, Scott & Co. - -	J. Armitage - - B. Scott - -	2	2
Alston, Scott & Co. - -	J. B. Alston - - J. A. Scott - -	2	2
*A. & R. Crowe & Co. - -	G. Crabbe - -	1	1
*Robt. Dawson & Co. - -	R. Dawson - -	1	1
*H. C. Gibson, Read, Davidson & Co. - -	J. Read - - D. Davidson - -	2	2
*Hudson, Chandler & Co. - -	N. Chandler - - A. W. Heale - -	2	2
*H. L. Layard & Co. - -	H. L. Layard - -	1	1
*Mackwood & Co. - -	W. Mackwood - -	1	1
*Lambe, Rainals & Co. - -	F. Lambe - - R. L. Phillips - -	2	2
Poulett O'Halloran & Co. - -	J. O'Halloran - -	1	1
*J. & G. Smith & Co. - -	W. K. Lancaster - - Jas. Smith - -	2	2
*Swan & Kerr - -	Jas. Swan - - J. L. Kerr - -	2	2
J. P. Simpson & Co. - -	J. P. Simpson - -	1	1
E. Steuart & Co. - -	E. Steuart - -	1	1
Walker, Monteith & Co. - -	J. Walker - -	1	1
*Wilson, Ritchie & Co. - -	D. Wilson - -	1	1
Wm. Thompson - -	- -	1	1
*F. W. Staunton (Bank of Ceylon) - -	- -	1	1
*G. L. Duff (Oriental Bank) - -	- -	1	1
*Jno. Black (Galle) - -	- -	1	1
Barourjee Saporjee - -	- -	1	1
Cowasjee Edulgee - -	- -	1	1
		33	31

Twenty-three establishments, represented by 33 members, having 31 votes.

One firm only allowed to have two votes.

* Have estates of their own.

7218. Have you any observation to make upon the subject of the import and export trade of the colony?—*Mr. Saunders* and myself took a good deal of trouble in going into the import and export trade, in order to see the relative amount of trade that is carried on by the European and the native community ;

(92.)

P P 2

and

G. Ackland, Esq.

17 July 1849.

and without going into the details upon which we differed, we agreed in one thing, that the imports and exports, which together amounted to 1,400,000*l.*, were pretty equally divided between the European and the native community; and that of the specie, which amounted to 400,000*l.*, taking the average of four years, 300,000*l.* would be represented by the European community; that showed that the members of the Chamber of Commerce had a direct interest in the trade of the colony to the extent of 1,400,000*l.* per annum.

7219. Mr. *Hawes.*] How do you ascertain the amount of specie?—From the Custom House Returns; we took it from official documents.

7220. That only shows the import?—There are a few exports mentioned, but it does not show the total export of specie.

7221. Will you state the amount of the export of specie which it gives?—In 1844, 13,488*l.*, and in 1845, 17,095*l.*

7222. What was the amount of import?—In 1844 the import was 517,795*l.*, but in 1848 the export was 276,874*l.*, but I believe that arose from an export of specie for transmission to some other part.

7223. Mr. *Hume.*] We understand you to say that on consultation with Mr. Saunders he and you agree as to the accuracy of those tables?—Yes.

7224. By the 16th clause of Her Majesty's Instructions, the members of the Legislative Council are at liberty to put a minute upon the proceedings with regard to any subject which they may wish to be discussed; during the time that you were a member of the Legislative Council did any member avail himself of that privilege?—No, I think not.

7225. Do you know any reason why they did not avail themselves of it?—As regards myself, I stated in my letter to Lord Grey that I adopted the course of addressing his Lordship upon the various subjects which had come under discussion in the Council, inasmuch as I thought that a more respectful mode of proceeding than, upon any question which came forward in the Legislative Council, putting a protest upon the records; and I think generally the members who acted with me, or who agreed with me in opinion, thought it right to wait the reply of Lord Grey before they took any course of their own.

7226. Mr. *Hawes.*] You were aware of that instruction?—Yes.

7227. You had not used it previously to that period?—I had not used it, and I think it would be a very difficult thing for a member to make use of that right; and if he did make use of it, he would not have the means of knowing what the objections of the Governor were to the exercise of his right; that is the great objection to it.

7228. A member would be able to state his own reasons why he wished to introduce a certain measure?—Yes, but he would not know what reason the Governor assigned to the Secretary of State for not permitting the discussion on it.

7229. Mr. *Hume.*] Will you state what has occurred to you in the way of improving the future government of the colony?—Looking to the constitution of our Government, and believing that the military authorities of this country will not permit the reduction of our military expenditure and our military establishment to what might be necessary for the island's own purposes, as we must have a commander of the forces, I think we should be benefited by going back to the system which prevailed formerly, of having the governor and commander of the forces combined in one person; but I would then make it the Governor and Council, so that I would have the Governor simply the executive authority in whom the power of exercising the prerogative of the Crown should vest, and the general government of the colony should be with the Governor and Council. I am not saying that this would be the mode that I would adopt if it were not necessary to have a general officer as commander of the forces, but that being necessary in order to save expenditure, keeping in mind the general objects to be attained, I think the governor and commander of the forces would be usefully combined, and the commander of the forces being a high officer in the army who has been accustomed to command, generally becomes a very good governor, always supposing that he is well selected. Then with regard to the Executive Council, supposing the government to be with the Governor and Council, I think it would be desirable that there should be only three members of the Executive Council, and that those three members should be the colonial secretary, the treasurer, and the auditor-general.

I know

I know that it is the opinion of some, that one, if not both of those situations, might be abolished. I do not think so, because I think they should remain as prizes in the civil service; and if those officers had no particular duties to take up a great deal of their time, they would have more time to devote to the consideration of the measures of Government, which somebody must attend to, and I think they having long experience in the service are the proper parties to do it.

7230. You mean that the officers filling those stations should have gone through the routine of other offices, and have obtained experience of the colony, and that those appointments should be rewards to them after having acquired that experience?—Decidedly so. I think it has been a very great mistake sending out men from England with no local experience at all to take a prominent part in the executive government.

7231. I understand you to say, that a governor arriving unacquainted with the island, would have those two councillors whose experience in the island might prevent errors which his ignorance of the island would otherwise occasion?—Decidedly.

7232. *Chairman.*] I understand that opinion of yours to refer more especially to the colonial secretary than to any other officer?—We have seen lately an auditor-general appointed from England, and although I have the highest opinion of that gentleman, yet sending a person from home to fill that office, takes away a high prize from the public servants in the colony, which is considered unfair; and likewise being a member of the Executive Council, he has not that experience which I consider essential.

7233. Do not you consider it also essential for a colonial secretary to have experience of the colony?—Decidedly. I do not think there is a second opinion as to the propriety of putting the colonial secretary in the Executive Council.

7234. *Mr. Hume.*] Do not you think that the appointment of colonial secretary ought to be vested permanently in the colony?—Yes.

7235. *Mr. Hawes.*] You have said that the auditor-general was appointed from home?—Yes.

7236. Technically, all appointments are from home?—Yes.

7237. Are you not aware whether the Secretary of State was repeatedly urged to fill up the office by an appointment from home?—I am not aware of that.

7238. *Lord Hotham.*] What are the duties of the auditor-general?—I do not think I am sufficiently aware of what his duties are to answer that question.

7239. Are you aware whether the nature of his duties is such as to enable a person who has local knowledge to discharge them more efficiently than a stranger could do?—I think they are, but I do not imagine that there is anything in the nature of the duties of the auditor-general which a stranger could not perform satisfactorily; but my objection is, that he, being a member of the Executive Council, has not the experience which is necessary in that capacity.

7240. *Sir J. Hogg.*] The duties of the auditor-general are confined almost entirely to accounts?—Yes; but it is as a member of the Executive Council that I object to a stranger being appointed.

7241. *Lord Hotham.*] Is the present auditor-general competent to pronounce an opinion upon the propriety of any expenditure the account of which may be brought before him?—His duty is to see that the expenditure which is incurred has been previously sanctioned; he is not to give an opinion as to the necessity for it or not.

7242. Would not local knowledge enable him to give a valuable opinion on the subject of all expenditure of money in the colony?—That would be his duty as a member of the Executive Government, and there essentially he wants local knowledge.

7243. *Sir J. Hogg.*] Has there been always an auditor-general in the colony?—Yes, always.

7244. Was there an auditor-general at the time when notes unissued and lying in the treasury were returned as available assets?—I am afraid there must have been an auditor-general at that time.

7245. How long did that error exist, of returning as available assets notes

G. Ackland, Esq.

17 July 1849.

that were issued and that were unissued lying in the treasury?—I cannot give any opinion upon that, for it was not till after the papers were published that I knew of the error.

7246. Till those papers were published, though you were a member of the Legislative Council, you were not aware of that error?—No, I was not; the Legislative Council had not the accounts laid before them.

7247. Mr. *Hawes*.] Was there no publication of the accounts in the colony?—They published the accounts of the expenditure, but not the accounts showing how they made the balance, and what floating balance there was.

7248. The first balance that has been published is since Lord Torrington has been governor?—I am not prepared to say whether it was first done in his time or in Sir Colin Campbell's time; I think the accounts were so prepared by Sir Emerson Tennent.

7249. If the accounts were published in Sir Colin Campbell's time, how did it happen that you did not discover the error?—I do not think the error was discovered when Sir Emerson Tennent made his report.

7250. Then the first balance sheet that has been published has been since Lord Torrington's accession as governor?—Yes. When the Committee here sent out their report, the papers connected with it were published, and then it was that the accounts were published for the first time.

7251. Sir *J. Hogg*.] The blunder was first discovered by the local committee appointed by Lord Torrington?—I think it was discovered by the London Committee.

7252. You will find that the London Committee were misled by the accounts as they stood, and adopted as available assets the unissued notes in the treasury?—Yes, I think that was so.

7253. And the blunder was detected by the local committee appointed by order of Lord Torrington?—Yes, the blunder was detected by the local government itself.

7254. Mr. *Villiers*.] Did not Sir Emerson Tennent send home a report?—Yes.

7255. Was not that a report on the finances and trade of the country?—Yes.

7256. Did it not appear upon the face of his report, that those were available assets?—I have not the substance of that report sufficiently in my mind to say whether Sir Emerson Tennent represented them as such or not, but I think Sir Emerson Tennent did adopt the accounts, and fall into the mistake of considering them as available assets.

7257. Mr. *Hume*.] Do you consider that the Commander-in-chief, a person generally unacquainted with the island, should be in the Executive Council?—I believe, as a matter of Government, the Commander of the Forces would always necessarily be in the Executive Council, but under my system of combining the offices of Governor and Commander of the Forces he would be in the Executive Council, in the person of the Governor. Then the next change that I think would be necessary, is in the Legislative Council. Without wishing to take up more of the time of the Committee, as I have already given my opinion upon that subject in my letter, I will refer only to that letter, as containing my views upon that point; and I would observe that I have heard nothing in what has taken place in this Committee to induce me to alter my opinion. There has been a great deal said upon the subject of elected members; I think that is a principle, wherever you can have recourse to the election of any bodies by certain parties, that should be resorted to; but I have very grave doubts in my mind, whether the native community generally is in that state that you could give them the franchise of electing members.

7258. That is without being limited?—Yes, without being limited, which would be a difficult measure to adopt. I particularly object to members being limited in introducing any subject, because I believe that their being able to do so would be the best means of checking anything going on improperly in the Governor, or in the service in any department. If the Governor felt that his measures or his acts were open to inquiry by any member of the Legislative Council, he would be more cautious in any measure that he might pursue. There is one other point as to the reporting of the debates being discontinued. I was astonished to learn that that was under the orders of the Secretary of State. I believe it cost the island only 100*l.* a year; it was a most useful thing

339

G. Ackland, Esq.

17 July 1849.

thing generally, not only to the members of the Council, but it was desirable that the Secretary of State should be furnished with the particulars of the debates; and as it cost the island only 100*l.* a year, I think the Legislative Council might have been considered competent to dispose of that without orders from home.

7259. Mr. Villiers.] Do you agree with Mr. Wodehouse, who suggested that under the future system of government of Ceylon the Legislative Council should be abolished; that the local government should have complete authority, and that it should only be responsible to the Government at home, but that public opinion and the press should be entirely free in the colony?—I would either have the Legislative Council free to act for the benefit of the colony; or I would abolish the Legislative Council rather than have the semblance of a free constitution without the reality.

7260. If the mother country was to insist upon the Legislative Council being free to act as it pleased, do you think it would also be desirable that the press should be free?—The press is free; there is nothing to prevent a man writing what he pleases; he has the same freedom there as in this country.

7261. At present the Legislative Council is appealed to, but it has not really any effective power?—Certainly not. During the evidence I have heard a good many observations made about Mr. Bernard, and about the private communications with him. After Lord Torrington's arrival in the island it was the constant practice to address all notes to the private secretary unless they were official communications; and if Mr. Bernard answered them on behalf of the Governor, it was considered as the communication of the Governor.

7262. Mr. Hawes.] What distinction do you draw between official communications and others?—You might wish to write to the Governor upon any particular subject that he would not report as official to the Colonial Office; in that case you would write to the private secretary. I considered a communication to Mr. Bernard, as private secretary, was a communication to the Governor.

7263. Am I to understand that in your opinion, that was a convenient arrangement?—Yes, I am not objecting to it.

7264. Mr. Hume.] When the inhabitants wished to have a meeting with Lord Torrington was application made to Mr. Bernard, or to Sir Emerson Tennent?—To Mr. Bernard. I was asked a question with regard to Ambegammoon Road, and Ambegammoon lands; I could not give an answer at the time. This is a return of all the lands sold in that district. It has been referred to by several parties in the course of the evidence as one grievance, and this Return shows that this land was bought up by a number of public servants.

[The Witness delivered in the same, which is as follows:]

1840:	EXTRACT of Return of Crown Land Sales.	Acres.
District of Upper Bulatgammu, or Ambagammoon, all sold at 5 <i>s.</i> per acre.	The Hon. W. O. Carr (Judge) and - - - }	862
	Captain Skinner (Commissioner of Roads) - - }	
	The Right Hon. the Governor, Mr. Stewart Mackenzie	1,120
	F. B. Norris, Esq. (Surveyor-general) and others -	762
	Hon. G. Turnour (Government Agent, Kandy, Acting Colonial Secretary) - - - }	2,217
	H. Wright, Esq. (District Judge, Kandy,) and - - }	1,751
	G. Bird - - - }	
	Sir R. Arbuthnot (Commander of the Forces) and - - }	855
	Capt. Winslow (A. D. C.) - - - }	
	T. Oswin, Esq. (a District Judge) - - - }	545
	C. R. Buller, Esq. (a Government Agent, now of Kandy)	764
	Capt. Layard (on the Staff) and friends - - - }	2,264
	P. E. Wodehouse, Esq. (Government Agent, and Assistant Colonial Secretary) - - - }	2,135
		Acres - - -
	At 5 <i>s.</i> - - -	3,320.

All sold in one day, and the Ambegammoon Road surveyed and began forthwith. Much of the above land was resold to other parties at 2*l.* per acre, for it was well known that Government would carry on this line of road.

(92.)

P P 4

7265. Mr.

G. Ackland, Esq.

17 July 1849.

7265. Mr. *Hume*.] Much doubt has been expressed as to the object of those taxes which have been mentioned, whether they were for fiscal or revenue purposes; as you were there at the time, I will ask you what was your impression as to the general object of those taxes?—Some of them partook of the nature of fiscal ordinances, and others of revenue ordinances. The dog tax was not looked upon at the time as a revenue ordinance, but as a fiscal ordinance. The gun tax partook of a fiscal and revenue character.

7266. Was not every one of those taxes imposed in order to make up the deficiency?—I think all but the dog tax.

7267. This is a list of the parties who have appointed Mr. M'Christie as their agent to lay before the Committee their grievances. I wish you to look it over, and see whether, as inhabitants of Colombo, they are respectable, or what is your view upon the matter. Will you read them over?—"C. Elliott, (M.R.C.S.L.); J. F. Misso (Portuguese Consul-general); Jas. Alwis (proctor, Supreme Court); R. F. Morgan (advocate, Supreme Court); F. Daniel (merchant's attorney); H. A. Jansz (shopkeeper); Hormanjee Espondarjee (Parsee merchant); Cowasjee Eduljee (Parsee merchant); J. Driberg (proctor, Supreme Court, notary public); J. C. Dias (Singalese, member of the Legislative Council); A. N. Martenz (notary public and proctor, Supreme Court); Awa Lebbe (Moorish merchant)." I am not sure that I know the latter name.

7268. Are those men such as might with propriety form part of the Legislative Council?—I see no name among these which I should say is not fit to sit in the Legislative Council.

7269. Do you know Dr. Elliott personally?—Perfectly; I have known him for some years.

7270. Will you state to the Committee what your opinion is of his character?—I have known Dr. Elliott for many years; I do not agree in his political effusions, or in the style in which he maintains his opinions, but I know him to be a very respectable and learned man, and a well-intentioned philanthropist, perhaps carrying his views to an extreme, but he is a man who would not willingly state anything either publicly or privately which he did not believe to be true.

7271. Mr. *Hawes*.] You have put in a list of certain parties who purchased land at 5s. an acre?—Yes.

7272. When was the price raised to 20s. an acre?—In 1844.

7273. Does that contain a list of all the public functionaries who bought land in the island?—No, it does not contain a list of all the public functionaries who bought land; it only contains a list of a great number of public functionaries who purchased a large quantity of land in the Ambegammoon district on one day; but these lands were sold again, and the impression upon the mind of the public was, that the public functionaries knew that roads were to be made to that district; and under those circumstances they bought land at a certain price, and resold it at a larger price.

7274. You do not mean to say that there were not many others in public situations who did do the same thing; for instance, the colonial secretary of that day?—I do not know how it is that his name is not down in the list, for I know that he bought a large quantity of the land.

7275. The public functionaries generally speculate in the purchase of land?—Yes, they do.

7276. Mr. *Villiers*.] Was the road made?—In order to answer that question I must speak from the evidence of other people; but it has been stated that the Ambegammoon road leads to other important parts of the island. I should like the persons who say that, to tell me to what other parts it leads.

7277. The public impression in the colony is, that the land was purchased in anticipation of a road being made?—Yes.

7278. Was the road made?—No, I believe not.

7279. Did the lands fall in value in consequence?—Yes, they were sold at very low prices.

7280. What is it that in your opinion raised the value of the land?—The road

road being laid out affected the value of the land ; had I bought land with the knowledge that a road was going to be made there, I could have sold it at a large profit.

C. Ackland, Esq.

17 July 1849.

7281. There was the difference between 5s. and 1l. produced by the expectation of the road being made?—Yes; in some instances the road sold for 2l. an acre.

Major Thomas Skinner, called in; and further Examined.

7282. Mr. Hawes.] YOU have seen the paper put in by Mr. Ackland, containing the names of parties who purchased certain lands; amongst the parties I observe your own name; is there any explanation that you would desire to give to the Committee upon the subject?—Certainly; the evidence which Mr. Ackland has just now given is very different from what I have to state. The history of the Ambegammoon road is this: as many as 28 years ago it was under consideration to enter the great mountain zone through the Ambegammoon valley. The River "Kalana," which flows to Colombo, is navigable for 36 or 40 miles up its course in the direction of Ambugamwa. The western face of the mountain zone forms almost a wall from south of Adam's Peak to the district of Karispattoo, some miles north of Kandy, for a distance of about 50 or 60 miles (I may not be critically correct), and there are only two directions by which roads from the westward can enter the zone without an unreasonable ascent. One of these practical inlets is by the neighbourhood of the Kodoganawa Pass, the other by the Ambugamwa Valley; the former was adopted by Sir Edward Barnes, the other remained in abeyance for a length of time. When Mr. Stewart Mackenzie was Governor, he had a committee of the Legislative Council to determine in what direction new roads should be formed; the opinion of every gentleman conversant with the island was taken, that of Colonel Fraser particularly, my own, the surveyor-general and civil engineers, and a number of other officers; and the report is no doubt in Downing-street at the present moment, with a map illustrating our different opinions. Mr. Stewart Mackenzie was desirous to avail himself of this water communication, which ran up 36 or 40 miles into the country, and which would have reduced the land carriage to the important districts of Kotmalle, Neweraellia, and Ooddaboolatgamme (which was a coffee district), for the purpose of introducing European cultivation, and he desired that the road should be traced from the highest navigable part of the Kalana. I was at that time in the Quartermaster-general's department; the civil engineer not having much local knowledge of the country, I was desired to give my advice as to the direction in which it should go. There was but one course it could take, and I advised that course to be taken. Subsequently to the laying out of this road having been ordered, and its course having been fixed, I believe I was one of the first to purchase land there, knowing the advantages which a short communication with a navigable river would give, and I took the nearest piece of land on the spot in relation to the river, and a number of other persons followed my example. I do not know whether I was the first, but a number of persons purchased land in that direction, very unfortunately for us, inasmuch as I believe it has ruined the whole of us. We purchased the land at the rate at which land was obtainable by any party at the time.

Major T. Skinner.

7283. Sir J. Hogg.] What rate was that?—Five shillings an acre.

7284. At what rate would you sell it now?—For almost anything I could get.

7285. Could you resell the land for 5s. an acre?—Certainly not. I have laid out all the money I possess; it is now in abeyance, inasmuch as the land will not pay for its cultivation. This road I consider, irrespective of any personal interest of my own, very important, inasmuch as it would bring all the most important south-western portion of the mountain zone within a very short distance of water communication, and moreover it is intended to relieve the Kandyan road, which is over-worked to a great extent, though it is a very wide and perfect road; the traffic upon it yields a revenue of 23,000l. The great object has been to withdraw from the Kandy road all the produce of this vast extent of country, and to diminish the cost of transport, by bringing it, as far as possible, by water communication; that will be effected the moment the road is made, which is now being done; it is now, I hope, nearly passable for carts.

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7285. Mr.

Major T. Skinner.

17 July 1849.

7286. Mr. *Villiers*.] The land then will rise in value?—I doubt whether for coffee plantations it will rise.

7287. Mr. *Wilson*.] You bought the land from Government?—Yes.

7288. You say you did not buy it till a long time after; what length of time afterwards did you buy it?—I cannot say how long, but not long afterwards.

7289. Was the land open to competition from other persons?—It was put up to auction; Government advertised it many weeks before it was sold.

7290. Sir *J. Hogg*.] Did not in former times the governors have coffee plantations as well as the civil servants of the Government?—I think Sir Edward Barnes was the first person who introduced the planting of coffee into the island, from a desire to improve the country; he tried that, and also the planting of indigo, sugar, and other things, by which I am sorry to say he lost a great deal of money.

7291. He had a coffee estate?—He commenced the coffee planting with the intention of showing that coffee could be grown in the colony. Since then Mr. Stewart Mackenzie purchased an estate, and those are the only governors who have had coffee plantations.

7292. Mr. *Villiers*.] You stated that the land was sold by auction and by advertisement; was it stated that this road was going to be opened up?—I think everybody in the colony knew it as well as the Government servants, but it was supposed that the land was of an inferior quality.

7293. But was it the fact that the anticipation of the road being made gave it an additional value, and led those who purchased at 5s. to sell at 1l. an acre?—I do not think it could have been that, because land in all other parts of the colony sold at from 1l. to 5l. an acre, and I believe the land in and near this district never fetched the price that it fetched in other districts.

7294. Is it a fact that it was sold at first for 5s. an acre and afterwards for 1l. an acre?—Yes, it sold for 1l., because no land could be got under 1l. All land in the country was at one time sold for 5s. an acre, but after a certain date it was decided that no land should be sold under 1l. an acre.

7295. Mr. *Hawes*.] In both cases that was the minimum price?—Yes; of course beyond that any one had the option of bidding any amount he pleased.

7296. Sir *J. Walmsley*.] Did you sell any quantity of the land you bought?—No.

7297. It has been stated that some of the land was sold at 1l. or 2l. an acre; what length of time elapsed after the land was sold for 5s. an acre before it was sold at 1l. or 2l. an acre?—There was land sold for 1l. or 2l., but it was at the period of the mania for coffee planting, when any land in that part of the country would have fetched almost any amount. I do not remember that any portion of it was sold for 2l. an acre; I remember one party selling land there, but whether he sold it for 1l. or 2l. an acre I do not remember.

7298. Have you any definite idea what period of time elapsed between the first purchase and the subsequent sale of the land?—I cannot say, but there has been less land re-sold in the Ambegamwa district than in any other, and I believe there is no district in which land has fetched less than in that district.

7299. Was it the fact that the new road being made was not known publicly before the time of the sale of the land by auction?—I am not prepared to say to what extent it was known, but no trace of a road could be laid down in Ceylon, I think, without it being generally known that it is the intention of the Government to make a road; the Government agent would not forbear publishing it if he thought he could get 5s. more for his land; he would do so for the sake of the revenue of the district. I think, therefore, the intention of the Government to open a road in that district, must have been known to everybody in search of land.

7300. Was this land sold by auction?—Yes.

7301. It was not advertised with a public knowledge of the road being about to be made?—I am not prepared to say whether the advertisement stated it or not, but the Government are generally sufficiently alive to their own interest, to proclaim any advantages that their lands may possess. This has been long a debated question; I have had more trouble about it than anybody can conceive; half of the people complaining that I am not advancing sufficiently fast, and

and the other half complaining that I am giving too much attention to it; I have myself an objection to spending more than a certain sum upon it.

7302. Mr. *Wilson*.] Is there any ground whatever for the imputation upon the public officers, that they bought the land at the public sale in the absence of a general knowledge that the road was to be made, and that they received advantage from their superior knowledge of the fact that the road was going to be made?—Most certainly not.

7303. Mr. *Hawes*.] Is there any further explanation that you wish to offer?—No; I think it is a very important road, and the sooner it is completed the better.

Major *T. Skinner*,

17 July 1849.

Jovis, 19^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hume.
Lord Hotham.
Mr. M'Cullagh.
Sir Joshua Walmsley.

Mr. Hawes.
Sir James Hogg.
Major Blackall.
Mr. Villiers.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Thomas Young M'Christie, Esq., called in; and further Examined.

7304. *Chairman*.] ON the 8th of June you stated that you were the agent of certain parties resident in Colombo, and that you had been authorized by them to prefer their complaints to Parliament. This Committee then postponed the examination, and they are now anxious that you should confine yourself, as far as possible, strictly to the complaints which you have to make on their behalf?—I will endeavour to do so.

T. Y. M'Christie,
Esq.

19 July 1849.

7305. Mr. *Hawes*.] I perceive you stated in your former evidence that you were appointed by a committee of the inhabitants of Ceylon to represent their interests in London?—Yes.

7306. Can you state who composed that committee?—I can.

7307. Are they the names which are referred to in the answer to question 7267, by Mr. Ackland?—Yes.

7308. Are those all?—I believe not all; they I think have not all signed. I do not know the extent of the committee; occasionally the proceedings are signed by some only, but principally by a good many of them; some of my communications are not signed by the whole.

7309. I see a certain number of them are parties connected with the courts of law?—Yes; there are several connected with the courts of law.

7310.—Are the Committee to understand that they represent the whole of the inhabitants of Colombo upon these subjects?—A very large meeting was called in 1846, to take into consideration complaints respecting the measures affecting the verandahs of the houses at Colombo. That meeting appointed a committee to take such steps as they should be advised in reference to those measures. The committee drew up a petition from that meeting, which was signed by 2,800 persons, and presented to Sir Colin Campbell. They subsequently sent a petition to the Queen, signed by 3,000. That committee was appointed by those parties, and that committee appointed me.

7311. Sir *J. Hogg*.] That committee, it would appear from your statement, had been appointed exclusively for the purpose of considering the question of the regulations relative to verandahs?—On that occasion.

7312. Exclusively for that purpose?—Yes. On a subsequent occasion I received an appointment by some of the same parties in reference to the matters of complaint which are contained in the other petition which is before Parliament respecting those taxes, and asking me to forward their views in every way that I could, and to act generally as their agent.

7313. Mr. *Hawes*.] Did the appointment originate at the public meeting?—I

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T. Y. M. Christie,
Esq.

19 July 1849.

have no information upon that point ; they were some of the same parties who employed me before.

7314. All of them?—So far as they went, I think.

7315. Was Mr. Dyas one of the parties?—I think he was one of the parties.

7316. One of the parties who appointed you the second time?—Yes, I think so ; I cannot be positive, but I think so.

7317. Sir J. Hogg.] How was the authority conveyed to you?—By post.

7318. By what document or instrument?—By a letter.

7319. Was that letter signed by a chairman, or by a committee?—It was signed by the members of a committee.

7320. I suppose you have received two letters?—I have.

7321. The first letter was from the committee that was appointed by the general meeting assembled to consider the question of the verandahs?—Yes.

7322. What was the date of that letter?—November 1846 ; it was sent to me at Galle, as I was embarking for England.

7323. Have you the letter?—I have a copy of it.

7324. What was the date of the second letter that you received?—The 15th of August 1848. The letter is as follows : “ We, the undersigned members of a committee appointed by the inhabitants of Colombo, beg to enclose a copy of a petition addressed to the House of Commons, and which we have to request you will be good enough to see properly presented. We beg to inform you that this petition was prepared and signed before the late disturbances at Kandy. Owing to those disturbances we have not circulated it for signature in the central provinces ; but as soon as quiet is restored, another petition will be sent from the inhabitants generally. This will account for the signatures to this petition not being so numerous as they otherwise would have been. Trusting that you will take every possible means to support it, acting throughout as the agent of the inhabitants, we remain, dear Sir, yours obediently.” Signed by the Committee. That is dated Colombo, Ceylon, 15 August 1848.

7325. Was the committee who signed the second letter a committee appointed by a public meeting?—I do not know ; they were part and parcel of a committee appointed by a public meeting to take into consideration the abuses in respect of the verandahs.

7326. Your impression is that it was a committee appointed to consider the question affecting the verandahs, and that they continued to take other matters into their consideration?—That is my impression.

7327. You consider that they were acting on behalf of the whole of the inhabitants?—Yes.

7328. Mr. Hawes.] Who signed the letter which you read?—Part of the committee.

7329. Chairman.] The signatures to which letter are the more numerous?—To the first letter. I am instructed also by a body of gentlemen formed to take the affairs of Ceylon into consideration, with a view of bringing them before Parliament and getting a remedy.

7330. Will you state who that body is?—There was a special meeting at which some resolutions were come to. One of them is, “ That owing to the dissatisfaction which is universally prevailing in consequence of the misgovernment under which the inhabitants of this colony labour, this meeting feels the necessity of forming an association, the object of which will be to take systematic and well-organised but constitutional measures for the redress of existing grievances.”

7331. When was that meeting held?—It was held at Colombo, Wednesday the 9th of August 1848.

7332. Who was in the chair?—Richard Morgan ; they appointed 12 gentlemen to form a committee ; I also received a letter from the chairman of the meeting, authorizing me to represent the complaints which they had to prefer.

7333. Sir J. Hogg.] Are the persons of whom you speak merchants or legal gentlemen?—One is an advocate of the Supreme Court, one is a merchant and shipowner, another a proctor and notary, and so on.

7334. Is their vocation and calling annexed to each name?—Yes.

7335. Will you put in that document?

[The same was delivered in, and is as follows :].

AT a special Meeting held at Hulfsdorp, on Wednesday the 9th of August, A.D. 1848; T. Y. M. Christie, Esq.
19 July 1849.

1. Moved by James Alvis, Esq., proctor; seconded by Henry C. Prius, Esq., proctor, That Richard Morgan, Esq. do take the chair.

2. Moved by P. J. L. Vanderstraaten, Esq., proctor; seconded by Atramadoo Lebbe Tamby, trader,

That owing to the dissatisfaction which is universally prevailing in consequence of the misgovernment under which the inhabitants of this country labour, this meeting feels the necessity of forming an association, the object of which will be to take systematic and well-organised but constitutional measures for the redress of existing grievances.

3. Moved by Archibald Andree, Esq., proctor; seconded by Curjie Cunjie, Esq., merchant and shipowner,

That such association be formed, to consist of all well-wishers to the country, and to be called the Society of the Friends of Ceylon, and that communications be opened with parties resident in the out-station districts, with a view to obtain their co-operation.

4. Moved by James Alves, Esq., proctor; seconded by Cowjie Edaljie, Esq., merchant and shipowner,

That this meeting views with regret (but without the slightest apprehension for the result) the unworthy attempt made at Kandy to suppress the "Observer" newspaper, and feels called upon to record the incalculable good it has achieved, without reference to class distinctions, and to bear testimony to the strict impartiality and out-spoken independence which have characterized, and the pure and generous motives which have actuated, the conductors of that excellent periodical. This meeting also feels itself called upon to declare that the charges brought against that paper, to the effect that it has excited the inhabitants of this country to rebellion, are entirely unfounded. On the contrary, it is firmly persuaded that some of the causes which have given rise to it, and to the dissatisfaction prevailing universally would have been averted, had the Government acted consistently with the views and sentiments of that paper.

5. Moved by John Drieberg, Esq., proctor and notary; seconded by Aroon Lebbe Marican, merchant and shipowner,

That in token of high admiration of Dr. Elliot's praiseworthy conduct, a subscription list be opened for the purpose of presenting to that gentleman a piece of plate; and this association further pledges itself to take two copies of the "Observer," for every one that may be given up in consequence of the proceedings at Kandy.

6. Moved by James Martensz, Esq., proctor; seconded by Meera Lebbe Marican, trader,

That the following gentlemen do act as the committee to carry out the object of this meeting, and of the association generally, and to report their proceedings from time to time to the subscribers at a general meeting:

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| 1. Richard Morgan, Esq., Advocate, Supreme Court. | 7. Archibald Andree, Esq., proctor. |
| 2. Cowasjie Edaljie, Esq., merchant and shipowner. | 8. Abainada Lebbe Tamby, trader. |
| 3. John Drieberg, Esq., proctor and notary. | 9. Henry A. Jansz, Esq., merchant. |
| 4. Aroon Lebbe Marican, merchant and shipowner. | 10. James Alvis, Esq., proctor and notary. |
| 5. Philip Vanderstaaten, Esq., proctor and notary. | 11. John C. Fernando, Esq., of the firm of P. B. Fernando & Son, merchant. |
| 6. Hadjie Marican Meera Lebbe Marican, trader. | 12. Curjie Cunjie Esq., merchant and shipowner. |

7. Moved by Benjamin Kelaart, Esq., proctor; seconded by Cowasjie Edaljie, Esq., merchant,

That the chairman be requested to transmit copies of the 4th and 5th resolutions to the editors of the "Colombo Observer."

8. Moved by James Alvis, Esq., proctor and notary; seconded by John Drieberg, Esq., proctor and notary,

That the thanks of this meeting be given to Richard Morgan, Esq., for his obliging conduct in the chair.

Witness.—I received also a letter from the chairman, from which the following is an extract:

In my letter of the 11th of July last, I mentioned that the country was in an excited state, and that we all feared the consequences of the dissatisfaction which existed among the natives. A very few days after that letter left the news of a rebellion in Kandy reached Colombo. Full particulars of what took place you will find reported in the "Overland Observer," which Elliott will send you. Things have now come to a crisis here; the people are determined not to pay and the Government not to yield, and what with the inability and unwillingness of the former, and the obstinacy of the latter, we are all ruined. This is

T. Y. M. Christie,
Esq.

19 July 1849.

quite certain, that unless these taxes be repealed peace and quietness we never shall have. A strong arm, and a few regiments revelling in the luxuries of martial law, which now obtains, may, by destroying all the natives, make it solitude and call it peace; but nothing less will do. The rebellion may be quelled, but the taxes will have to be gathered at the point of the sword. They are not suited to the condition of the country. The Government know and feel this, but for the sake of a paltry triumph they think it magnanimous not to yield. Several petitions go home by this mail, and it remains to be seen whether the Home Government will allow itself to be influenced by such unworthy considerations, regardless of the ruin and misery which prevail, and will continue to prevail here, unless redress be afforded. We send a petition also, and a letter, which explains the circumstances under which the former is transmitted. But for an anxiety to do nothing which could be construed into an act of countenancing the disloyal conduct of the Cingalese in the interior, we would have circulated a much stronger petition among them, and sent it on with many thousands of signatures. If quiet be restored before then, such a petition will reach you by the next mail. We are fully agreed as to the substance of it, but some doubts as to whether one prayer which is in the draft, to the effect that the Governor should be recalled, should be retained or omitted. Every person sees the propriety of it, and the necessity of it, but some think it would not be prudent to ask it expressly, and that the wiser course is to leave it to the Secretary of State to perceive that such a measure is essentially necessary, and to act upon it. Let me, on behalf of my friends, and the inhabitants generally, entreat your active and zealous interference. Get Mr. Hume, or any other kind and influential and talented member to present our petition, and secure a redress for our grievances. I send a few notes for your guidance upon each paragraph of the petition, from which, and from the "Overland Observer," you will obtain data which would enable your friends to present to The House as strong a case for justice as was ever sent from any colony. Whilst all these disturbances are going on, the Government in the meanwhile pursue their usual course of indifference to our interests. The "Observer" and Elliott's letter to Earl Grey will show you the disreputable attempts which the Kandy folks, instigated by the people at the Queen's House, are making to ruin the "Observer" paper. The resolutions are at your service for whatever purpose you require them.

7336. That is the document which appointed you?—Yes.

7337. Mr. *Villiers*.] Is that the chairman's handwriting?—Yes.

7338. Do you know it?—Yes.

7339. You put in that letter for the purpose of showing that you were duly authorized?—Yes.

7340. Mr. *Hawes*.] Have you had any instructions to bring these matters before this Committee?—Not before this particular Committee; this Committee was appointed subsequently to those complaints originating. I have had instructions since the Committee was appointed, authorizing me to bring certain matters before the Committee.

7341. Sir *J. Walmsley*.] Have you the substance of what you wish to communicate to this Committee before you in writing?—I have it before me in memoranda.

7342. *In extenso*?—It is not *in extenso*.

7343. Is it in a state which would communicate to this Committee fully all you desire to communicate?—Yes.

7344. Do you see any objection to placing the whole of those documents before the Committee at once, as the Government have placed other documents before them?—Certainly not.

7345. Mr. *Hawes*.] I understand you to wish to represent only those alleged grievances which are stated in the petitions presented to Parliament, or in the petition addressed to the Queen?—Grievances affecting those matters.

7346. Personally, you know nothing of them?—In reference to the verandahs I know a good deal. I was asked to take part in public meetings there, but I declined to do so.

7347. I speak of the general grievances?—They did not occur till after I had left the colony.

7348. All that you can state is to be found in those petitions?—No; I have a great deal more to state than is to be found in those petitions.

7349. Mr. *Hume*.] The documents sent to you from that committee are what you allude to?—Yes, the documents sent to me from that committee are what I allude to, and also the papers which have been presented to Parliament, to which my attention has been called; I am requested to draw your attention to particular parts of those papers.

7350. Mr. *Wilson*.] Am I to understand you to say that the committee which you represent was appointed by a public meeting specially to consider the verandah question?—Yes.

7351. Am

347

7351. Am I to understand you to say, that the committee appointed by a public meeting appointed you their agent, with respect to the verandah question, in the first instance?—Yes.

7352. Am I to understand that the same committee, having been appointed, in the first instance, specially with respect to the verandah question, have since taken upon themselves, without any further authority from another public meeting, to represent the general grievances of the island?—I do not say so.

7353. Do you say the contrary?—I say that the same committee has continued to instruct me upon those subsequent matters.

7354. The committee you say, in the first instance, was appointed respecting the verandah question as representing a public meeting; can you state that they afterwards were appointed to represent the general grievances?—I cannot; I cannot say anything upon that subject.

7355. So far as your knowledge goes, the only authority which the committee you represent have for acting for the inhabitants of Colombo is specially with respect to the verandah question?—No, I take it that they have full authority to act for the inhabitants throughout, otherwise they would not have instructed me to have acted; they are all most influential, respectable, and most talented men; they would not have instructed me without having proper authority vesting in them.

7356. Your only reason for supposing that they have this authority is because they have given you those instructions?—My reason for saying so, is my knowledge of their character, and the instructions they have communicated to me.

7357. You have seen no account, nor have you been informed of any public meeting at which they have received fresh instructions, differing from the old instructions?—No.

7358. Mr. *Hume*.] Are the parties mentioned by Mr. Ackland the parties who gave instructions to you?—Yes.

7359. Will you proceed, as shortly as possible, to state the complaints, with such documents as will support them, which you wish to be communicated to this Committee?—The subject of the first complaint which was conveyed to me, upon which I was to have an interview with Lord Grey, and subsequently to bring before Parliament, was with reference to the verandahs of the houses of the inhabitants of Colombo.

7360. Mr. *Harves*.] What are you now about to read from?—A memorandum which I have drawn up respecting the verandah case.

7361. Would it be possible for you, as the agent of the parties, to place the papers before the Committee to which you have to refer, accompanied by your own view of the case, that they may be printed for the use of the Committee?—Undoubtedly it would.

7362. Will you have the goodness to do so?—I will.

7363. Mr. *Hume*.] Will you proceed to mention any other grievance which you have to lay before the Committee?—There was a string of new ordinances imposed by the Governor upon the inhabitants, one in the latter part of 1847, and the others in the early part of 1848, against one and all of which the people generally complain as being unsuited to them, oppressive, and unjust. They say that the imposition of those taxes upon them was an inexpedient, ill-advised, and improper imposition; and their statements in that respect are confirmed by the statements of the Governor himself in relation to them, and by his conduct.

7364. What do you mean by the statements of the Governor?—In his despatches. I will enumerate the taxes as shortly as possible, merely stating their points and their nature. The gun tax was the first, that was Ordinance No. 13, of 1847; that was sent home on the 8th of January 1848 by the Governor for confirmation, and on the 24th of March 1848 Earl Grey conveys to the Governor Her Majesty's allowance and confirmation of it; it was passed and published on the 14th of December 1847, and was to take effect from and after the 1st of June 1848. That imposed an annual tax of 2s. 6d. on fire-arms by whomsoever possessed, and 6d. to be paid by the individual having the arms for the registration of his gun; being, in truth, therefore, a tax upon all who had fire-arms, of 3s. annually. It is true that all this is before the Committee, but the inhabitants feel those grievances are so great, that they consider that they should be allowed, before this Honourable Committee, to put them forward in the way in which they themselves view and feel them. The new stamp tax was the next in order of trans-

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mission

T. Y. M. Christie.

Esq.

19 July 1849.

T. Y. M. Christie,
Esq.
19 July 1849.

mission by the Governor; it was Ordinance No. 2, of 1848, sent over on the 9th of February 1848 for confirmation, and Earl Grey on the 15th of June 1848 conveyed Her Majesty's allowance of it. It was an extensive alteration of the then existing tariff of stamp taxes, imposing many new ones and increasing others; it was passed and published on the 31st of January 1848, and was to take effect also from the 1st of June 1848, a fortnight before it had received in this country Her Majesty's approval, and at a period when the Governor states the mercantile community were greatly depressed. The taxes on carriages and boats were imposed by Ordinance No. 3, of 1848; that is the next Ordinance, transmitted by the Governor on the 7th of March 1848. Earl Grey conveyed Her Majesty's confirmation of it on the 31st of May 1848. It was an Ordinance imposing an annual tax on every carriage and boat used in the island for the conveyance of goods and passengers for hire. It was passed and published on the 31st of January 1848, and was to take effect from the 1st of April 1848, two months before it was confirmed in this country. The shop tax was the next Ordinance; No. 5, of 1848, sent home for confirmation on the 3d of May 1848. This tax does not appear to have been confirmed. It was to impose an annual tax of 1*l.* on every person who kept a shop, store, or boutique, of an annual rental of 5*l.*; that was passed and published on the 10th of April, and was to take effect from the moment of its promulgation. The tax on palanquins and other carriages, let for hire, was the next. It was Ordinance No. 7, of 1848, and was sent home for confirmation on the 5th of May 1848. Earl Grey signified Her Majesty's confirmation of it on the 14th of July. It was to impose a tax of 1*l.* annually for all palanquins and other carriages let for hire. That was passed and published on the 10th of April 1848, and was to take effect on and after the 1st of June. The poll or road tax then followed, Ordinance No. 8, of 1848, and was sent for confirmation on the 6th of May 1848. Earl Grey conveyed Her Majesty's confirmation of it on the 19th of July 1848. That was to impose a tax of 3*s.* annually, or six consecutive days' labour, every year, on the roads, on every male resident within the colony, between the ages of 18 and 55, with the exception of the Governor himself, the military, and coolies in search of employment. It was passed on the 13th of April 1848, to take effect from and after its promulgation. The dog tax was the last Ordinance, No. 9, of 1848; the Governor sent that home on the 6th of May 1848 for confirmation, and on the 14th of July Earl Grey sent Her Majesty's confirmation of it. It imposed a tax of 1*s.* annually on every person who kept a dog: it was passed on the 13th of April, to take effect from the 1st of August. Those are seven new taxes, imposed at a time when the Governor was setting himself up in array against the people by legal proceedings respecting their verandahs; and I am requested to beg that the Committee will allow me to fix their attention to a few circumstances relating to what they call this overwhelming taxation, from which the inhabitants trust that you will feel that their statement is correct, that the imposition of those taxes was impolitic and unjust. The inhabitants say you will find it to be true; that those taxes were ill-advised, most impolitic, oppressive, and unjust, from the written statements of Lord Torrington himself, his officers, and Earl Grey.

7365. Mr. Hawes.] Where do you find that?—With respect to the gun tax, at page 40, Earl Grey obtains its confirmation on the 24th of March 1848. Again, on the 24th of October 1848, at page 345 of the Blue Book, paragraphs 10 and 11, Earl Grey discusses the merits of this tax, and again gives it his entire approval.

7366. Where shall the Committee find that Lord Torrington and Lord Grey have stated those taxes to be impolitic, oppressive, and unjust?—The Committee will find that as I go along.

7367. Sir J. Hogg.] Are you now stating the allegations of the petitioners, or are you stating what you yourself know to be the fact?—I am giving to the Committee the statements which have been communicated to me by the petitioners.

7368. Mr. Hawes.] Have the petitioners communicated to you any reference to public despatches or documents justifying the assertion which they have made, that Lord Grey and Lord Torrington have pronounced those taxes to be unwise, impolitic, and unjust?—I consider that they have done so to the fullest extent.

7369. Can you, as their agent, point to any document or any despatch bearing out that statement?—I think I can, as I proceed; I cannot point out the passages at once, inasmuch as different statements apply to different taxes; and as I enumerate those new taxes I will, taking them *seriatim*.

7370. Will

349

T. Y. M^c Christie,
Esq.

19 July 1849.

7370. Will you point out any passage justifying that allegation in reference to any one tax?—I will point out many, as I go along. Many of those taxes have been petitioned against. The petitions have been rejected by Lord Torrington. He has stated that he saw no just ground for removing them; that they were well considered, and had received the approbation of all. He persisted in doing so till after the disturbances from them arose, and after there had been the most lamentable sacrifice of life he removed those taxes—he removed two of them entirely, and he modified two others; and Lord Grey chided him for having done so, and stated that he could not justify his statements as to the policy of removing the taxes with his own strong recommendations for obtaining Her Majesty's confirmation of them; and on those grounds it is, pointing out those circumstances, as I shall do, that the inhabitants venture to assert that they were impolitic and unjust, as shown by Lord Torrington himself.

7371. Will you give me any reference which will justify the allegation that Lord Torrington and Lord Grey have declared those taxes to be impolitic?—The inhabitants say that Lord Torrington declared them to be impolitic by his conduct; he persisted in imposing them against the remonstrances of the people, and then, after an awful slaughter and loss of life, he removed them.

7372. Mr. *Wilson*.] Are such expressions to be found in any of the despatches?—Not the precise words.

7373. The words unwise, impolitic, and unjust, are simply an inference from the course which was afterwards taken by Lord Torrington with regard to those taxes?—Those words are the words of the inhabitants, and they say, by inference certainly, from the conduct and from the language of the despatches, those words are substantiated. Lord Grey, in commencing to take notice of the details of some of the taxes, says, "I have dwelt longer upon these general topics than I should otherwise have done, because I have been anxious to explain my reasons for believing that, quite independently of any immediate exigency in the affairs of Ceylon, there were vital and most prominent causes which rendered the kind of taxation then suggested the most natural and the best adapted to the country for which it was designed." So far from Lord Grey being correct in stating, on the 24th of October, that this kind of taxation suggested by the Governor was the most natural and the best adapted for Ceylon, on the 14th of November (pages 291 and 292, paragraph 12, &c.) Lord Torrington writes, that from the difficulties he had experienced in carrying this Ordinance into operation, arising out of the native habits and customs of the people, he had been obliged to recommend the introduction of a Bill to modify it, so as to require only one registration of fire-arms and no annual payment. Lord Torrington wrote that letter three weeks after Lord Grey had written his second approval of the Ordinance, and long before the Governor could have received Earl Grey's despatch.

7374. Sir *J. Hogg*.] Do you know anything relative to the opinions of Lord Grey or Lord Torrington in reference to those taxes, except what appears in the printed papers laid before Parliament?—It is impossible for me to know anything.

7375. Do you know anything relative to the line of conduct adopted by Lord Torrington or Lord Grey in reference to those taxes, except what appears in the printed documents before Parliament?—I think I do in reference to the line of conduct adopted by Lord Torrington.

7376. Then you have important information to communicate to the Committee relative to the conduct of Lord Torrington concerning those taxes, which does not appear in the papers laid before Parliament?—I think I have.

7377. Mr. *Hume*.] Which you do not derive from these papers?—No. At page 40, the Governor states, in transmitting that Ordinance for confirmation, which imposed a tax of 5s. annually, that it had received his Executive Council's unanimous assent; and he adds, "the testimony of all the authorities from every province of the island is concurrent as to the absolute necessity of such a law."

7378. Mr. *Hawes*.] Are you quoting Lord Torrington's despatch, in page 40?—Yes; upon that ground, therefore, the inhabitants say that that Tax Ordinance was an improper and impolitic Ordinance in the first instance, and one which they complain of. With regard to the shop tax, of a pound annually on all shopkeepers, that Ordinance apparently was not confirmed, and the inhabitants say they are quite at a loss to understand how, or through whose instrumentality the Queen arrives at a conclusion to fix upon them tax ordinances, if ever she knows anything of them; because they find in page 378 of the Blue Book,

T. Y. M^c Christie,
Esq.

19 July 1849.

that Mr. C. A. Wood, with whom they are not acquainted, and not Earl Grey would appear to have the Queen's confirmation or disapproval of these Ordinances in his hands, and at his pleasure; he states, that though he was reluctant to oppose its confirmation, he had not recommended the confirmation, and thought it better not to say anything about it to the Governor at the time; that is dated the 5th of July 1848. On the 9th of August following (page 150), the Governor writes to Lord Grey, and states that he had refused a petition from the shopkeepers of Colombo, praying that he would suspend the operation of this Ordinance. That petition was in the terms which are in the Blue Book. At the end of paragraph 13, in the same despatch, Lord Torrington says, that that petition bore the signatures not of the poorest, but of the wealthiest shopkeepers in Colombo, to whom the payment of a pound per annum was really not an object. At page 155, the Governor in his answer to the petitioners, refusing their petition, says, "It is well known to all the petitioners, that a profitable business is carried on by a numerous class of store and boutique keepers, who contribute little or nothing towards the public resources, either for purposes of local improvement, or for the general objects of the Government. It is true that the assessment tax on houses is levied directly upon the annual value of all the houses in certain towns for purposes of police, &c., whether those houses are occupied by private individuals or by merchants and traders; but the object of the present Ordinance is to levy a certain fixed sum of moderate amount upon all those trades which are carried on with profit and advantage by parties who contribute in other respects little to the public burthens." So that this was a tax of 1*l.* a year upon shopkeepers ultra the assessment tax, which was then already levied upon all shops, and Lord Torrington says it is to affect those only who carry on a profitable trade, who pay little or nothing towards the public resources and the public burthens, and to whom the payment of 1*l.* annually was really not an object. Lord Torrington, on November the 14th 1848, writes home that he has recommended the total repeal of this Ordinance. At page 292, paragraph 17, he states that this tax had been a cause of much complaint, and frequent petitions to him asking him for its abolition. He says, "The tax appears to be chiefly paid by the industrious Moormen, by whom, in fact, all the trade of the country is carried on. They argue that they pay a large portion of the custom-house dues; that they pay the police assessment; that they contribute to the Road Ordinance, and that by compelling them, in addition, to take out a licence to trade, will not only make taxation unequal, but discourage new traders, and in fact, prevent fair competition." So that Lord Torrington, in the first instance, when he urges Lord Grey to support him by the Queen's authority to obtain this tax from the people, says that the people who have to pay it are the wealthiest shopkeepers, to whom a pound a year is no object; it is only to be paid by those who carry on a profitable trade, and who pay little or nothing to the public burthens; and yet when he finds, by many complaints and petitions, that he was wrong in imposing it at all, and is obliged to abandon it *in toto*, he says it was a tax which was to be paid chiefly by the industrious Moormen, who had already to pay all the other taxes which he enumerates.

7379. Mr. *Wilson*.] Those comments are the substance of communications from the people of Ceylon to you, and in stating them now you are stating their views of the question and not your own?—I am the instrument of conveying to the Committee what their feelings and their language are.

7380. From their correspondence with you, you collect these circumstances, and call our attention to those particular passages of the despatches, for the purpose of showing their views?—I do; they have had the matter before them and have gone over the whole; they submit to this Honourable Committee that this is ample proof from Lord Torrington himself, that the imposition of these taxes was impolitic and unjust, and sufficient to cause them to complain, and to be dissatisfied and discontented. With respect to the road tax, the representations made to me are, that it is universally felt to be a most obnoxious tax, and that it is regarded as nothing short of a poll tax or a return to the old labour system. At page 115, the Governor himself states that at first it might appear that the principle of this enactment gives it very much the semblance of the re-introduction of the forced labour system, abolished by Order in Council of the 12th of April 1832; and the inhabitants who complain of it say that it has not only the appearance but the reality of a return to that system. Lord Grey, in conveying

Her

T. Y. M'Christie,
Esq.

19 July 1849.

Her Majesty's confirmation of this Ordinance on the 19th of July 1848 (p. 338), says, "In signifying to your Lordship Her Majesty's pleasure as regards this Ordinance, I have to express my entire approbation of the principle on which it is founded." On the 24th of October 1848, Lord Grey (page 345, paragraph 11,) discusses the merits of the Ordinance, and again conveys his approval of it. Before, however, that re-approval on the part of Earl Grey of this Ordinance could possibly reach Lord Torrington, and on the 13th of November, he wrote to Lord Grey sending home to him, for the Queen's confirmation, another Ordinance, modifying this very Road Ordinance which had been so entirely approved of by Lord Grey. Earl Grey entirely approved of the principle of the original Ordinance. Lord Torrington (page 269) says the alteration in it which he proposes by his modifying Ordinance, involves a very important departure from the principle of the original Bill.

7381. Mr. Hawes.] What do you refer to, as the agent of these parties, as the deviation of which you have spoken?—I wish to show an absence of proper and sound consideration in the imposition of the tax in the first instance.

7382. What was the deviation?—Lord Torrington speaks of it as a most important departure from the principle of the original Bill.

7383. As agent for those parties, I ask you to state to the Committee now what the deviation was?—To exempt the Buddhist priests from the operation of it, who had been before included.

7384. Is that the only deviation that you refer to?—I think that is the only deviation. Mr. Wodehouse, when in Ceylon, and applied to by the Governor to state anything he fairly could in support of the proceedings of the Governor, states in a Paper, at the top of page 12, in No. 7, which has been laid before this Honourable Committee, that the Road Ordinance has been amended only in the details.

7385. When was the Paper to which you have now referred known to the inhabitants of Ceylon?—That is not known to them.

7386. I understood you to say that you were conveying to us the opinions of the inhabitants of Ceylon?—Down to this time I have been doing so; and I call in aid now, as their agent, this Paper in support of their statement.

7387. Will you inform me how you obtained a copy of this Paper?—I have not a copy of that Paper; but I saw it once, and read it over.

7388. Where did you see it?—It was shown me by Mr. Hume.

The Witness was directed to withdraw.

The Witness was again called in.

7389. Chairman.] The Committee wish you to confine yourself entirely to any comments which may have been communicated to you by the people of Ceylon, and not to make any of your own?—By the letter I read a few minutes ago, the committee of inhabitants request me in any way, and by any means, to lay their case properly and fully before you. When I get a little further on, without the assistance of the documents which have been laid before Parliament, I shall not be able to show the truth of their case, as the truth of their case does exist.

7390. Mr. Wilson.] I asked you at the commencement of your evidence, whether what you were about to state to the Committee was the substance of communications received from Ceylon, as representing the feelings of the people of Ceylon, or whether it was your own views gathered from whatever sources of information you possessed; you then stated that it was the substance of communications received from the parties whom you represent in Ceylon; has the whole of what you have stated up to this point been of that character?—It has, and now I have brought in aid this Paper.

7391. Mr. Hume.] Will you proceed with your statement?—The Buddhist priests complained greatly of this Ordinance, and represented that they could not comply with its requisitions. The inhabitants stated that Lord Torrington knew from the first consideration of this original Road Ordinance the impossibility, on the part of those men, of complying with the requisitions of the Ordinance; the consequent difficulties which must ensue, and the annoyance and inconvenience to which he would put the Buddhist priests by the Ordinance, and yet he persevered in passing it, and in obtaining Earl Grey's entire approval of it twice repeated; because, at page 212, in sending home the petition of the Buddhist priests, Lord Torrington says they "state that it is contrary to the tenets

T. Y. M'Christie,
Esq.

19 July 1849.

of their religion, as Buddhist priests, either to labour with their hands or to possess money." He goes on to say that "the original view of the Government, which was perfectly aware of this prospective difficulty in the working of the Road Ordinance, was, that the priests would be able to procure substitutes to work for them," and yet, at page 269, paragraph 4, on the 13th of November 1848, the Ordinance having been passed on the 13th April, seven months before, he writes: "In the course of the last few months it has been brought particularly under my notice, in connexion with the late events in the interior, that the Buddhist priests are forbidden, by the tenets of their religion, to possess any property in their own right, and that mendicancy, as a matter of principle, is enjoined upon them." These, the inhabitants submit, are contradictory statements, and are not calculated to make them prosperous and happy.

7392. Mr. *Hawes.*] In what form did they submit those views to you?—By letter.

7393. Have you letters confirmatory of all those statements?—Yes.

7394. Mr. *Wilson.*] Calling your attention particularly to those discrepancies?—Calling my attention to the discrepancies generally, and directing me to look through the Blue Book, and to find those discrepancies for them.

7395. Do they in any letter point to those two passages to which you have just referred; have you a letter from Ceylon, calling your attention to the discrepancy between those two passages to which you have just adverted?—I have a mass of papers. There are many points to which I have not had my attention particularly directed.

7396. You have been directed to look through the Blue Book, to discover where discrepancies arise, in order to make out their grievances, and to lay those discrepancies before the Committee as their views?—Yes, I have; I have a great deal more to lay before the Committee; the Honourable Member has correctly represented what my object is. The inhabitants sending me these instructions, depended upon me to investigate the case, and to lay their views before the Committee.

7397. Mr. *Hawes.*] Speaking technically, in fact, you act as the attorney of the parties there?—I really do.

7398. Mr. *Hume.*] Have you not petitioned Parliament, as the agent of the committee of the inhabitants of Colombo, to be permitted to lay their grievances before The House?—Yes. With respect to the dog tax that was also allowed by Lord Grey, on Lord Torrington's strong recommendations, yet he found it to be so obnoxious to the feelings of the people, that he was obliged wholly to abandon it, and he writes on the 14th of November, saying, that he had recommended its absolute repeal. Some of those taxes were repealed and some were modified; two were totally repealed, and two were modified. With respect to the shop tax, at page 292, the Governor says, "I am, nevertheless, fully conscious that charges may be made against me, to the effect that the reconsideration of these Ordinances, by the alteration of one and the repeal of two others, is a proof of the error of my policy, and tends to justify the assertion that they really brought about the discontentment of the people." The petitioners assert, that the Governor's errors and his policy did actually bring about the discontentment of the people. The Governor, in the passage I have just read, states that it may be so asserted. The truth is, I feel considerably embarrassed in giving my evidence. I have laid down a course which, if it is objectionable to the Committee, I must abstain from, but it is a course which in justice, I think, to Parliament and to those who instruct me, I am bound to follow out; but if I am not permitted to do so, I really cannot give the testimony which those parties instruct me to give. I represent to the Committee many statements which they actually made to me themselves; they have also instructed me to look through these documents, and to make out for them the best case in support of their views, they not being here themselves, that I can possibly make out for them. The Committee will remember there is a very large class of persons here, to the number of 3,000, who have signed one petition, and unless I am permitted to proceed at length, as I have proposed, I cannot do them justice, and I cannot fully and fairly lay before Parliament their views.

7399. Mr. *Villiers.*] As far as I understand you, your clients consider that their case can be made out from the Blue Book before you?—Yes.

7400. They have entrusted their case to you, and have requested you to refer to the Blue Book in support of their views?—Yes.

7401. Which you are now prepared to do?—I am. I have read the letter to the

T. Y. M'Christie,
Esq.

19 July 1849.

the Committee, in which they ask me to make out the best case that by every research in my power I am able to make. I have taken the opportunity of looking to some of the papers before the Committee, and I had intended to call them in aid as I proceeded, to support that case.

7402. Mr. *Hawes*.] Am I to understand you generally that what are called the Committee Papers have been laid before you, and that from them also you have prepared your case?—Not so far as I have gone yet.

7403. With respect to your future statements, are they to be more or less founded upon the Committee's confidential Papers?—I think all that relates to them would be in reference to a Return which Mr. Hume moved for as to the expected amount from the new taxes.

7404. Have you in point of fact had access to those Papers in support of your case?—I have looked at those in Mr. Hume's possession.

7405. Sir *J. Hogg*.] Will you have the goodness to distinguish, in the course of your evidence, those observations or comments which proceed from yourself, and from your own examination of the documents, from those which are contained in your instructions from Ceylon?—So far as I am able to do so I will. It has been stated that the colony has been benefited to the extent of 30,000*l.* by the abolition of the export duties and the alteration of the import duties. A reduction to the extent of 27,000*l.* is said to have been effected in reference to coffee and cinnamon, and 3,000*l.* is given as the amount of reduction on all other articles. At page 306, paragraph 25, the Governor says, "The amount of taxes from which the industry of the country has been relieved is so large in proportion to the small amount of taxes which have been imposed, that your Lordship has already seen abundant reason to infer that if it were true, as has been in some quarters asserted, that these Ordinances were the immediate causes of the outbreak, they could only have been so in consequence of the studied misrepresentations of their effect, which had been deliberately disseminated in a great degree by European agency, and that the disturbances could not be attributed to anything really oppressive, either in the nature or the amount of taxes imposed." The Governor alleges, and it was alleged in Parliament, that the people had been relieved of 30,000*l.* of taxation; that there had been very large relief, and but a very small imposition of new taxes. I am able to show, by Papers produced to this Honourable Committee, that according to their own return, 29,613*l.* of new taxes had been imposed.

7406. Mr. *Hawes*.] What authority is there for stating that a very small imposition of new taxes took place?—It was stated by the Governor; the Governor states that the inhabitants had been relieved of taxation to the extent of 30,000*l.*, and it is also stated that a very small amount of new taxes was imposed.

7407. *Chairman*.] What is your calculation as to the actual amount of relief?—My calculation, as I understand the facts which are before the Committee, is, that there have been taxes to the amount of 29,613*l.* 10*s.* imposed, so that, according to the calculation made by the Governor himself, from those new taxes, the whole of that 30,000*l.* was to be made up; that is exclusive of any estimate whatever of the income expected to be derived from the road tax, from which it would almost if not altogether appear, that the Governor expected as much as he did from the whole of those taxes put together. At page 119 the Governor says, "The operation of those clauses adopted from the Ordinance above alluded to has already been found to be very beneficial; and it appears to be only reasonable that, inasmuch as the numerous inhabitants of the principal towns will be large contributors both of labour and of money under the stipulations of this Ordinance, a fair proportion of both should be applicable to the necessary improvements of the towns themselves." At page 291, paragraph 11, he says, "I have already stated to your Lordship my opinion that much relief will be afforded to the colony by the operation of the Road Ordinance; and I cannot doubt that the results of these measures will amply repay the Government for the sacrifice it has made by the abolition of the export duties." The inhabitants complain that a case has been attempted to be made out against their complaints, or to show that they ought not to complain, because they have been greatly relieved, whereas they deny that they have been so relieved.

7408. Have they made any statement to you of the loss of revenue incurred by the repeal of those various import duties, and of the gain arising from the imposition of other taxes?—They have made a statement the effect of which I have

T. Y. M. Christie,
Esq.

19 July 1849.

here ; according to the statement sent to me, the largest reduction made by Government, namely, 15,000*l.*, was the export duty on cinnamon, which was a matter of dry choice between continuing to have some income from that source, or none, because if the export duty had not been reduced, the cultivation of cinnamon would have been abandoned altogether. It was not a reduction therefore made, as the inhabitants state, as a boon from the Government to the people generally ; it did not affect the people generally ; it affected only a few growers, and the duty was reduced by the Government so as to be able to continue to derive some revenue from that source. At page 302, the Governor himself says ; "The cinnamon trade had already languished so much, that the only encouragement which remained to keep alive the energies of the growers, appeared to rest on the hope either of a large reduction, or of the total abolition of the export duty on that article." Neither the reduction of the export duties on cinnamon or on coffee gave any relief whatever to the great majority of persons on whom the new taxes were to press ; the former might ease the planters and merchants a little, but was no relief to the inhabitants generally. The inhabitants complain that the reduction upon those two articles should be made a handle of, for the purpose of representing that they have been directly relieved, or at all relieved, or benefited by the reduction in that particular department, when they are not so ; and that it should also be said that they had no right to complain of the new taxes which they must pay, they having obtained the reduction or abolition of the export duties on those two articles, which they cared nothing at all about, did not want, and did not even ask for ; 2,210 of the inhabitants of the town of Galle, in their petition to Earl Grey (page 204), state that by the abolition of the export duties they are not in anywise benefited. They state, "That by the abolition of the export duties, these petitioners are not in anywise benefited, except a few merchants, inasmuch as the Government has recently enacted several Ordinances to levy taxes, instead of the said export duties ; *i. e.* stamp, gun, dogs, shops, carriage, and road or body taxes ; and moreover levying duties upon goods imported which were hitherto free." The inhabitants have sent me a statement of the probable income to be derived from those new taxes, had the Government been allowed to proceed quietly with them, which is as follows : with respect to the Road Ordinance, taking the population to be 1,500,000, and one in every five persons to be liable to work six days, or pay 3*s.*, that would give 45,000*l.* As to the gun tax, taking one man out of every three to have one gun at 2*s.* 6*d.*, that would come to 12,500*l.* ; as to the dog tax, supposing only one dog to be kept in each family, and taking the number of families to be 300,000, it would give at 1*s.* each 300,000*l.* ; making in all 72,500*l.*, which they say is the real estimate of what might have been expected from those new taxes.

7409. Whose estimate is that?—The estimate of the committee who instructed me, Mr. Morgan, and Mr. Elliott.

7410. Mr. *Harves.*] With respect to the estimate of the amount of the road tax, it is founded upon this basis, that one-fifth of the population are at work at the same time over the whole island for the period of the year required under the Ordinance?—It appears to be founded on the principle of one-fifth being occupied in the year.

7411. That one-fifth of the population is called out to work upon the road within one year?—Yes.

7412. Sir *J. Hogg.*] Is it the opinion of the committee who instructed you, that the dog tax was imposed for the purposes of revenue, and not for the purposes of police?—Clearly they are of opinion that the dog tax was imposed for the purposes of revenue.

7413.—Exclusively?—Exclusively for the purpose of revenue ; and if the Honourable Member will refer to the Papers, he will find that the Governor himself says it will produce 2,635*l.*

7414. Mr. *Wilson.*] Are not you aware that the Governor has stated from the first that it was proposed rather as a police tax than as a tax for the purposes of revenue?—The inhabitants complain that the Governor's representations are not correct ; and they say that, from this Return, the representation that it was a Police Ordinance, cannot be correct.

7415. Because it has yielded some revenue?—Because he expected to derive 2,635*l.* from it ; it could not therefore have been a police measure.

7416. Could a tax be put on for police purposes, without producing some revenue,

revenue, if it were a tax at all?—The Governor's statement is, that it was put on only to destroy the dogs.

7417. Does not that refer to unnecessary dogs, or dogs which have no owners?—He makes no distinction whatever between necessary and unnecessary dogs.

7418. Does he state that the object of the tax was to cause all the dogs in the island to be killed?—He states the object of the Ordinance to be a tax upon dogs.

7419. Does not he state the inconvenience which has arisen in the towns in consequence of the great number of dogs, and especially those dogs having no owners?—He does; that is stated.

7420. Does not he state that it is to remedy that nuisance, rather than for the purpose of raising a revenue?—He does.

7421. Because he states, that notwithstanding that was his intention, 2,000*l.* a year might be raised from the tax, does it follow that he had not police objects in view?—The inhabitants think it does follow, and that it really did follow; and that taking that and all the other taxes into consideration, that he had in view the object of raising a revenue to meet the expenditure of the country was his object.

Veneris, 20^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hume.
Sir J. Walmsley.
Sir J. Hogg.

Mr. Hawes.
Major Blackall.

HENRY JAMES BAILLIE, ESQ., IN THE CHAIR.

Thomas Young M'Christie, Esq., called in; and further Examined.

7422. Mr. Hume.] WILL you proceed with your statement, as succinctly as possible, of the complaints which the inhabitants make against the Government proceedings in Ceylon?—I was proceeding when this Committee rose to state what the inhabitants conceived would be the income from the new taxes which have been imposed. From the Road Ordinance, upon the principle which I stated yesterday, 45,000*l.*; from the gun tax, 12,500*l.*; from the dog tax, 15,000*l.* The way I put it is this: the dog tax, assuming only one dog to each family, and taking the families to be 300,000, it would give, at 1*s.* each, 15,000*l.*

7423. That is the inhabitants' estimate?—Yes; the estimate of the Government I understand to be 2,635*l.*

7424. Are the Committee to understand you to mean that every family has a dog?—Almost every family has a dog, and I should say that some have two or three. Those taxes make 72,500*l.* What I understood the Governor stated was expected from the new stamps was 10,848*l.*; from the new tax upon boats and carriages, 22,660*l.*; from the new tax on palanquins, 98*l.*; from the new tax on shops, 3,060*l.* There is also to be added, the inhabitants state, the gain on the imports by the changes of the tariff, as set forth by the Government. The gain is said to be 4,975*l.*; but there is to be deducted from that a loss upon several articles of 703*l.*, leaving a net increase of additional profit from the imports of 4,272*l.*, making in the whole, 93,038*l.*; and deducting from that the amount which the Governor says the reduction or abolition of the imports occasions, namely 30,000*l.*, you have left 63,038*l.*, which is said by the inhabitants to be that which might have been expected from this change of taxation. The inhabitants complain of the representations of the nature of these new taxes made by the Governor in his despatch, at page 305, para. 22; "The remaining ordinances," he states, "which in any degree exacted payment for a licence, and were somewhat unjustly represented as taxing ordinances, were in reality adopted rather with a view to enforce proper police regulations,

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T. Y. M'Christie,
Esq.

19 July 1849.

T. Y. M'Christie,
Esq.

20 July 1849.

T. Y. M. Christie,
Esq.

20 July 1849.

and for the general advantage of the public, than with the object of any material increase of the revenue." The inhabitants say that these ordinances are not "unjustly represented" by them as "taxing ordinances;" they do represent them to be taxing ordinances, and they say that the injustice is in now attempting to call them "police regulations." Now, according to the Governor's own return, as I understand it, the Dog Ordinance was expected to bring him 2,635*l.*, and it would, according to the calculations made by many of those who keep dogs, and who are called upon to pay the tax, bring no less than 15,000*l.* The Carriage and Boat Ordinance also, and the Traders' or Shopkeepers' Ordinance, which the inhabitants say the Governor now chooses to class in his category of police regulations, were estimated, as I understand, by him, when he obtained the approval of them, to bring 2,260*l.* and 3,060*l.* or 5,320*l.* annually. The Governor complains that the people misrepresent these ordinances as Tax Ordinances; but Mr. Buller, the Governor's own officer and agent, at page 140, calls them the Road, Gun, and Dog-tax Ordinances. These new taxes, as the inhabitants further request me to inform you, were imposed by the Governor for the direct, express, and sole object of raising the revenue, and that not one of them was imposed simply for the purposes of police. They were all imposed to raise money annually, to enable the Governor to meet the expenditure of the country, and by which new taxes he expected to be able to do much more than make up the deficiency of 30,000*l.* caused by the alteration in the exports; and they ask me to substantiate before you that statement of theirs, by a reference to the following passages from the Governor's own despatch. At page 34, the Governor says, "By the exercise of rigid economy in all departments, by curtailing every expenditure not immediately necessary, and by developing new sources of revenue which, as I think, will not press unduly upon any one particular class or interest in the colony, I entertain the most confident hope that the revenue for the ensuing year will be found fully adequate to the expenditure." The inhabitants consider that the object was to develop new resources of revenue through the means of these taxes.

7425. Mr. Hawes.] Does not that refer to the tariff?—The inhabitants consider that the object is to develop new resources of revenue through the means of these taxes.

7426. Does not that observation which you have quoted apply strictly to the modifications of the tariff, which were intended to give full encouragement to the increased production of the staple articles of export in the colony?—It applies to that, no doubt, but it also applies to the contemplation of raising new taxes to meet any deficiency, and more than a deficiency.

7427. Does not the remark apply, especially if you take the preceding part of the same paragraph of which you have quoted only the latter part, to the tariff, and the modifications of the tariff?—I have not read it with that view.

7428. Will you read the first sentence of that paragraph from which you have quoted?—"Guided by those high principles of liberal commercial policy which have distinguished Her Majesty's present advisers, I have endeavoured to introduce such modifications into the tariff as will be calculated to give full encouragement to an increased production of the staple articles of export of the colony, and generally to improve the tone of mercantile transactions."

7429. Now the remark you have quoted follows that, does it not?—Yes.

7430. Does it not appear to apply, therefore, to the modifications of the tariff?—It shows also that it was in contemplation to raise the taxation, I apprehend: that is the view which the inhabitants take of it. At page 36 (and I read this to show that he did not relieve the inhabitants, and that he never did mean to lessen their burthens, but to increase taxation upon them), he says, "It may, I hope, within a short period, be quite possible to introduce a moderate and equitable land tax, to be levied upon the estates themselves; and the first step which I have felt it my duty to take, with this object in view, has been the passing of an ordinance, to enable me to obtain some indispensable returns calculated to show the exact extent, condition, and state of cultivation of those estates. This may probably constitute the first step towards the introduction of a general tax upon cultivated lands throughout the colony." It is clear, therefore, that in addition to all the taxes already enumerated, he had from the first in contemplation the introduction of a general land tax.

7431. Do

7431. Do you mean a general land tax, without reference to the commutation or the repeal of other taxes?—His own statement is a general land tax.

7432. Are you prepared to say that there is nothing to show that that is intended rather as a commutation?—I am not prepared to say anything about that. At page 38 he says, "With regard to the increasing trade in the cocoa-nut oil, and other productions of the cocoa-nut tree, I propose, as soon as circumstances permit, to levy a reasonable tax upon cocoa-nut plantations, which they appear to be well able to bear, and which will be a most advantageous substitute for the existing export duty." The inhabitants say that this is another proposed tax in contemplation by the Governor, as a substitute for the export duties, and that many of the people have only a part of a cocoa-nut tree to exist upon with their families. At the foot of page 157, you will find that in a petition presented to the Governor by the natives, praying for a remission of the new taxes, the petitioners say, "Some people in this country have not for their subsistence more than a half or one-third of a cocoa-nut tree." At page 37, the Governor says, "As the abolition of the export duty will not take place till September 1848, I have every hope that in the intervening period such a cautious measure for the imposition of a moderate land tax upon the coffee estates will have been matured, as will enable me to raise as large, or even larger, an amount of revenue from that source as is now produced by the export duty, without its being open to the same well-founded objections."

7433. Therefore that shows that it was in commutation of other duties?—The inhabitants merely look at that as another tax, that he had in contemplation to supply the deficiency in the export duties.

7434. With a view to supply only an amount equal to that produced by the export duties?—Yes.

7435. Does not that fairly imply that it is a commutation?—He gives another instance of an intention to tax the cocoa-nut tree to the same amount.

7436. Does not that passage show an intention to commute the duty?—I cannot put a construction upon it; I do not say that it does not.

7437. He speaks of "the imposition of a moderate land tax," with a view "to raise as large, or even larger amount of revenue," than that which is "now produced from the export duty, without its being open to the same well-founded objections"?—Yes.

7438. Does not that fairly imply that the export duty is exposed to certain objections to which a land tax would not be exposed, and that one might be substituted for the other?—No doubt it does, in his estimation.

7439. Mr. Hume.] Have you not shown that over and above that land tax, which was to be equal to the whole amount of the duty taken off, other taxes were to be levied?—Yes; and I have shown also that there was an intention to impose a cocoa-nut tax, which will also cover it. At the middle of page 38 he says, "The immediate loss of revenue will be small, while the prospective benefit to be derived from the measure will, at no very distant period, be great. Should any relaxation of the Navigation Laws be permitted, it can scarcely be doubted that a considerable foreign trade with Ceylon would in a short time spring up, and the cinnamon, which is all at present carried to England, before it is ultimately distributed throughout the world, would be partly carried direct to the places at which it is in demand; but whatever loss may for the present be sustained by the proposed change in this respect, I have a confident expectation that it will be fully made up by the receipts from slightly increased duties on other articles. Sugar, the produce of British possessions, which was before admitted at an *ad valorem* duty, will now pay 2s. 6d. per cwt., and sugar candy 5s. per cwt. A duty will also be levied upon fire-arms, and the duties upon wines, opium, tobacco, and some other articles, will be slightly increased. A few other articles which before were admitted free, will now pay an *ad valorem* duty of five per cent. With a view to encourage agriculture, and particularly the cultivation of sugar, manures will be admitted free. And here I would observe, that although the alterations in the export duties will not take place until September next, the moderate increase in the import duties, to which I have alluded, will commence from 6th January, which will tend to benefit the revenue, before any reduction whatever in other respects can take place." Again, in the same page, he says, "although this is not the appropriate opportunity for entering into a general view of the future financial prospects of the colony, I cannot

T. Y. M. Christie,
Esq.

20 July 1849.

refrain from observing, that although by the preceding statement it will appear that after September next the alteration in the export duties will occasion a considerable apparent loss to the revenue to be derived from the customs, I have not failed to make ample provision for meeting this deficiency by adopting other less objectionable sources of income. The most important among these will be the revenue to be derived from an entire revision of the stamp duties, for which purpose a most comprehensive measure has been already prepared, and will, I hope, in a short time have passed through the Legislative Council. I have every reason to anticipate that the income to be derived from this source will be very considerable. A tax upon carriages and horses, and also upon the possession of fire-arms, will likewise add materially to our resources. I have also nearly ready to be laid before the Legislative Council (with the assistance of Mr. Wodehouse) a measure for introducing throughout the colony a comprehensive scheme of local taxation for local purposes, which will be calculated materially to relieve the general revenue, and without being burdensome upon the people, will, I hope, conduce largely to the improvement and the ultimate advancement of the colony. By these various means, I have every confidence that the inadequacy of the public income to meet the expenditure, which has for the last two years sufficed to swallow up so large a portion of the surplus funds of the colony, will for the future be no longer apparent. I am prepared to advance step by step with the utmost caution in the path of improvement, and to exercise the most careful forethought in introducing changes, however beneficial they may at first sight appear. There is every reason to expect that the revenue will fully equal, or even slightly exceed, the income for the ensuing year, even without the aid of a land tax; but I look forward with much interest to the period, as not altogether remote, when a first step at least may be made towards the introduction of such a measure, even though the complete accomplishment of it may be more distant. It is my most sincere hope that the prosperity of the colony may yearly increase, and that by caution, prudence, and firmness, the finances will be gradually but surely established upon a wholesome basis." I will give quotations from passages showing the intention of the Governor to impose taxes, and to show that by all these taxes which he did impose, and was imposing, his intention was to raise revenue.

7440. Mr. Hawes.] Are the Committee to understand you to say, that you mean to prove from any documents now before you, that there was an intention on the part of the Governor absolutely to increase the taxation of the island over and above that which then existed?—Yes.

7441. Let me call your attention to this observation of Lord Torrington in the despatch to which you refer, at page 39: "Thus far, my Lord, I have used my strenuous efforts to follow out those prudent recommendations, and to be guided by those enlightened views of policy which are embodied in the report of your Lordship's Committee, and which have received your Lordship's sanction." Do you know anything of that?—Nothing at all.

7442. You have not read it?—I have not.

7443. You do not know whether that recommends an absolute increase of taxation, or a diminution?—I have never seen the report, or heard a word about it, except what you have now stated.

7444. Sir J. Hogg.] Did you never see or hear of the report made in this country by Mr. Hawes, Mr. Bird of the East India Company's service, Mr. Tuffnell, and Mr. Lefevre?—Yes, I have heard of a report being made in London, which is called the London Report.

7445. And being so much interested as you are in the affairs and in the finances of Ceylon, did you never ask for that report?—I never did. At the foot of page 40: "The testimony of all authorities from every province of the island is concurrent as to the absolute necessity of such a law for the insurance of public safety; and I am not without hope that the revenue arising from the sale of these licences will be such as to leave a considerable surplus to be carried to the public account after defraying all the expenses incident to registration." At page 69: "On a careful examination of the various sources from which the revenue of this colony is derived, with a view to ascertain how far a probable increase in its amount might be obtained with the smallest degree of pressure upon the community, and with the largest amount of concomitant advantages, it appeared to me, in concert with my Executive Council, that an entire revision of the stamp duties and the consolidation and improvement

359

T. Y. M. Christie,
Esq.

20 July 1849.

improvement of the various provisions of the existing ordinances upon the subject, would afford an equitable means of attaining in some degree the desired object. Although the revenue raised from these sources has already been considerable, (as will be apparent from an inspection of the subjoined Table showing the annual revenue derived from stamps during the last four years,) I have had reason to believe that the increase has not been commensurate with the yearly increasing business, both commercial and judicial, of this colony, nor with the augmented resources of the community generally." At page 70: "The following instruments, which were heretofore free of duty, will henceforth be charged with stamps: 1. Affidavits not made for the immediate purpose of being used in courts of justice; 2. Appraisements; 3. Articles of clerkship; 4. Awards; 5. Bills of lading; 6. Charter parties; 7. Power of substitution or surrogation under a letter-of-attorney; 8. Letters of *venia otatis*; 9. Licences to deal in fire-arms; 10. Licences to possess fire-arms; 11. Protest. In addition to these new duties, a general revision has been made of the former duties, with the object both of simplifying the tables and of increasing the revenue, without adding to the duty payable on instruments of small amount." At the foot of the same page: "With regard to the stamps on judicial and testamentary proceedings, contained in the second and third parts of the schedule, few observations appear to me to be requisite. The changes which have been introduced have been submitted to, and received the concurrence of the judges. Hitherto parties who have availed themselves of the benefits of the highest legal tribunal in the island, the Supreme Court, contributed nothing by means of stamp duty to the support of this costly institution. But it would, I think, be difficult to assign any sufficient reason for continuing exemptions to suitors in the superior court which are not permitted to litigants in the inferior tribunals. Indeed I have heard no other grounds alleged for so unequal a privilege than the supposed difficulty or trouble of collecting it. Henceforth, therefore, certain proceedings in the Supreme Court will be subjected to the payment of stamp duty. With regard to the district courts the principal alteration has been that the rate of duty payable on sums above 500*l.* has been increased." At page 71: "Minor improvements have been introduced into various parts of the schedule, which it would be both tedious and unnecessary for me to particularize. I have little doubt that an increase of revenue will be one, at least, of the important results of its adoption. And I would here beg leave to observe, that the drafts of several proposed ordinances are already in circulation, which will have the effect of introducing a system of licenses for various purposes throughout the island, upon which a stamp duty will be payable, and which will be included in a distinct schedule, to be appended to each of the separate ordinances." At page 95: "The ordinance will take effect from the 1st of April next, and amongst other good effects which I anticipate from its operation, I may be permitted to mention that an addition to our revenue, though small, will not be lost sight of." At page 100: "I have that confidence in the elasticity of our finances, and in the soundness of the measures already adopted, and shortly to be brought into operation, for increasing our resources, that I feel persuaded that we should be enabled gradually to repay any moderate advance made to us, without interest, by the Lords of Her Majesty's Treasury." At 101: "I have felt very unwilling to delay this statement until the subsequent mail, or I might have been enabled to enter more largely into the more general questions of a reduction of expenditure, and the adoption of means for obtaining an increase of revenue. The present is undoubtedly a year of transition; but this once passed, I have every confidence that our resources will improve, and become, at no distant period, fully adequate to our expenditure." At 108: "The opinions of several of the most intelligent native residents have been solicited, and the information which I have received affords me every encouragement to request your Lordship to recommend this ordinance for Her Majesty's confirmation, as calculated to conduce to the benefits of this Government, without in any degree whatever inflicting injury or hardship upon those persons who will be affected by its operation." At page 290: "Looking upon the measure as one highly calculated to develop the resources of the colony, and eventually to relieve the Government from a heavy expenditure for the maintenance of roads, I was naturally well disposed to accede to what appeared likely to hasten its operation." At page 291: "But in

T. Y. M^r Christie,
Esq.
20 July 1849.

making these most important changes, it became my duty to ascertain what resources were immediately available for supplying the large deficiency which must be expected, in the first instance, to result from so great a change in the tariff. I found on my arrival that the public expenditure far exceeded the revenue, and the whole financial state of the island was in a most unsatisfactory position. To give relief to trade and commerce at such a moment was a measure of considerable difficulty. The imposition of a land tax was found, for the present, to be impracticable, for the absence of satisfactory surveys prevented any fair and equitable arrangement from being attempted without very great delay. It therefore became incumbent on me to take advantage of any legitimate means which could be made available, in order to obviate the embarrassment to which the Government might otherwise be subjected owing to a deficient revenue; accordingly, with the advice of my Executive Council, I introduced a complete revision of the stamp duties, an annual gun tax, a shop tax, a dog tax (the latter, however, having little connexion with the revenue purposes), a tax on carriages and boats used for hire, and the Road Ordinance. With regard to the first of these measures, I have every reason to think it will add very considerably to the revenue of the colony, and that it is a fair and legitimate mode of taxation; I can perceive no just grounds for any material alteration of its provisions. I have already stated to your Lordship my opinion that much relief will be afforded to the colony by the operation of the Road Ordinance; and I cannot doubt that the results of these measures will repay the Government for the sacrifice it has made by the abolition of the export duties." At page 293: "At the same time, I confess that, without a perfect confidence that the Road Ordinance will be fully and efficiently carried out, and that much relief to our finances would result from its operation, I should not have felt justified in giving up the amount of revenue which I had looked forward to as likely to result from the effect of the ordinances to which I have already adverted." At page 302: "The total abolition of the export duties, and the reduction of certain import duties recommended by your Lordship's Committee, were designed to be accompanied by the imposition of a general land tax, founded upon a general survey of the island." At page 305: "Nor was it lost sight of that an addition to our revenue might be obtained by issuing annual licences for the use of these weapons. In so far modifying the ordinance as to make only a single registration necessary instead of the yearly renewal of it, I have retained the most important advantage of the original measure, without at all modifying the principle upon which it was introduced. The remaining ordinances which in any degree exacted payment for a licence, and were somewhat unjustly represented as taxing ordinances, were in reality adopted rather with a view to enforce proper police regulations, and for the general advantage of the public, than with the object of any material increase in the revenue. Such, for instance, were the Carriage and Boat Ordinance, the Dog Ordinance, and the Traders' Ordinance." The inhabitants assert that these passages make out their case that these were tax ordinances, and for the purpose of raising the revenue. The inhabitants state that some of these parties were totally unable to pay these taxes; that it is well known that many of them have not, in the course of one year 10s. at one time; and that the imposition of them created dissatisfaction in their minds, and disturbances occurred in the island. As I have stated to the Committee, at page 299, Lord Torrington says that he is fully conscious that charges may be made against him, that his conduct in reference to these taxes is a proof of the error of his policy, and tends to justify the assertion that they brought about the discontentment of the people.

7446. Are those the words of Lord Torrington in any public despatch or letter?—Part of them are his words.

7447. Are the whole of those words, words which are used by Lord Torrington himself?—Not the whole of the words I have stated.

7448. Then it is an inference drawn by yourself, or by people at Ceylon, which you consider to be justified?—No; it is a short statement of what Lord Torrington says himself.

7449. If it is a short statement of what Lord Torrington says, will you have the goodness to turn to Lord Torrington's letter or despatch, and read those particular words, or words to the purport of that which you have mentioned?—

tioned?—At page 292, paragraph 19, he says, “I am nevertheless fully conscious that charges may be made against me, to the effect that the reconsideration of these ordinances, by the alteration of one and the repeal of two others, is a proof of the error of my policy, and tends to justify the assertion that they really brought about the discontentment of the people.”

7450. Mr. *Hawes*.] Have the goodness to read the remainder of that paragraph?—I have read all that I proposed to read on behalf of the inhabitants.

7451. Will you now read the remainder of that paragraph?—“I trust that the explanations I have already given will satisfy your Lordship’s mind that I am far from being justly chargeable with any error of this description. I think I have demonstrated to your Lordship, in my former despatches, on the Kandyan insurrection, that the rebellion was planned, organized, and prepared, long before the taxes were thought of; and indeed many of the parties who were implicated and tried in 1845 were those implicated and tried in 1848.”

7452. Sir *J. Hogg*.] Having read that subsequent paragraph, do you consider yourself justified in laying before the Committee the extract you have done, as giving a fair exposition of Lord Torrington’s opinions?—I have laid before the Committee the extract which I have done, for the purpose of showing that it occurred to Lord Torrington that what he had done might be charged as a proof of error of policy on his part, and might justify the assertion that his conduct had really brought about the discontentment of the people.

7453. Read my question; and will you have the kindness to answer it, or to decline answering it?—(*The question having been read to the Witness*) I have answered the question.

7454. Are you unable to give any answer to the question other than that which you have given?—I am not able to give any other answer to your question than I have given. I think I have stated it fairly. I merely put forward this statement to show that it occurred to Lord Torrington’s mind that his policy and his conduct might be made a ground of assertion that that policy had brought about the discontentment of the people; and the inhabitants say that it really did so. The inhabitants consider that those new taxes did cause the disturbances, and they consider that what Lord Torrington and his officers have written bear out that statement of theirs. At page 136, paragraph 1, Lord Torrington says, “The object for which they had come was avowedly to complain of the new ordinances for compelling them to take out licenses for their guns and dogs, and also of the Road Ordinance.”

7455. Mr. *Hume*.] It is but fairness to read two lines further: “which latter they had evidently been misled into regarding in a doubly erroneous light, namely, as the restoration of a poll tax (to which in former times none but Malabars were subjected) and of the rajakaria, or forced labour, which was abolished in 1833.” You should continue your quotation as far as that, because it is alleged they were misled by various statements?—The inhabitants say that that was not only the avowed object of those 3,000 persons at Kandy, but that it was their real object. At page 136, paragraph 3: “The assembling of so large a body of people in Kandy was, however, unexpected by the authorities at this time.”

7456. Sir *J. Hogg*.] You would avoid all this if you would say, I refer for such and such complaints to such and such passages; but if you give what purports to be either the *ipsissima verba*, or the true meaning of them, you are bound to lay the whole before the Committee, including any qualification or explanation which the same sentence may contain?—If I merely refer to them without reading the extracts, and give my running comment I may be liable to misconstruction or misconception.

7457. *Chairman*.] Have not the Committee already requested you not to make running comments?—Yes. At page 136: “The assembling of so large a body of people in Kandy was, however, unexpected by the authorities at this time, because it was only two days before that Mr. Buller, the Government agent, had personally visited the two districts, in which some excitement had been manifested, and having assembled the people, and heard their statement, had been at much pains to explain to them the real nature of the ordinances, and had endeavoured (apparently with entire success) to remove from their minds the fears and erroneous impressions with which they had been imbued respecting other expected taxes, which in reality the Government had never even thought of introducing.”

T. Y. M^r Christie,

Esq.

20 July 1849.

T. Y. M^r Christie,
Esq.

20 July 1849.

7458. Mr. Hawes.] Why do you not read also the subsequent paragraph? Mr. Buller goes on to say that many of the complaints were wholly without foundation?—I am only reading that which the inhabitants consider supports their assertions.

7459. Mr. Buller gives a report of the opinions of the inhabitants too; therefore I must request you to read the paragraph which follows?—If I read the whole I shall occupy a very long time. The inhabitants have no opportunity of being here themselves; they instruct me to give you such evidence as I have got here; but they say that if you will send out an inquiry to Ceylon, they will give abundant evidence there.

7460. Sir J. Hogg.] Do you observe from the following paragraph to that which you have read, that Mr. Buller made a report on the subject to the Government?—Yes.

7461. Do you see also that in that report it is alleged that he says, “Many of the complaints were entirely without foundation, and they were apparently readily satisfied with the explanations given”?—Yes; at the end of the same despatch, at page 138, the Governor says, “If, on closer examination, any of the new ordinances shall appear to require amendment, and to be capable of being improved in the detail, without surrendering the principle of them, I shall take the matter into mature deliberation previously to the next meeting of the Legislative Council. At present it appears to me that they have been partially misunderstood or designedly misrepresented. I shall not be disposed to yield anything whatever to clamour or excitement, or to let it be imagined that the threat of violence can intimidate the Government.” Now the inhabitants say that he did not yield until blood had been shed; that is what the inhabitants require me to represent, and that then he did yield.

7462. Mr. Hawes.] You are speaking now of only that portion of the inhabitants who appointed the committee at Colombo?—Yes.

7463. Have you any reason to believe that the whole of the inhabitants of the island concur in that?—I have no doubt of it.

7464. Have you any reason to state the concurrence of the opinion of the rest of the inhabitants?—From the statements I have received, and from the letters I have received, I have every reason to believe it.

7465. Have you any authority to believe that any of the inhabitants in the northern or south-western portions of the island concur with the representation of these inhabitants for whom you allege you speak?—I do not speak for any of those except the inhabitants whom the committee tell me I represent.

7466. They were the inhabitants of Colombo?—Yes.

7467. Have you any authority to speak for the inhabitants of Ceylon?—No.

7468. Sir J. Hogg.] You stated that you had important information to communicate to the Committee relative to the conduct of Lord Torrington with respect to the taxes, which was not contained in the papers before the Committee. Will you have the goodness to tell the Committee any part of the conduct of Lord Torrington to which you have adverted which does not appear in the papers which have been laid before the Committee?—That part of my evidence which I began with to-day.

7469. What part?—The first part of my evidence, in which I showed that the inhabitants make out that there would have been a balance of 68,038*l.* over and above meeting the deficiency of 30,000*l.* from the exports by those new taxes, in the way that I explained.

7470. Is there any other information which you have laid before the Committee which is not contained in the papers, except the diversity of opinion which you state exists between the committee you represent and the Governor, as to the supposed produce of the taxes?—I have none, I think.

7471. That is the sole point?—Yes, as regards the taxes.

7472. That is the sole point as regards the taxes?—That is all the other information which I have which the committee consider important.

7473. Mr. Hawes.] The Committee understood you to state that you were able to lay before the Committee certain grievances which had not hitherto been brought before them, and other than those which are contained in the papers before the Committee. Can you state any grievances which are not contained and expressly stated in papers which are before this Committee?—I am going on to state further grievances.

7474. Grievances

7474. Grievances not already mentioned in the public Parliamentary papers or in the petitions presented to Parliament?—I think so.

7475. Major *Blackall*.] Will you mention what those grievances are?—Yes.

7476. Mr. *Hawes*.] Other than those which are contained in the petitions presented to Parliament, or the papers which have been printed by Parliament?—By numerous references which I have, the inhabitants make out that these new taxes occasioned the disturbance.

7477. That is not an answer to my question?—I cannot give you an answer to your question off-hand; I have prepared my statement, and I will give you, as I go along, documents which I have to produce, and which I do not suppose are in the Parliamentary papers or the petitions.

7478. Do they contain any statement of grievances, which are not in the Parliamentary papers or in the petitions?—I do not know what is meant by that question; they affect, of course, all the matters of which you have heard.

7479. You stated in your former examination, that you had grievances to state to this Committee, other than those which have been laid before Parliament and the public. What are those grievances?—I am going to state them in detail.

7480. That is, grievances not contained in the petitions which have been presented to Parliament, and not contained in the papers which have been published by Parliament?—I have documents to produce that I am not aware are before Parliament, or published by Parliament.

7481. My question has not reference to documents, but grievances alleged to exist, which you stated had not been brought before this Committee or before Parliament. Can you now state any such grievances?—I think I can. At page 146 there is given an authorized account of what took place at a meeting at the Pavilion at Kandy by Sir James Emerson Tennent. He met a variety of natives there, and at page 146 he states, in reference to his explanations with respect to the gun tax, he “asked them whether they thought 2s. 6d. a year too much for them to contribute towards the public revenue in return for such a privilege. Goompane replied, that they did not think it too much to pay once, but they wished only to have one registration, to be free ever after; they could not afford to pay every year for keeping a gun. The Colonial Secretary asked which they would prefer, the old law, to keep no gun; or the new one, to register them? The new one, to pay 2s. 6d. annually; or the old one, to be flogged for having fire-arms at all? Goompane could make no reply to this.” I am instructed to inform you that that is not a correct statement; that Goompane did make a reply, and that he was suspended from his office in consequence of making that reply. I have had a petition sent to me, which is published in the “Observer,” from Goompane; I have also his Excellency’s reply, and a letter which was addressed by Goompane to the editor.

[*The Witness read the following documents:*]

To his Excellency the Right Honourable Viscount *Torrington*, Governor and Commander-in-Chief, &c. &c. &c., Ceylon.

The humble petition of *Neketgedera Goompane*, late Aratchella of Dumbera,

Showeth,

That your Excellency’s humble petitioner having been appointed to his late office, 1840, held it since that period without once having had any complaint made against him: That in 1842, during a period of supposed discontent, your Excellency’s petitioner was sent by the authorities into Upper Dumbera to investigate the matter, for his conduct in the performance of which delicate and arduous duty he received a letter of thanks from the Government: That your Excellency’s petitioner continued to hold his situation with credit to himself and for the advantage of the public till the 8th of July 1848, when he was dismissed. No reason being assigned for this proceeding, your Excellency’s petitioner prays, that in consideration of his general good conduct, and also of his particular services, your Excellency will be pleased to restore him to his late office, to which no salary is attached, and which your Excellency’s petitioner solely regards from its connecting him in some degree; subject your Excellency’s petitioner values above other distinction. For which act of grace your Excellency’s petitioner, as in duty bound, will ever pray.

Kandy, 22 November 1848.

Goompane Seerale.

Colonial Secretary’s Office, Colombo, 28 December 1848.

His Excellency the Governor having taken into consideration the petition of *Neketgedera Goompane*, late Aratchilla of Dumbera, has directed the petitioner to be informed that there is no vacancy at present to which he can be appointed.

By his Excellency’s command,

H. Keyt, Assistant Colonial Secretary.

T. Y. M. Christie,
Esq.

20 July 1849.

7482. Do you read that petition as an original document, or is it a document published in the newspapers?—I have stated that it was sent to me in a newspaper, and I have read it from that.

7483. You know nothing more of it?—Nothing more.

7484. Does Goompane, in that petition, allege that he was removed in consequence of his making a reply?—He alleges that in his letter to the editor.

7485. In his petition to the Governor, does he allege that he was removed in consequence of his making a reply at that meeting to which you have referred?—No, not in the petition; in his letter he does.

7486. What does he say in his letter on that point?—I will read it: “Permit me to say that you and your contemporaries are wrong in giving the public to understand that ‘Goompane could make no reply.’ I deny that such was the case, and to convince you of your error, and that I can make a reply when necessary, I beg to send you the enclosed papers for publication, and to state that in consequence of my stepping forward in the public assembly convened at Kandy on the 8th July last, and suggesting that one gun license ought to answer all purposes, I was threatened to be, and was subsequently dismissed from my office of aratchy. Why? Because I had the boldness to step forward in these bright days of liberty, and reply to Sir Emerson Tennent, C. S. I thought it proper to represent the injury done to me by an undeserved dismissal, and therefore sent an application to his Excellency to be reinstated (copy of which is herein enclosed, marked (A), together with the reply, marked (B), which I have been favoured with). And what think you, sirs, is the truth? The vacancy has not only been not filled up, but as far as I can ascertain, numerous applications for the said office are now lying in abeyance. So much for official veracity.”

7487. No mention is made in his petition of his having been removed in consequence of his reply?—No. I have a very great many more references to show that the imposition of these taxes was the cause of the disturbances, but I will not trouble the Committee with them. At page 176 Loco Banda writes a letter addressed to W. D. Bernard, Esq., Colombo, the Governor’s private secretary, dated 25th July 1848. I refer to this because a doubt arose whether a communication addressed to Mr. Bernard was an official communication addressed to the Governor. At page 168 the Governor says “A second report was sent to me by the superintendent of police at Kandy and by the Government agent, dated the 25th July (enclosed), to the effect that a great number of people were assembled at Matelle, with ‘swords and fire arms;’ that they were headed by thieves and robbers, but no mention was made of the pretender.”

7488. Mr. Hume.] You mean to say that by that reference in Lord Torrington’s letter of the 14th of August, he admits having received Loco Banda’s letter of that date, and shows that he was cognizant of its contents?—Yes; he admits having received that letter sent to him which was addressed to Mr. Bernard.

7489. Mr. Hawes.] And having admitted that, he sends it home as an enclosure in his despatch?—Yes. The inhabitants greatly complain that the local authorities, from this letter of Loco Banda, were culpably wrong in keeping quiet when they knew an assemblage of persons had taken place at Matelle.

7490. A complaint of that nature has been made to you from the inhabitants of Colombo?—Yes. The disturbances occurred at Matelle; upon information being given of their having taken place, 200 men were sent on the 28th from Kandy, under the command of Captain Lilley. Captain Lilley sent a report of the proceedings there on the 30th July, in which he described what took place, as a brush with the people at Matelle. The inhabitants of Colombo complain very much that there should have been such a slaughter there as took place, and that the officers did not fairly make returns of the killed and wounded. It appears from the Governor’s own statement, that although the officers report only from eight to ten as having been killed, that nearly 200 were killed and wounded on the occasion.

7491. Chairman.] What occasion was that?—At Matelle, they say that the troops went upon the people, and shot them like birds before sportsmen; at Kornegalle, they complain also that there was undue pressure upon the people by the troops. It appears that Lieutenant Annesley went out with 30 men, and he

he states that he put 4,000 to the rout with a subdivision of those 90 men, and dispersed them twice, killing a few, not a man of his being touched; and the Governor states that 26 dead bodies were buried. The inhabitants affirm that if you would grant them an inquiry, they would prove that very many more were killed; that holes were dug, into which vast numbers were thrown; that 47 were thrown into one hole at Kornegalle. They affirm also, that in consequence of the easy dispersion of these troops by Lieutenant Annesley, there was no earthly necessity for martial law. The Governor published a circular, which the inhabitants wish me to submit to you, of the 16th of November 1848, signed by Mr. Gibson, the assistant colonial secretary. (*The Witness delivered in the same.*)

T. Y. M^c Christie,
Esq.

20 July 1849.

Vide Appendix.

7492. Mr. Hume.] What is the nature of it?—The nature of it is an announcement to the people, that the Governor is going to repeal some of the new taxes, and is going to modify others. There is a notice also which the Governor published in the Singhalese language: “It has come to the knowledge of Government that a great multitude of people from the interior, and the Korles near Colombo, are, by the advice and aid of evil designing persons, collecting for the purpose of presenting petitions to his Excellency the Governor. Although his Excellency is always willing to receive and consider a petition from any person, presented in a proper manner, he will not allow a great multitude to assemble for such a purpose. As the peace might be broken by such gathering, his Excellency hereby announces that he has given directions for the employment of a strong force to prevent such meetings.”

7493. What is the date of that?—It is dated 28th July 1848.

7494. Why do you produce that?—To show that the people were prevented from petitioning the Governor, and they say, but for that and other proclamations, many petitions would have been here.

7495. Mr. Hawes.] Do you produce this notice from the Gazette as a proof that the Governor was unwilling to receive petitions?—The people say, that in consequence of that and other proclamations, they were prevented from petitioning, as they would have done.

7496. Do you consider this notice which you refer to, as one implying an unwillingness on the part of the Governor to receive petitions?—No, I do not consider that, but I state what the inhabitants consider.

7497. Are you acquainted with the contents of this notice itself?—I have read it.

7498. Is it not to this effect; that although his Excellency is always willing to receive and consider a petition from any person presented in a proper manner, he will not allow a great multitude to assemble for such a purpose?—Yes.

7499. Do you think that implies an unwillingness to receive petitions which are presented in a peaceful and proper manner?—I do not think so; but I have stated that the inhabitants, from that and others, feel that they were prevented from petitioning, as they would have done. Then there is a proclamation issued by Colonel Drought, of the 8th of August 1848: The inhabitants complain of that proclamation of Colonel Drought as an unwarrantable and unconstitutional assumption of authority on his part. The next document I produce is a Government circular, dated 16th August, signed also by Mr. Morris, acting assistant colonial secretary: “In continuation of the periodical reports of the state of the interior, I am directed to inform you that since the 10th instant, the date of last communication on the subject, the accounts from the disturbed districts have been pacific. The troops are engaged with the civil officers securing prisoners and taking possession of confiscated property. The rebels in the Seven Korles have been completely dispersed, and there are no reports of any fresh gatherings; some armed parties are still in concealment in the jungles of the Matelle district, but they have not come into collision with the troops. All other parts of the Kandyan provinces are peaceful, and the inhabitants pursuing their ordinary avocations; courts martial are being held both at Kandy and Kornegalle. The notorious Poorang Appoo has been executed, and several others concerned in the outbreak, including the late Rattamahatmeya of Matelle, sentenced to transportation. A party of troops sent to Hangwelle, and placed under the instructions of Mr. Layard, justice of the peace, has succeeded in driving away the gang of robbers that infested that neighbourhood. The Malabar coolies in the coffee estates have continued faithful to their trust. There is not any unusual amount of departures

T. Y. M. Christie,
Esq.

20 July 1849.

tures from the island, and considerable numbers have lately arrived at the northern ports, many of whom, in the belief that the communication by the direct routes to Kandy was impeded, reached Colombo by the road along the coast, and have proceeded to the interior in search of employment. I have, &c. (signed) *W. Morris*, Acting Assistant Colonel Secretary. Government Agent, Jaffna." The inhabitants say that this is clear proof that there was no earthly necessity for martial law at this time; it describes these various parts of the Kandyan provinces to be peaceful, and the inhabitants at their ordinary avocations. The next document which I produce is a notice from the Government Gazette, signed by Sir James Emerson Tennent, dated 18th August: "Notice.—To clerks and others in Government employment. It having come to the knowledge of the Governor that much inconvenience has arisen from the practice of the clerks in public offices under Government forwarding communications anonymously or in their own names to the newspapers, supplying them with information, and acting as their correspondents, his Excellency desires it to be made generally known that such proceedings are inconsistent with their public duty, and if discovered in any instance hereafter, will be visited by dismissal from the public service and disqualification for Government employment. His Excellency desires it to be equally made known that the same course will be pursued with any Government servants who may be found engaged in disseminating political publications calculated to unsettle and disquiet the public mind, or in exciting public commotion under the pretence of procuring signatures to petitions to the Legislature. The Government agents and heads of departments are likewise required by his Excellency to see that this order is properly attended to, and to prevent the natives and others frequenting their cutcherries and offices from being addressed on political subjects by those under their orders. By his Excellency's command. *J. Emerson Tennent*, Colonial Secretary."

7500. Sir *J. Hogg*.] The inhabitants of Ceylon complain strongly of that? —They do.

7501. Is it your opinion that that is a very objectionable notification?—I believe that it is a very similar notice to what has been issued in this country upon occasions of tumult, with regard to public servants; but the Singhalese are a very timid people.

7502. Major *Blackall*.] Do you mean that the clerks in public offices in Ceylon are Singhalese?—Very many of them; by far the greater majority of them.

7503. Are you not confounding the Singhalese with the Portuguese?—No. The next document is a proclamation issued by the Governor, dated 18th day of August, requiring people to return to their homes, otherwise their property will be confiscated.

7504. Sir *J. Hogg*.] Is that proclamation also complained of by the inhabitants?—Yes.

7505. Mr. *Hawes*.] What proclamation do you now refer to?—One issued by the Governor on the 18th of August.

7506. Have you not seen that it is already in the Parliamentary papers?—If it is there I must have seen it, because I think I have read the whole; I do not remember that it is there.

7507. Will you turn to page 221, and state whether you do not find it there?—(*Having referred to the Parliamentary Papers.*) Yes. The inhabitants of Colombo complain that, under the circumstances, martial law should have been proclaimed at all, and that it should have been continued so long as it was, namely, to the 10th of October. They say that it was unconstitutional; that even if there had been a necessity for it, that after the resumption of the civil courts of their jurisdiction, the martial law ought not to have been continued; that it was continued after the civil courts were exercising their functions; that all that was done consequently by martial law after that was illegal, as it is said; and that the civil and military courts sitting at the same time and in the same place is incompatible, and that they cannot exist together. They have sent me a document, dated in Ceylon, from Lavinia, 5th July 1825.

7508. Major *Blackall*.] That is a circular?—Yes, to show their assertion, that the martial law in 1848 in Ceylon was illegal and unconstitutional.

7509. Sir *J. Hogg*.] Is that from the Government Gazette?—No; this has been sent to me by the committee.

7510. What

367

T. Y. M. Christie.
Esq.

20 July 1849.

7510. What does it purport to be?—It purports to be directions to a civil governor.

7511. From whom?—From Lord Bathurst; directions for the guidance of the Governor on that occasion, from the King in Council.

7512. Have you any means of knowing whether that paper in your hand is or is not a correct copy of the public document that it purports to be a copy of?—I have no further authority than my correspondents, who assert that it is a correct copy.

7513. You have no means beyond your belief that your correspondents would not send you any document that was not correct?—I have none but their assertion that it is correct. The document purports to be general orders issued by Lord Bathurst on the 24th November 1824, for the guidance of civil governors in the colonies. One important rule in it is, that the military officers shall, upon their own responsibility, carry sentences of courts martial into execution, except in cases of death, and that in those cases they shall not be carried into execution until approved of, I think, by the officer in command of the land forces, and the Governor.

7514. *Chairman.*] Has that any reference to martial law?—Yes, I think it so states.

7515. *Sir J. Hogg.*] Look at that document again, and see if it prescribes any rules or regulations for colonies where martial law has been proclaimed?—Yes, it does.

7516. Look at that document again, and state whether it does not contain general orders relative to courts martial held under the Mutiny Act?—It does not state that. It has been sent to me as a precedent of the mode in which courts martial were ordered at that time to be held in the colonies.

7517. Is there anything in the heading of that document, or any expression in the body of it, indicating that it relates to martial law?—Yes, martial law is mentioned several times over.

7518. Read where martial law is mentioned?—“The sentences of courts martial will be carried into execution without the previous sanction of the civil governor, except only in cases where sentence of death may be pronounced, in which case execution of the sentence will be suspended until the sentence shall have been approved on his Majesty’s behalf, by such civil governor, or the person or persons administering the civil government.”

7519. Is that the sentence which induces you to believe that those general orders relate to courts martial sitting under what is called martial law, and not to courts martial sitting under the Mutiny Act?—I beg to present this document as it has been sent to me. It has been sent to me as a precedent for proceedings under martial law in Ceylon.

7520. The document has been put into your hand, and you have been asked a question respecting it; answer that question, or state your reasons for refusing to answer it?—I have no doubt that this document relates to military law.

7521. *Mr. Hawes.*] By military law, you mean law administered under the Mutiny Act?—Yes, although the Mutiny Act is not mentioned in the document. It purports to be military ordinances, and therefore it affects military law, I have no doubt.

7522. *Major Blackall.*] What is your distinction between military law and martial law; do you consider military law and martial law as synonymous terms?—I do not consider military law and martial law as synonymous.

7523. Do you consider that document to refer to military or martial law?—I consider the document to refer to military law.

7524. And not to martial law?—I consider the document to refer to military law.

7525. *Mr. Hawes.*] Military law as administered under the Mutiny Act?—Exactly.

7526. *Mr. Hume.*] If that document has been presented to you as containing rules to be followed in courts martial under the Mutiny Act, why do you produce it now, as it has no relation to martial law?—I produce it, because it has been sent to me with a statement that it was sent to Ceylon as a precedent for the conduct of proceedings under martial law; and I think, but I am not quite sure, that it was stated that in point of fact the martial law, as administered in 1848 in Ceylon, was administered as military law.

(92.)

T T 2

7527. Sir

T. Y. M^cChristie,
Esq.

20 July 1849.

7527. Sir J. Hogg.] Have you heard from your correspondents that the martial law, as administered in 1848, was administered in strict accordance with military law as laid down by the Mutiny Act?—No, I have not. I have heard that it was not administered in strict accordance with any law at all.

7528. Then what do you mean by stating that the martial law of 1848 was administered in conformity with military law?—As far as it was in conformity with any administration of law at all. The inhabitants asked me to look into martial law, and to ascertain what that law was, as far as I might be able to do so. Upon looking into the State Trials, I find one case which I apprehend tends to support the view of the inhabitants that what took place was an unconstitutional proceeding on the part of the Governor. It is the case of Theobald Wolfe Tone, who was tried in Dublin Barracks by a court martial, on Saturday, 10th November 1798. (*The Witness delivered in an Extract from the State Trials*, vol. 27, p. 616; Geo. 3.) With respect to the priest who was shot in his full robes, and who is mentioned at p. 220 by the Governor, the inhabitants say that the execution of that unfortunate man in his robes was a very great insult and gross indignity offered to the priesthood. They also inform me that the Governor was making efforts to obtain testimonials at Kandy from some priests to show that that was not an indignity; and they state that if any such testimonials were procured they would certainly be untrue, as they will be abundantly able to show, if you will grant them a commission. In the meantime they send over a declaration of two high priests, one high priest having dominion over 90 priests; they send the original in Singhalese, and a regularly attested translation, to show that the execution of that priest in his robes was a gross indignity to the priesthood.

Vide Appendix.

[*The Witness read the following Document :*]

The Declaration of *Gunānanse Unnanse* and *Piyettise Unanse**.

THE execution of a Buddhist priest, by being shot in his sacerdotal robes, is a disgrace to his religion, because it is the robe of Buddha. If it be inquired, "What kind of disgrace this is?" we answer, that, besides being a disgrace to Buddha, and to all those who are the priests of Buddha, it reflects disrespect on all those also who profess the religion. It is a thing which was not only never done by any king heretofore, but is also, according to the religion, improper to be done. We can show from books of the Buddhist religion, that no punishment can be inflicted by order of the king on any priest who has committed any crime, whilst the robes are upon him. It is a fact known to ourselves as well as to many who dwell in Kandy, and which can be proved by testimony, that heretofore, in the reign of King Sriwickreme, Raja Singha, Paranaterre Unnanse, who was found guilty of a crime, was first deprived of his robes and then punished. It is also known to us as well as to many others, that when this Unnanse was sentenced to be executed, that king inquired of the Maha Nayeke† and the Anoo Nayeke‡ Unnanses, whether or not it was in accordance with the precepts of the religion to execute a priest in his robes; it was answered that it was not in accordance; he was therefore executed after the robes had been taken off him. Not only did the Lord Buddha himself wear these robes, but he ordained us to wear them. It is an excellent habiliment; it is "arahat dhajjheye§," a victorious passport to Heaven. The execution of a priest in his robes is a disgrace; an insult offered to the Lord Buddha.

(signed in Burmese) *Gunānanse.*
Piyettise.

On the 13th April 1849, signed by the priests in the presence of

(signed) *W. Morgan,*
Advocate Superior Court.
Chas. A. Lorenz.

(In Singhalese) *Don Harmanis Goornanse,*
Goornanse,
Teachers, Wolvendahl, in Pettah.

Explained by me,
(signed) *Seneratmoliettigey Paulus Perera,*
of Dam-street, in Pettah.

Translated and carefully examined by us,
(signed) *Seneratmoliettigey Paulus Perera.*
Chas. A. Lorenz.

7529. Sir

* Priests of the Cotanchine Temple.

† Maha Nayeke, high priest.

‡ Anoo Nayeke, a priest having dominion over 90 (anoo) high priests.

§ A Pali word.

369

T. Y. M. Christie,
Esq.

20 July 1849.

7529. Sir J. Walmsley.] You spoke of the priest being shot in his full robes. Is that your own interpretation, or is it taken from your instructions?—Those are the instructions conveyed to me.

7530. Will you have the goodness to refer to those instructions, and see whether it be in “full robes” or “robes”?—I say “full robes,” because the Governor says “full robes.”

7531. Then it is your interpretation that it is full robes?—I have been so instructed.

7532. They speak of a priest being shot in his robes, and you in your introduction state in his full robes; that is a wide distinction from previous evidence which has been given before this Committee?—The Governor himself states that he was shot in his full robes. At page 220, p. 18, the Governor says, “An influential priest, who was convicted of administering treasonable oaths in favour of the pretended king, was shot at Kandy in full robes.”

7533. And that is the reason you state “in full robes”?—It has been twenty times over in letters mentioned to me that he was in his full robes.

7534. But not in the document you have put in?—No, I think not. The inhabitants complain very much that the Governor’s conduct towards them was unduly severe during the disturbances.

7535. That is, that the general conduct of the Governor was unduly severe?—Yes, under the martial law. In the Blue Book there is a return of the sentences of courts martial; the summary which is given is, 18 executed, 120 tried, and only eight acquitted; whereas it appears that there were 34 tried by the civil court also as traitors, and 17 of those were acquitted; 17 were found guilty, but none were executed.

7536. Mr. Hawes.] How many were sentenced to execution?—I am not quite sure, but I think eleven. As an instance, amongst others, of the extreme severity of the Governor, the inhabitants desire me to call your attention to page 242, where the Chief Justice makes his report to his Excellency of the trials which had taken place before himself. He says, “I have to report to your Excellency, that the several convictions in the said cases, respectively, were obtained in due course of law. I have also to state that I recommend as fit and proper objects for your Excellency’s clemency, as far as regards the punishment of death, not only all the persons recommended by the jury for the reasons given by them, but also all the prisoners who have been found guilty. The most culpable of these appear to me to be Penelebodde Keerale, Warapitia Ettapolla Banda, Kandapulle Banda, Wannanayeke Mudianselagey Punchiralle, Wijaysoondere Mudianselay Appoohamy, and Kolambulamulle Mohattelay Appoohany; and under different circumstances I should have recommended your Excellency to have executed such three or four of those last mentioned as should, after minute investigation into their respective cases by the law officers of the Crown, have appeared to have been most guilty. To have carried out the last penalty of the law against these would have been necessary for the vindication of justice, order, and good government, and for an example to others; but I find that that example has already been made. I learn that some 20 persons have been already shot for their share in this rebellion, by the courts martial; I therefore think, when it is considered that no one European has been put to death; that one soldier only has been wounded by the rebels; that no persons have appeared in warlike array against the troops since the outbreaks at Matelle and Kurnagalle; that the blood which has already been spilt is sufficient for all purposes, whether of vindication of the law or for example; I advise that the prisoners last above mentioned be transported for life, that the others not recommended to mercy by the jury be transported for 14 years, and that those who have been recommended be imprisoned and kept to hard labour for such short periods as, after consideration with the Crown lawyers, may be deemed due to them respectively.” You will observe that the learned judge distinguishes the prisoners who had been found guilty before him into three classes: the first, those whom he singles out by name, and whom he looks on as the worst of characters, and who had not been recommended to mercy by the jury; and he recommends that they be transported for life. Secondly, those others who had not been recommended to mercy by the jury; and he recommends them to be transported for 14 years. Thirdly, those who had been recommended to mercy by the jury, and he recommends them to be imprisoned and kept to hard labour for short periods. Page 257 I refer to, to show that the Governor refused

(92.)

T T 3

to

T. Y. M^cChristie,
Esq.

20 July 1849.

to comply with the learned judge's recommendation ; and acting with extreme severity, as the inhabitants say, against those recommendations, he transports for life the first class, and he transports for life the second class, whom the judge had recommended should be transported for 14 years ; and he transports for 14 years the third class, whom the jury had recommended to mercy, and whom the judge had recommended should only be imprisoned for short periods. The inhabitants say that this is not only evidence of extreme and undue severity on the part of the Governor, but that it was a most unconstitutional act, and they pray that Parliament will interfere to have these men, who have been thus improperly transported to Malacca, brought back.

7537. Mr. *Hume*.] Does it appear that these men have been transported to Malacca?—I was informed that they were transported, and I think I saw a report of it in April. At page 297 the Governor says, "The dread of transportation among the natives is almost greater than that of death;" and yet, not satisfied with inflicting that which he knew would be felt by the pretended king as almost severer punishment than death, he himself ordered that man before transportation to receive a severe public flogging. I have been informed that he was unmercifully lashed under this sentence, which was not awarded by the court of justice, but only by Lord Torrington himself ; and the inhabitants say that that is not only evidence of great severity of disposition, but that it was an unconstitutional act.

7538. *Chairman*.] Is not that in the sentence?—No.

7539. Sir *J. Walmsley*.] What was the sentence?—Sentence of death was passed upon him as a traitor.

7540. Then this was in point of fact, a mitigated sentence?—It was commuted to transportation for life, and a flogging superadded.

7541. Mr. *Hume*.] Is that Lord Torrington's opinion which you have now stated, that "the dread of transportation among the natives is almost greater than that of death"?—Yes, at page 297. The inhabitants complain very much of the constitution of the Legislative Council, and earnestly desire that it may be remodelled.

7542. Do they offer any suggestions, or merely recommend remodelling?—They recommend remodelling ; they have not sent me any organized plan to propose to you.

7543. Sir *J. Walmsley*.] You have no plan whatever which is recommended or proposed by them?—No ; they have not sent any to me, except the statement that they desire to have a representative assembly. I have received many complaints from Mr. Elliott respecting what he states are misrepresentations regarding him which were made by Lord Torrington to Earl Grey, with reference to fomenting disturbances or instigating to discontent. Mr. Elliott was appointed colonial surgeon in 1833 by Lord Stanley ; he was sent out on that occasion by him ; he resigned his office some years afterwards to practise in Colombo, and to attend to other affairs. He states that he has a very deep interest in the colony, and he utterly denies that the representations which have been made of him to Earl Grey by Lord Torrington are true. Since the Blue Book appeared, Mr. Elliott has written several letters to Lord Torrington, complaining of the misrepresentations which it appeared from the Blue Book he had made to Earl Grey, and of those letters he has sent me copies. He offers to Lord Torrington an opportunity of retracting or of proving his charges, but Lord Torrington does not do so. He also complains that Lord Torrington, in sending documents respecting him to this country, did not send all the documents which were in his possession. He states that so far from his having had any influence in moving the people in the Central Provinces, his paper has only 32 low country Singhalese subscribers and three Kandyan subscribers, and that it could have had no effect whatever there ; and besides, that nothing that he ever said could be calculated to produce the consequences that have occurred. He states that his paper was a strong supporter of Mr. Stuart Mackenzie's government, and that many of the acts of Sir Colin Campbell he also strongly supported. He also complains that in the Blue Book documents were not produced which he had written, I think he states, to Earl Grey.

7544. Mr. *Harves*.] Mr. Elliott has not sent you any explanation of the letter signed "An Englishman," which he published in his paper, has he?—With respect to the letter which was published in his paper signed "An Englishman," he complains very much that Lord Torrington did not send the translation
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which he gave of that letter, but sent a perverted and inaccurate translation, as he will prove if you give him the opportunity.

T. Y. M^c Christie,
Esq.

20 July 1849.

7545. Does he tell you who made the translation which was sent over?—Dr. Kessen, at the request of Sir James E. Tennent; and that Dr. Kessen had subsequently apologised to Mr. Elliott for having made that translation. The burghers complain very much of the manner in which Lord Torrington has spoken of them in his despatches to Earl Grey, and they have sent me a copy of a memorial which they have addressed to Earl Grey, which I received last May. I produce that at their request, complaining of misrepresentation and disrespectful language towards the burgher community. I have also testimonials which have been sent to me from governors of the high opinion which those governors entertain of the burgher community in Ceylon. Besides those who have signed that petition, the information to me is that more signatures were being got, an account of which I shall receive by the next mail. (*The Witness delivered in the memorial to Earl Grey above referred to.*) With respect to the sequestrations and confiscations, the inhabitants complain very much of those sequestrations and confiscations, and say that they were illegal; and of Colonel Drought's and the Governor's proclamations of the 8th and 18th August. They say that you will never learn the extent of these confiscations unless you send out an inquiry; nor will you ever know the injury and mischief that has been done by the sequestrations and the confiscations that have taken place under those proclamations. They have sent me two petitions from priests whose property was taken and confiscated and sold by the Government. They have sent me an account of the sales of the property which was taken from two or three priests besides. Those are in the "Colombo Observer," with some observations by the editor, in the January number, 1849. One of the priests says that property to the amount of 150*l.* was taken from him; that it was sold by the Governor, as is certified by Mr. Morris; that he deducted proportionate charges and commission at 12½ per cent. on the sale of the articles, and for this property he received only 6*l.* 6*s.* 9*d.* (*The Witness delivered in the documents above referred to.*)

Vide Appendix.

Vide Appendix.

7546. Mr. Hume.] Does it appear from the list of the property whether it consisted of perishable articles?—I do not think one single article is perishable; they consisted principally of robes, pieces of cloth, handkerchiefs, plates, boxes, cups, silver images, &c. One complaint of the inhabitants is, that the Governor stated that nothing but perishable property was sold; and they show that a great many articles which were not perishable have been sold, and sold at a great sacrifice. The priests say that the property was far more valuable to them than it could be to any other person, as will be seen by their petitions.

7547. Sir J. Walmsley.] Is the time stated after which the seizure was made that the property was sold?—Yes; Mr. Morris, the Government agent's certificate of the sale is dated, in one instance, the 2d of December, 1848: "List of confiscated property sold, belonging to Kotmala Unnansa, by public auction, on 29th August 1848;" and the return by the officer is made on the 2d of December.

7548. Mr. Hume.] What is the date of the sale of the other property?—The date of the sale is the 29th: "List of confiscated property belonging to Allow Unnansa, sold by public auction, on 29th and 30th August 1848."

7549. Does it appear at what period that property was seized first?—It is stated, "That during the late rebellion the petitioner was apprehended and imprisoned, but on trial before the Supreme Court was discharged as not guilty; that at the time of his apprehension his temple was entered by the British troops, and a large amount of property taken during the rebellion."

7550. Sir J. Walmsley.] Can you state what period elapsed between the seizure and the sale?—I am not informed of that. There is an abstract of the return of the sequestered property, as it was laid by Sir J. E. Tennent before the Legislative Council. (*The Witness delivered in the Document.*)

Vide Appendix.

7551. Mr. Hume.] What is the date of it?—October 4th.

7552. What does it purport to be?—An abstract of sequestered property.

7553. Mr. Hawes.] What is the total amount stated of the sequestered property?—£3,034. 5*s.* 10*d.*

7554. What proportion of that is landed property?—£2,049. 5*s.*

7555. Have you any information from your correspondents as to what portion of that was returned to the owners?—Not any.

(92.)

T T 4

7556. Mr.

T. Y. M'Christie,
Esq.

20 July 1849.

7556. Mr. Hume.] Do you know what portion was sold?—No.

7557. Mr. Hawes.] You do not know anything about it, except that which you read from the document?—No.

7558. And that is not a perfect return of the sequestered property?—It does not seem to be a full return. It says, "The summing up seems to be as follows :

	£	s.	d.
" Kornegalle - - - -	3,034	5	10
" Matelle - - - -	1,710	4	-
" Dambool - - - -	2,905	4	11
" Total - - - -	7,649	14	9
" Add property of two Chiefs (say) -	10,000	-	-
" About - - - -	£ 17,649	14	9"

7559. It appears by the paper you have put in, that in the district of Kornegalle the amount of sequestered property was 3,000 and odd pounds?—Yes.

7560. It appears also from that paper that the amount of the moveable property, being cattle and grain, was 585*l.*?—Yes.

7561. And that the value of the land was 2,400*l.*?—Yes. The merchants, the Hall of Commerce, the traders, and the planters, have also written to Earl Grey, complaining very much of the language that Lord Torrington has used towards them.

7562. You speak now with reference to observations made by Lord Torrington of the memorial of the Chamber of Commerce?—Yes.

7563. Of that alone?—It is, I think, restricted to that; and the inhabitants say that under all these circumstances, it is quite impossible to hope that they can continue to live either in peace, or contentedly, or in prosperity, under Lord Torrington's rule; and they therefore hope that Parliament will interfere to recal him.

Martis, 24^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hume.
Sir J. Walmsley.
Sir J. Hogg.
Mr. Charles Villiers.
Mr. Disraeli.

Mr. Hawes.
Mr. Wilson.
Lord Hotham.
Mr. M'Cullagh.
Major Blackall.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

[The printing of the following Evidence, given by Mr. M'Christie on the 20th inst., was suspended by order of the Committee.]

T. Y. M'Christie,
Esq.

Witness.—I OUGHT to have stated when speaking of the Governor's severity, that the inhabitants have informed me, as an instance of his severity, that when the priest was convicted at Kandy several proctors and others were in court, and they were satisfied that the man was perfectly innocent, although convicted by the court martial; and they went to the Queen's Advocate, Mr. Selby, and got him to go to the Governor to beg him to suspend, at all events, the execution of the man for a few days, until satisfactory inquiries could be made respecting the truth of the evidence which had been offered against him, and that the Governor on that occasion declared, that if all the judges and proctors in Ceylon were to say that the man was innocent, he should nevertheless be executed the next day, and he was shot the next day at seven o'clock in the morning.

7564. Mr. Hawes.] Have you any account of what passed at that interview?—I have given you the whole of the account which I have received; and that on his

his return he met the Chief Justice, who was going to the Governor on the same errand, and finding that he was going on the same errand he informed him what had transpired between himself and the Governor, and turned him back, believing that it would be perfectly unnecessary for him to proceed on his mission.

7565. That is the statement which has been made to you?—That is the statement which has been communicated to me.

7566. By parties in Colombo?—Yes.

7567. The transaction having taken place at Kandy?—Yes.

7568. *Chairman.*] Are you certain that he turned back the Chief Justice?—That is the statement which has been made to me.

7569. *Sir J. Walmsley.*] Can you give the names of the parties who made these communications to you?—A part of the committee.

7570. Can you give the names of the persons who gave you this particular information?—I can give the names of Mr. Elliott and Mr. Morgan.

7571. *Mr. Hume.*] Mr. Morgan was the chairman of the public meeting, and whose letter you read in the first instance?—Yes.

7572. *Mr. Hawes.*] And Mr. Elliott is the editor of the "Observer"?—Yes.

7573. *Sir J. Walmsley.*] Is this information contained in a written document to you?—In letters.

7574. Have you got those letters?—I have.

7575. *Major Blackall.*] Do those letters state that these parties know of their own knowledge the matter which is contained in them, or do they mention it as a rumour in the island?—They desire me to represent it as a fact.

7576. *Mr. Hawes.*] Do they state it as a fact within their own knowledge, or as being derived only from statements made to them by others?—I cannot say.

Thomas Young M'Christie, Esq., called in; and further Examined.

7577. *Chairman.*] HAVE you brought the letters upon which you founded the evidence which you gave to the Committee on the last day you were examined?—When I was here on Friday last I was requested by this Committee to mention the names of those who had informed me that Mr. Selby had gone to the Governor to ask him to suspend the execution of the priest at Kandy for a few days, and I said that I had received that information from Mr. Elliott and Mr. Morgan. I was subsequently ordered, by a Resolution of the Committee, to produce to-day the letters which conveyed that information to me. On that occasion I had the most perfect conviction that I had received that information from both of those gentlemen. Since then, I have looked through every letter and paper which I can find I have had from Ceylon, but I cannot discover any letter in which Mr. Morgan makes that statement to me. Not long since, having been much pressed for time, I begged Mr. Elliott's brother to look through some of my papers and letters for me. He took them away and did so, and afterwards returned the whole of them to me again. When I searched, and could not find I had a letter from Mr. Morgan with the information referred to, I went to Mr. Elliott's chambers on Saturday last, to inquire if by accident such a letter had been left there, and I learned from him that it had not. He subsequently came to me, and stated that he had the most distinct impression that he had read such a statement in one of Mr. Morgan's letters to me, and that he had no doubt he could find it immediately for me. He was all but certain that it was in a letter in which Mr. Morgan spoke of the illness of one of his children. He and I then went over the whole of my letters from Mr. Morgan. We found the one in which he speaks of his child's illness, but we could not discover in any of them the statement which I have alluded to. I have, however, found two letters from Mr. Elliott, in which he mentions the circumstance; and although I have at this moment still the strongest impression that I had a letter from Mr. Morgan with a statement to the same effect, and although Mr. Elliott has an equally strong impression, as he is prepared to state to you, yet as I cannot possibly find such a letter, I can only conclude that I must have either lost that letter, (if I ever had any such,) which is not very likely, or that I must have taken up the impression which I have from the fact of my having had the same statement made to me in two different letters, but both from Mr. Elliott, and which I had no recollection of when I was here. Under these circumstances, and for these reasons, I have to beg to be allowed to withdraw my statement, that I had received the information from Mr. Morgan, and to restrict my authority to

T. Y. M'Christie, Esq.

T. Y. M^cChristie,
Esq.

24 July 1849.

Mr. Elliott. At the same time, I must state that I heard from Captain Bird, Mr. Layard, and others, but who by name I cannot say, that they had heard that Mr. Selby had gone to the Governor on the same errand. As I have stated, I have found two letters from Mr. Elliott mentioning the circumstance; and in producing these letters, I beg to inform the Committee that they are letters which were written to me confidentially, as the agent, or as an Honourable Member of this Committee described me, as the attorney, of the gentleman who wrote them; that I am perfectly persuaded it never was anticipated by him that the production of these letters would be ordered here; that I firmly believe they never were intended for publication in any way, or to be read by any person but myself; that until after I was last here I have never shown them to any one, with the exception of Mr. Elliott's own brother, and that only lately; that I have never given an extract of them, nor let any human being know either the extent of their contents, or indeed that I had any such letters; that having been throughout most desirous not to state more than I felt to be necessary, just, and sufficient for this inquiry, and warranted in stating, I have been most anxious not fully to discover everything that has been communicated to me, because I have felt that upon the production of certain letters or the full disclosure of their contents, their contents might tend to criminate, involve, or inconvenience others whom, in the discretion I have felt at liberty to exercise, I did not think it necessary for the purpose of this inquiry should be implicated or involved in any way whatever. Moreover, I know that it never was intended in any of the information which I should convey to you, that I should lay that information before you in the language in which it was transmitted to me, any more than I should have dreamt that I should have been justified in adopting such language. Since I was first ordered to appear before this Honourable Committee, my anxiety has been only to state so much of the information that has reached me as justice seemed to me to demand; and certainly, in nothing, according to my view of it, to make an exaggerated or overstatement upon any point, either in the language used, or of the circumstances themselves. I have not professed to give you the precise words or language in which any of the information I have received was conveyed to me, but only to state the nature and substance of such of it as I thought I was bound to communicate, and in becoming language. With these explanatory remarks, and under the stringency alone of the resolution of this Honourable Committee, I now produce these two letters, written by my constituent, Mr. Elliott, confidentially to myself, as agent or attorney for him, and which, with every possible deference and respect, I greatly complain of being obliged to do. If you desire that I should read them, I will do so; and afterwards you will judge whether I have either made an exaggerated statement, or referred to an important circumstance without sufficient ground on my part to justify an allusion to it.

The Witness was ordered to withdraw; after some time, the Witness was called in.

7578. *Chairman.*] I have to inform you that the Committee have come to the following resolution: "That Mr. M^cChristie, having voluntarily charged the Governor of Ceylon with having used the following expression, 'That if all the judges and proctors in Ceylon were to say that the man was innocent, he should nevertheless be executed the next day,' in an interview with the Queen's Advocate relative to the execution of Kaddahpolla Unanse, Mr. M^cChristie be informed that he is at liberty to prove the charge or withdraw it, as he may think proper."—It seemed to me that the resolution of the Committee on the last occasion must have been come to in consequence of a doubt on the minds of some honourable gentlemen that I had not received the information which I had communicated to the Committee, or that I had exaggerated that which I received. In compliance with that resolution, I have brought the only letters that I have in support of my statement. They are both from Mr. Elliott; I have explained why I could not bring a letter also from Mr. Morgan in support of it; and I think I am bound in justification of my own character now to obey the exigency of your first resolution.

7579. *Sir J. Hogg.*] You will observe by the resolution which has been read, that it is perfectly optional with you either to withdraw your charge or to persist in it, and produce the documents upon which it is founded; the Committee therefore leave the course you are to adopt entirely to yourself, and you are not to understand that they at all coerce you in the course you may pursue?—As I stated
before,

375

T. Y. M^cChristie,
Esq.

24 July 1849.

before, my embarrassment throughout has been rather to understate the substance of information that I have received, than to overstate it. I did feel that an imputation was cast upon me when I was here last, that I was not justly entitled to; and I do think that the Committee having come to the resolution that I should support my statement by the documents which I had in my possession, I am bound to do so.

7580. You stated, when you first came here to-day, that this was a confidential communication addressed to you by your constituents, and that you were reluctant to produce it; the Committee therefore do not wish to order you to produce what you call a confidential communication, and they therefore passed the resolution which you have heard read, leaving it optional with you either to withdraw the charge or to persist in it, and to produce the letters or documents on which it is founded; but it being optional with yourself to adopt the course you think right?—In addition to my former answer, I would observe, that if I were not now to proceed to show you the evidence or the authority on which I made that statement, it might appear that I really had not authority to make the very serious statement I have made. I therefore, Sir, put these letters into your hand (*handing the same to the Chairman*). If you will have the goodness to take the originals into your hand, I will read them from an accurate copy that I have made, and you will be able to see that I read them correctly.

[*The Witness then read the following Letters, dated Neura Ellia, 11th April 1849; and Colombo, 10th May 1849; and which were afterwards ordered to be inserted here.*]

My dear M^cChristie,

Neura Ellia, 11 April 1849.

I HAVE just received your long scolding letter of the 23d February up here, where I am happy to say the climate enables me to take it coolly, independently of the plea of justification, or at least extenuation, which I have to offer. When I engaged your services in our verandah case, I took good care and immense trouble to collect your fee, and in order to make it up had to come down with the dust pretty extensively myself. You afterwards very generously, I must say, volunteered your assistance as occasion presented itself; doubtless in pursuance of the scheme meditated of having an agent for the colony in London. Morgan took up the idea vigorously, and with the assistance of myself and others, would probably have succeeded in more fortunate times. About the same time a subscription was commenced to present me with a piece of plate, but fearing that this might interfere with the collection for you, I intimated that my affair might stand over, so that if you have not got a fee, neither has Mrs. Elliott her silver service, &c. The smash came: some merchants (who you know are our main stay in such matters) were totally ruined, and others so crippled that they could hardly keep upon their legs, and all classes felt the universal distress so keenly, that I clearly foresaw considerable difficulty in making up anything worth your acceptance. Morgan was still sanguine, but I considered myself in honour bound, as you probably would identify me with the matter, to let you know my doubts, as I had no more idea than yourself that you were to work for nothing on behalf of Ceylon. I would not ask you to do it for myself (though I might trespass somewhat on your kindness), and certainly would not tax your labour for others without making adequate compensation. I know you did make this appear a secondary consideration, but men like you and myself with families dependent upon our exertions must be paid for our services. I did however continue to furnish you with all the information in my power by sending you regularly the overland paper, where you are aware everything that comes to my knowledge appears. I admit that I did not send you the figures I promised, but the fact is, that the person who was engaged in preparing them left the island before he had completed the task. You will however find them in this month's paper. You must have taken great pains to put the speakers up on Ceylon affairs for the debate. They have made wonderfully few mistakes. I have noticed these few in an article sent down from this to Fergusson. My brother opened your letter in Colombo, and showed it to Fergusson and Morgan, before forwarding it to me; and as I now write only on the chance of this reaching Colombo in time for the express that will probably be sent to Galle on Saturday, I can give you but little information, Morgan is writing to you I understand, and so also I hope will Fergusson. I have been up here with my family for the last three weeks, not that any of us absolutely require the change, but that I thought it likely to benefit us, as it is doing. The weather and climate here are quite invigorating, just like spring at home. Henry Layard (who has taken a letter to Hawes from his son-in-law here, Mr. M^cCarthy,) will be able to give your Committee the soundest information; so also will long Urquhart Stewart, who will be heard of at Smith Elder's; he knows all about the rebellion. But who is to speak for the natives? Alas there is no one. Langslow can speak on the administration of justice. Ackland is devoid of principle, and has an antipathy to the burghers and natives. Captain Bird, who is in Jersey, is a very honest well-principled man, and is a coffee planter. Justice Carr is a narrow-minded bigoted colonial Tory. It is quite evident they have suppressed many despatches and other documents in printing the Blue Book. I can detect this in three instances, as regards myself. I intended to address Lord Torrington on his despatch which

(92.)

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376

340. MINUTES OF EVIDENCE *taken before* SELECT COMMITTEET. Y. M'Christie,
Esq.

24 July 1849.

slanders me so vilely. The merchants too are to be at him. I hope you will remind the Committee on the constitution of our Legislative Council, not only that all the members are nominees of Government, but that the officials are obliged to vote in favour of Government measures notwithstanding their disapproval of them; you will find all this in my letter to Earl Grey some months back. I see no hope for the country but from a representative assembly, and that is quite practicable. I expect little or no benefit to result from the Parliamentary inquiry unless a Commission is sent out. We have not materials sufficiently accordant to form the Committee you suggest. Poor Henry Layard, who has gone home, was the only man who could have accomplished it. Captain Bird (now in Jersey) was on the court martial that tried the priest. When Selby implored the Governor to spare the priest for a few days until inquiry could be made, Lord T. replied with an oath, that if all the judges and proctors in Ceylon said he was innocent he should nevertheless be shot next morning as he was. When Selby was coming away he met the Chief Justice going on the same errand, and turned him back, as it would only be exposing him to insult. The priest, it is now known, was as innocent as you are of the rebellion. The Governor complains that the juries did not convict; but how could men act impartially when martial law was going on at the same time, and they every now and then heard of three or four men shot? Remind Lord Brougham, if necessary, that the Governor ought to have had the consent of the Legislative Council in proclaiming martial law. I have been urging Morgan to apply for habeas corpus on behalf of some of the men imprisoned under sentence of court martial, and thus bring the question of legality to the test. If illegal, all the poor creatures torn from their families and transported to Malacca have been illegally punished. The Act of Indemnity does not attempt to legalize the acts committed under martial law, but only protects the actors from personal consequences. Unless some competent authority makes inquiry, the amount of confiscated property cannot be ascertained, as the people are intimidated the moment they begin to complain. You will see in the "Observer" how Colonel Drought had a man arrested and brought up before him. One person boasts that he made 3,000*l.* by plunder when acting under Captain Watson's orders at Matelle. I shall return to Colombo in a week or 10 days, and then consult as to what is best to be done, not only in the way of giving further information, but also as an acknowledgment of your services by the people. It is quite evident that thus far you have been most successful in cramming members, for without your assistance perfect strangers to the colony could not have made themselves up so admirably on the question. The excitement in Colombo I understand is intense; I hope to turn it to good account by the co-operation it must ensure. Merchants, planters, peo-
tors, and burghers, whom he has so grossly slandered, would gladly subscribe for a rope to hang Lord Torrington.

Sir Emerson T. has had his leave cancelled, and does not go home; they say he expects Lord T.'s recall; but he is the evil genius of all our troubles.

My dear M'Christie,

Colombo, 10 May 1849.

I HAVE just returned from the interior, and proceed to jot down a few things gathered by the way for your information. The day alone will reveal the extent and atrocity of the proceedings under martial law. When the Malay soldiers reached Matelle, they found the people sacking some houses, and surrounding one, they never ceased firing into it until they shot 23 poor creatures (every man in it, I understand), although they made no resistance. Upwards of 200 were killed near and at Matelle. The European soldiers behaved well; did not fire after the first volley; but the Malays shot and creased the men after they had thrown away their guns, and were standing still. Things were little better in Korne-galle. Sims, the police magistrate, told me there were 47 laid in one hole, over which a vine has been planted. Young Templer, Assistant Government Agent, who was with the Malays, saw a man running away, when he raised his rifle and shot the man dead. Such were the atrocities perpetrated in what ought to have been considered little more than a row. At all events, after the first volley, and the dispersion of the mob, there was no necessity for such barbarities. Officers in command of parties went out plundering the country, sacking houses, digging up the floors for money and jewellery, and finally setting fire to the premises. In consequence of the publication in some of the London papers (the "Standard,") of an extract from a private letter of Captain Watson's, Lord Torrington either wrote himself or got some one else to do so, in an angry tone to Watson (who, you know, was commandant of Matelle during the rebellion and subsequent courts martial). This drew forth from W. a spirited letter in reply. This W. was requested, then desired, to retract, but he would not. He was next threatened with a court martial, at which he expressed satisfaction, as he would then have an opportunity of producing Lord Torrington's private instructions to him, by which it would be seen that he had no alternative but to continue trying the people by court martial and shooting them. He remarked, it would then be seen who was really blamable for the rebellion and unnecessary bloodshed. Lord T. finding the dodge would not answer, finally sent that prince of palaverers, Sir E. Tennent, who cajoled Watson into withdrawing his letter. It appears that Watson (and I rather think Colonel Drought also) complained that the proceedings of the courts martial were not allowed to be sent for confirmation by superior authority. Watson was told that he was commandant, and was to do as he thought proper. But he was provided with only four subaltern officers for these courts martial; two of them stupid, careless boys, and the president (Lieutenant Wilkinson) not much better. Old Waring, who was police magis-
trate at Matelle, and knows the character of the people, was present at some of the trials,
and

377

T. Y. M. Christie,
Esq.

24 July 1849.

and was horrified. He suggested that such questions as this, whether a certain thing was done in the day or at night, in order to compare the answer with the evidence of the other witnesses; but "Tim Wilkinson" thought such questions only interfered with the evidence, and would not put them. Three or four fellows would therefore come up, tell the same story, probably about some person they owed a grudge to; verdict, guilty; sentence, death: to be carried into immediate execution. Accordingly, next morning, a row of poor wretches would be tied to posts and shot. *Entre nous*, Waring told me that means were taken to influence the sentences, and that all this would come out if due inquiry were made. I could not clearly understand his meaning, but think he referred to Lord T.'s private letters, which Watson threatened to make known. I hope you bear in mind, that most of these proceedings took place after all rebellion was put down (if ever it existed), and whilst the Supreme Court was sitting within 20 miles, at Kandy. What evidence has Lord T. produced as to the long pre-existence of a conspiracy, at least, in the Blue Book? None, because he possessed none. It is full of surmises and perversions of facts; suspicions, but no evidence. Anstruther says, and truly, there was no rebellion at all, and that nothing of a conspiracy would have been heard of if the Modlias in Kandy, whose retention in office depended upon his so-called loyalty, had been dismissed, as had been resolved on when Anstruther resigned the service. The Pretender might have gone on to doomsday, humbugging women out of rice and coppers without being able to collect 20 men, had it not been for the taxes, or rather, had not the people been ill treated when they came into the towns to remonstrate against the taxes. See their secret motives in the Blue Book. It may be, a few headmen and priests sigh for independence, but the people universally wish to continue under us, if we only deal fairly with them. To keep up this preposterous idea of conspiracy, poor Mr. Waring (an old and faithful public servant), who was police magistrate (the only judicial authority there) at Matelle, was told that, as he had not possessed information of the conspiracy he was unfit for service, and desired to retire on his pension. In vain he pleaded its non-existence, and the utter impossibility of its existence without his knowledge; he was only told that had he not been so old and previously so efficient he would have been dismissed. After the people had been clubbed by the police in Kandy, and began to collect, he applied for some peons to go and reconnoitre, but was refused the necessary protection. Then, when the rebels were coming into Matelle, he asked for a few soldiers to protect the town, but neither would these be conceded. Finally the mob came in, sacked the village, and destroyed poor Waring's furniture and other things to the value of 300*l.* or 400*l.*, for which Government have refused the slightest compensation. He and Watson would be capital witnesses to examine in any case of impeachment or inquiry. I do not see how you can get evidence to be depended upon, or on which to ground any opinion, unless either a commission is sent out or witnesses are summoned home. I suppose you know that Selby has had a correspondence with the Governor, reminding Lord T. that he (Selby) actually protested in the Executive Council against the proclamation confiscating the property of all persons 20 days absent from their homes, and which the Governor said in a despatch (*see Blue Book*) was issued with the concurrence of the Queen's Advocate. I understand the matter has been referred to Earl Grey; query, will he produce this to the Committee? The shooting the priest was a very shameful procedure. I have told you of Selby going to the Governor to ask him to allow time for future inquiry; Lord T. got into a towering rage, and said, "By God, sir, if all the proctors and judges in the island said he was innocent he shall die to-morrow morning." He otherwise so grossly insulted Selby that the latter dissuaded the Chief Justice from going to the Governor on the same errand of mercy, or rather justice, as he did not see any use in the old gentleman's subjecting himself to insult. It is now so well known that the priest was innocent (as the proctors said he was, from hearing the evidence and perceiving discrepancies), that Sir Anthony now regrets he attended to Selby's advice not to go and remonstrate with Lord T. If this be not a case of murder, morally as well as legally, the crime has never been perpetrated. There was an attempt made in Kandy the other day to get up a story that the priest made a confession of his guilt, but it was too barefaced to succeed. There have however been certificates sent home to show it was no disgrace to the Buddhist religion to shoot the priest in his robes. Two priests of considerable rank have thus certified, but they are expectants of office, or rather promotion. So scrupulous are the people on this point, that even a priest lays aside his robe in order to die, lest the robe should be contaminated with his dead body. I believe the true state of the case to be this, that although it might be an honour for a priest to die in his robes, it would be such an indignity to the religion that no priest would venture to commit such a grievous sin. Whenever a priest purposes to commit any act derogatory to his order, even any little manual labour, he has himself previously disrobed, and thus resumes his lay character, unlike the Established Church, which holds "once a clergyman always a clergyman." A friend of Watson's told me last evening, that W. is most anxious for an opportunity to produce Lord T.'s private instructions, in order to exonerate himself from the charge of blood-thirstiness that has been brought against him, Watson. All orders ought to have passed through General Smelt and the Adjutant-general's office to the military, and the Governor having been for some time in the army himself must have known this. But Lord T. disregarded all such forms, and wrote direct to Colonel Drought at Kandy, and Captain Watson at Matelle; and doubtless also to the officer commanding at Kornegalle. I think I have told you already, that the idea of confiscating property originated with Sir H. Madlock, who has estates near Matelle, and therefore wished to colonize the district with Malabar coolies, to work for him. Unless they give us a council, with power effectually to

378

342 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

T. Y. M^cChristie,
Esq.

24 July 1849.

control the expenditure, and to interrogate Government on the misconduct of officials, we shall be little benefited. I have nothing more to add, and therefore leave this for Fergusson, who wishes to say a few words.

Yours, &c.
(signed) C. Elliott.

Why do not the Committee either summon home witnesses or send out a commission? I am ready to go if they pay my expenses.

My dear M^cChristie,

I MERELY comply with the request of a very respectable native, Jayawardenne, by forwarding the enclosed correspondence between him and the local home governments. His case is a hard one, and he wishes it laid before the Committee. I do not wish you to take any more trouble about the case, than just to hand the papers to Mr. Hume, or any other Member. I am sorry poor Ceylon cannot reward you for all the trouble you have taken, but we are not ungrateful, and I hope you will be no loser in the end. With kindest regards,

Yours, &c.
(signed) A. M. Fergusson.

7581. Mr. Villiers.] Have the statements you have now read from those letters appeared in the "Colombo Observer," published at Ceylon?—Many of them have.

7582. Mr. Hawes.] Have you any further grievances that you wish to mention?—No. I only beg to say that an Honourable Member having asked me whether Mr. Dias's name was to my second appointment, which has been put in, as agent, that not having the names of the gentlemen who signed it with me upon that occasion, I stated that I thought it was, but that I was not sure. I have now got the names of those gentlemen, and that name is not attached to the document.

7583. You have stated that you are empowered to act by a committee of the inhabitants of Colombo, which originated in a public meeting, to the extent of 3,000 people?—That was in reference to the verandah case.

7584. There has been no public meeting appointing a committee and authorizing you to act with reference to the more recent proceedings in Ceylon?—Yes, I think I have put in a document showing that there was.

7585. That there was a public meeting?—I have put in the document; I do not recollect whether it was a public meeting or not; it was signed by a number of persons.

7586. Do you know whether there was any public meeting appointing you to act more recently, with reference to the proceedings in Ceylon subsequent to the outbreak?—At present I have no recollection whether there was or not.

7587. But you represent through the committee, you wish this Committee to understand, a large portion of the inhabitants of Colombo?—Yes.

7588. And you believe that your opinion is in conformity with the views of that committee, and with the evidence that you have given?—Yes.

7589. Turn to the Parliamentary Papers before you, page 217; do you not there find a loyal address from the native merchants and traders, and other respectable Hindoo inhabitants of Colombo, signed by 1,056 signatures?—Yes.

7590. Will you read the second paragraph of that?—"That the trading portion of our community have branch houses scattered all over the island, especially in the Kandyan country; and had it not been for the prompt and energetic measures adopted by your Lordship, and the recent disturbance checked in its embryo, we have not the least doubt that many lives of our countrymen would have been exposed to the most imminent danger, and our property sacrificed to a ruinous extent."

7591. Had you heard of that memorial, or of that expression of opinion on the part of the native merchants and traders of Colombo?—Not at all; I think not.

7592. Your correspondents did not inform you that that portion of the community had expressed those opinions with reference to the measures of the Government?—I have no recollection that they did.

7593. Will you turn to page 193 of the same Parliamentary Papers; do you there find an account of a public meeting held in the Exchange Room, Colombo, at which certain resolutions were carried?—Yes.

7594. Will you read the first resolution?—"Proposed by J. Clewes, Esq., seconded by A. F. Gore, Esq., That this public meeting, consisting of the inhabitants

379

T. Y. M^c Christie,
Esq.

24 July 1849.

inhabitants of all classes resident in Colombo, do most cordially and heartily express their unanimous concurrence in the prompt and active measures of the Government to suppress rebellion in the Kandyan districts."

7595. Had your correspondents, who state that they represent the opinions of the inhabitants of Colombo, informed you of that meeting?—I have no recollection that they did.

7596. You received no intimation that there was such a meeting, and that the expression of opinion was favourable to the measures of the Government?—I have no recollection that I did.

7597. Will you turn to page 194 of the same papers; do you find there an extract from the minutes of a special general meeting of the Chamber of Commerce, of the 31st of July 1848?—Yes.

7598. Will you have the goodness to read the resolution?—"Resolved, that Messrs. Ritchie, Smith, Swan, and Dawson do form a deputation to wait upon his Excellency the Governor, to bring before him the great danger to be apprehended to the planting interest by the existing disaffection in the interior; to express to his Excellency the hearty concurrence of the Chamber in the prompt measures adopted by Government to suppress insurrection, with the assurance of the willing and active co-operation of its members in case of need; and to pray that his Excellency may adopt such measures as may be best calculated to avert the impending ruin which threatens the colony by the departure of the Malabar coolies from the island while under the influence of alarm. Signed, *W. Ritchie*, Chairman of Meeting."

7599. Did your correspondents at all inform you at any time of that meeting of the Chamber of Commerce, and of the opinion expressed in that resolution?—I do not remember that they did.

7600. Now, taking into account these meetings to which you have been referred, can you state to the Committee confidently, that the views which are taken by your correspondents, and which you have represented to this Committee, are those of the inhabitants of Colombo, without some qualification and exception?—Undoubtedly, I should say that they must be taken with some qualification.

7601. That is to say, that so far as these references show anything, they show that a large portion of the population entertain different opinions?—They do.

7602. Will you refer to page 157? Do you find there a literal translation of a petition addressed to the Governor by certain inhabitants of Ceylon?—Yes.

7603. Do you know enough of the proceedings which took place in reference to that petition to inform the Committee whether that petition was agreed to at the Borello meeting, near Colombo?—According to the representations I have received, it was agreed to at the Borello meeting.

7604. Can you inform the Committee whether or not that is the petition which was presented by Mr. Elliott to the Governor?—I have every reason to believe that it was.

7605. Now will you turn to page 158, and state whether this passage does not occur in it: "But if your Excellency will not mercifully give us a favourable reply, we certainly will not obey any of these new laws"?—It does. Mr. Elliott has stated, I believe, that he did not know there was anything offensive in it, in consequence of not knowing the language.

Philip Anstruther, Esq., called in; and Examined.

7606. *Chairman.*] WERE you for 15 years the Colonial Secretary of Ceylon?—I was.

P. Anstruther,
Esq.

7607. Will you state the date on which you were first appointed, and when you left?—I was appointed in 1830; I forget the precise month; I resigned at the beginning of 1845; I ceased all connexion with the Government in February 1845.

7608. *Mr. Hawes.*] You were appointed in 1830?—Yes.

7609. *Mr. Hume.*] Had you ever been in Ceylon before?—I was in the civil service from 1820.

7610. *Chairman.*] Did you visit Ceylon in the month of May 1847, and have you just returned from thence?—On the 20th April 1848 I left this country, and returned by the last mail.

7611. Will you state the date of your arrival in Ceylon, and your departure?—I arrived I think on the 28th of May, and I left on the 14th of May in this year.

(92.)

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7612. Were

380

P. Anstruther,
Esq.
24 July 1849.

7612. Were you in Ceylon in July 1848, when riots took place in two districts of the Kandyan provinces?—I was.

7613. Where were you when those riots took place?—I was resident on my own estates.

7614. Whereabout?—Thirty miles from Kandy, in the opposite direction to Matelle.

7615. Mr. Hawes.] When you say “the opposite direction,” do you mean south of Kandy?—South-west.

7616. Chairman.] Have you visited Kandy since those riots?—Yes, frequently.

7617. Are you well acquainted with the Singhalese language?—Yes, I speak it readily.

7618. Had you any communications with the native chiefs and headmen on the subject of the riots?—I frequently conversed with individuals who called on me; I am known to nearly all the chiefs; and when any one called on me I frequently adverted to these riots; I have had much conversation with various chiefs.

7619. From information that you have received, do you believe that there was any organized rebellion, or that many of the chiefs or priests were engaged in the riots?—From all that I have heard, I do not think there was any organized rebellion, or that the outbreak was the result of any conspiracy.

7620. Did you frequently converse with the chiefs on the subject?—I have at various times conversed with such chiefs as have called upon me on the subject.

7621. And that was the result of the information which you obtained?—That is my general impression from all that I have heard while in Ceylon.

7622. Lord Torrington, in a despatch of the 14th of November 1848, p. 293 of the Blue Book, states that the rebellion had been long planned. Do you believe that to have been the case?—No, I do not.

7623. You believe that those riots took place without any previous preparation by priests or headmen?—Without any previous preparation on the part of the priests or of any great chief; some few of the minor headmen were implicated, people of no consequence whatever.

7624. Do you know whether any chief priests or headmen were tried before the courts martial, or before the Supreme Court, for being implicated in the rebellion?—Some priests, and some of the minor headmen.

7625. I said “chief priests”?—There are but two chief priests.

7626. Or any of the principal chiefs?—No principal chief, that I recollect, was tried. One principal chief was arrested, but I think he was not tried.

7627. Were those who were tried and found guilty for the most part robbers, and people of no weight or consideration in the country?—I could not undertake to say that they were robbers, but they were people of very little consideration. The people connected with the rebellion were many of them robbers. Some of the worst were killed.

7628. Do you believe there was any necessity for proclaiming martial law in order to put down those riots?—Certainly not.

7629. Then I need hardly ask you whether you think there was any necessity for maintaining martial law for ten weeks after the riots had been put down?—The maintenance of martial law was much more unjustifiable than the proclaiming of martial law, which under the ignorance of the members of the Government of the extent of the danger and real state of the people, might have been excusable; but the maintenance of martial law was, I think, totally unjustifiable.

7630. Will you explain what you mean by the “ignorance of the Government”?—There is a complete curtain drawn in Ceylon between the Government and the governed; no person connected with the Government understands the language; very few of them have the remotest idea of the customs of the natives; they are perfectly ignorant of the people, as ignorant as any gentleman in London could be of the people over whom they rule.

7631. And you think that in the first instance the proclamation of martial law was the result of their ignorance as to the state of the island generally?—A panic proceeding from ignorance of the state of the country.

7632. Will you state in what way you think that the continuance of martial law was more unjustifiable than its first proclamation?—Considering that the Government knew very little of the country over which they rule, it is possible to suppose that in their panic they may have thought there was a serious outbreak; but during the

P. Anstruther,
Esq.

24 July 1849.

the many weeks that martial law existed they had plenty of time to ascertain that the outbreak was very inconsiderable, and that there was no occasion whatever for keeping up martial law. I hold that martial law is only justifiable as a measure of necessity for the salvation of the State, and that when they saw that martial law was not necessary for the salvation of the State, there was no necessity for keeping it up; and I believe that many well-informed people connected with the Government consider that martial law was not required to be kept up.

7633. Are you aware whether martial law was proclaimed or continued with the advice of the Queen's advocate?—I have no information upon which I can rely as to whether the Queen's Advocate advised the proclamation of martial law or not, but I am strongly of opinion that he disapproved of its being kept up so long; I have reason to be of that opinion.

7634. How do you form that opinion?—Partly from certain correspondence between the Queen's Advocate and the Governor which came under my cognizance, and also from the result of general conversation.

7635. And the result of that conversation to which you allude leads you to believe that the Queen's Advocate did not approve of the continuance of martial law?—I think so. The correspondence, I presume, is now in the Colonial Office.

7636. What is the correspondence to which you allude?—When the Blue Book that is now published appeared in Ceylon, the Queen's Advocate, I understand, observed that he was said to have advised the proclamation directing the confiscation of the property of Kandyans who did not return to their homes within a certain number of days. The Queen's Advocate addressed the Governor to explain that he never had given such a recommendation. Some correspondence took place, which correspondence the Governor promised to transmit to the Colonial Office; and I presume that it is now there.

7637. Mr. Hawes.] Do you mean correspondence, stating Mr. Selby's opinion adverse to the proclamation or maintenance of martial law?—No, the correspondence referred to that proclamation directing the confiscation of the property of natives.

7638. Which was separate and distinct from the proclamation of martial law?—Certainly; but in the course of that correspondence there are expressions which show that he disapproved of the maintenance of martial law.

7639. You have seen the correspondence?—I have seen the correspondence; Mr. Selby did not send it to me, but I have seen it.

7640. Mr. Hume.] Can you give the date of it?—I can give the dates of the principal letters; I took a note of them at the time. There was a letter from Mr. Selby to the Governor, dated the 7th of April 1849; there was Lord Torrington's reply, dated the 12th of April 1849; there was a rejoinder from Mr. Selby, dated the 16th of April 1849; and there was a reply, I think, from Lord Torrington, of which I have not the date.

7641. Mr. Hawes.] You refer to that correspondence in confirmation of your opinion that Mr. Selby expressed opinions adverse to the proclamation for the maintenance of martial law?—As to the maintenance.

7642. Not to the proclamation?—I infer nothing from that as to the proclamation.

7643. Sir J. Hogg.] Was that correspondence made public in the island?—No; it was circulated by Mr. Selby to some of his friends (I presume in defence of his own character), and being circulated it came under my cognizance.

7644. I asked the question, because you said Mr. Selby had not shown it to you?—He did not show it me himself.

7645. Chairman.] I will read to you a letter, dated 11th of April, from Lord Torrington to Earl Grey, and I will ask you if it contains an extract from the correspondence to which you have alluded: "Mr. Selby, the Queen's Advocate, has called my attention to an inaccuracy in the terms in which I intimated to your Lordship that this proclamation had been issued with the advice of the Queen's Advocate; the fact being that it had been suggested by Sir H. Maddock. In this Mr. Selby is quite correct, and the expression in my despatch is so far inaccurate, that Mr. Selby did not originate the measure, but the phrase was used by me under the impression that the proclamation in question had met with Mr. Selby's approval as an act of grace and mercy to the misguided natives; and that impression was, as I thought, confirmed by the fact, that neither when discussed in his presence previous to its publication, nor since, till within the last few days, has Mr. Selby, either as Queen's Advocate, or in his capacity of a

P. Anstruther,
Esq.

24 July 1849.

member of the Executive Council, expressed the slightest doubt as to the legality and sound policy of the proclamation in question?"—That is the correspondence alluded to.

7646. *Mr. Hawes.*] The proclamation there alluded to is only the proclamation relating to the confiscation of land?—Yes.

7647. *Chairman.*] There was an answer from Mr. Selby to that letter, was there not?—There was an answer from Mr. Selby in one of the letters, explaining how it happened that the proclamation should have been read in his presence.

7648. Were there any members of the Government of Ceylon who are well acquainted with the island, members of the Executive Council, except Mr. Selby?—I think, but I cannot be certain, that Mr. Wodehouse must have been a member of the Executive Council when martial law was proclaimed; he was occasionally a member of the Executive Council, and I think he must have been so at that time.

7649. It has been stated to this Committee that the Queen's Advocate waited upon Lord Torrington, in Kandy, to ask him to suspend the execution of the priest; can you state what passed in reference to that subject?—I am unable to state what conversation took place; I can state what is known to have been the general result; that the Queen's Advocate waited upon the Governor to recommend the reprieve of this criminal, and was refused; but the precise words that passed I cannot undertake to state.

7650. *Sir J. Hogg.*] From whom did you derive the information. Did Mr. Selby tell you himself?—I would beg permission, in the first place, to put it to the Honourable Committee, whether it is advisable that I should state exactly from whom I heard many things. It must be remembered that I was long in the employ of Government, in strict confidence with all these gentlemen, and that it was impossible for them to avoid saying many things in my presence and to me, which probably they would not have said to any other person, and which they would have considered it a breach of duty to have said to any other person. I think it may be injurious to many public servants.

The Witness was directed to withdraw.

After a short time the Witness was called in.

7651. *Chairman.*] The Committee are of opinion that you should give your authority for any statement you make to the Committee?—The Chief Justice is my authority. I should have declined to answer the question if I had supposed that I should have been called upon to name my authority, but having answered it, my authority is the Chief Justice.

7652. *Mr. Hawes.*] Did the Chief Justice tell you that he had heard it from Mr. Selby?—The Chief Justice stated that he heard it from Mr. Selby, and he stated it as his reason why he did not wait on the Governor himself to urge a similar application.

7653. What did he state, so far as you know from your communications with the Chief Justice?—The Chief Justice expressed his opinion to me that the priest ought not to have been executed; that he went to the pavilion in Kandy, the Governor's residence, with an intention of urging him to postpone, at least, the execution; that when he got to the Pavilion he met the Queen's Advocate coming away; that the Queen's Advocate told him that he had just been waiting on Lord Torrington for the purpose of urging a reprieve; that he had been unsuccessful, and that probably the Chief Justice would not be more successful if he went there; and that for that reason he did not go.

7654. *Mr. Hume.*] He turned back?—He turned back.

7655. *Chairman.*] Did the Chief Justice state to you his belief that there were doubts as to the evidence against the priest?—He did.

7656. *Mr. Hawes.*] Did he state the grounds of those doubts?—He considered the evidence insufficient, and the witnesses not trustworthy.

7657. Was he present?—He was not present; he was tried by court martial.

7658. Did he speak from evidence published in the newspapers?—I have no means of knowing.

7659. *Chairman.*] Are you aware that the court martial was an open court martial?—I presume so, but I have no means of knowing.

7660. Have you any reason to know whether the Chief Justice disapproved of the courts martial?—There is a published correspondence, showing that he considered the number of executions altogether unnecessary.

7661. You

7661. You mean the correspondence in the Blue Book?—Yes; further than that, I should wish to be excused answering.

7662. Sir J. Hogg.] Then the opinion that you now give the Committee is founded entirely upon what appears in the Blue Book with reference to that question?—With reference to that question, I answer no further than upon what appears in the Blue Book.

7663. Mr. Hawes.] The Committee is to understand that you have read the whole of the Blue Book?—I have read it; I have not read it lately; I only had an opportunity of seeing it a few days before I left Ceylon, and I read it in the coach between Colombo and Point de Galle.

7664. You have read the whole of it?—Yes.

7665. Chairman.] From your knowledge of the practice of the Government at Ceylon, ought not the proceedings of the courts martial to have been sent home to this country?—That is not a question of the practice of the Government of Ceylon, but of the rule of the army in general. I believe that the proceedings of all courts martial are required to be sent immediately to the Judge Advocate-general; but in that I may be mistaken.

7666. Mr. Hawes.] Are you speaking now of courts martial under the Mutiny Act, or of courts martial arising from the proclaiming of martial law?—I apprehend there can be no difference.

7667. Chairman.] Are you aware whether the evidence taken on the courts martial was communicated to the Governor of Ceylon?—I cannot answer that question; I presume that it must have been.

7668. Mr. Hawes.] Why do you presume so?—I cannot conceive the possibility of the Governor allowing the subjects whom he is to govern being executed, without knowing why they are executed.

7669. Are the proceedings under courts martial under the Mutiny Act communicated to the Governor?—Certainly, in capital cases; no capital execution can be carried into effect without the Governor's approval.

7670. Do you mean, speaking from your experience of Ceylon, that no capital execution under the sentence of a court martial can be carried into effect without the consent of the Governor?—Yes; I only know of one case, and certainly the Governor was consulted; and I think it is laid down in the instructions, that the Governor must approve of a capital sentence.

7671. Lord Hotham.] Who was Governor at that time?—Sir Robert Horton.

7672. Mr. Hawes.] You speak now of the case of a man who was tried under a court martial under the Mutiny Act?—Yes.

7673. Chairman.] In your opinion, is it the fault of the Government of Ceylon, or of the military authorities of Ceylon, that those proceedings have not been sent home?—In my opinion, both are exceedingly to-blame; the Governor, I think, is inexcusable.

7674. Mr. Hume.] Do you know whether any judge advocate attended and took any minutes of the proceedings?—I do not know the fact; there can be no court martial without something of that sort.

7675. You were never present at any place where a Court martial sat?—Not at these courts martial.

7676. Chairman.] Was martial law ever proclaimed in Ceylon during the period that you were there?—No.

7677. You have referred to the correspondence which took place with the Queen's Advocate, in respect to the proclamation confiscating the property of those who were absent from their homes; in your opinion, has any injustice been committed under that proclamation?—I am not aware to what extent that proclamation was acted upon.

7678. The Committee have been informed that one of the first acts of disturbance that took place at Ceylon, was a meeting called the Borello meeting, where a number of persons were bringing up a petition to the Government. Was it the practice in your time in Ceylon for natives to bring petitions?—Certainly, and often very numerous attended.

7679. Do you consider that it was necessary on that occasion to call out the troops?—I cannot conceive anything more ludicrous than the Governor's conduct throughout the whole of that business.

7680. Mr. Hume.] Were you at Colombo at the time?—No; but I heard the particulars from newspapers, and from conversations with Europeans and with natives.

P. Anstruther,
Esq.

24 July 1849.

7681. Mr. Hawes.] You were not in Colombo at that time?—No.

7682. You know nothing of the extent and nature of the meeting?—Nothing but what I have heard in conversation.

7683. You know nothing of it yourself?—I know nothing of it myself.

7684. *Chairman.*] But you have heard from those who were present the whole statement of the case?—Certainly.

7685. The troops were called out on that occasion?—I understand that the Governor shut the gates of the fort, and went out with troops, and even took cannon out.

7686. Mr. Hawes.] You say that you have read the whole of the Blue Book?—Yes; not very carefully; I had an opportunity of seeing it three days before I left Ceylon.

7687. Have you read the account of the Borello meeting?—Yes.

7688. You do not think there was any foundation for the statements there made?—If you will specify any particular statement to which you refer, I will answer the question.

7689. *Chairman.*] Have you any information to give to the Committee with respect to the riots at Matelle and Kornegalle?—I can say nothing more than my general opinion, from all I have heard, that they were exceedingly unimportant, and might have been put down without the least trouble at first. The fact of only one soldier having been scratched, is evidence of how very inconsiderable the affair was.

7690. Mr. Hume.] Were you in Kandy after the Matelle riots?—Yes, two or three times.

7691. Had you any communication with Mr. Buller and the public servants residing there?—None with Mr. Buller.

7692. Having stated that you were not in Kandy on the day of the riot, do you speak from communications which have been made to you by persons who were present?—It was a matter of general conversation in the island, and almost every person one met discussed the matter. Mr. Buller is a gentleman with whom I was very little acquainted; and probably from motives of delicacy I should not have spoken to him on the subject.

7693. *Chairman.*] Do you know anything of the Pretender, who was tried at Kandy?—I have not seen him, but I understand that he is a person whom I brought to trial about three years before for either sedition or treason. I think I preferred trying him for sedition, with a view of avoiding the capital charge; he was then acquitted.

7694. Where did you try him?—At Badulla.

7695. Had he at that time assumed also the title of king?—He was a person who gained his subsistence by imposing on the credulity of the natives in distant parts of the country. He seemed to have been going about collecting subscriptions as charity, under the pretence that he was some royal person, and so subsisting.

7696. Do you believe him to have been any connexion of the royal family?—Certainly not; he was a low-country man.

7697. On that occasion you had him treated as a vagrant?—As far as I recollect, (I cannot speak positively, it is a long time ago,) I brought him to trial for sedition rather than treason, considering it too inconsiderable a case. He was acquitted.

7698. Was that before the Civil Court?—Yes.

7699. Your information went to the point that he had been in the habit of going about under those pretences?—Yes.

7700. Do you know whether the Governor consulted Sir Herbert Maddock in all these proceedings?—I cannot say positively, not having been present; but I believe he did to a great extent, and it is also to be gathered from the Blue Book, I think, that he did so.

7701. Mr. Hume.] Have you had any communication with Sir H. Maddock?—I had no communication with Sir H. Maddock on this subject.

7702. *Chairman.*] It has been stated before this Committee, that a number of people were in insurrection in the neighbourhood of Kandy, to the amount of 60,000, of whom 20,000 were supposed to be armed. Have you any opinion to give with respect to that statement?—I consider it a most ridiculous exaggeration.

7703. Upon what ground do you suppose that it was an exaggeration?—From what

what I have heard and from my knowledge of the extreme difficulty of getting 60,000 people together in those thinly populated districts.

7704. *Mr. Hawes.*] Then if it were stated on the authority of Mr. Buller, the Government agent, you are still of opinion that it was a ridiculous statement?—Yes; that would not alter my opinion.

7705. *Chairman.*] Do the people generally carry arms in Kandy?—They do not carry arms when they are going about their ordinary business; they occasionally carry arms when they are travelling some distance, as protection against wild beasts.

7706. Have they generally arms in their houses?—A very great quantity of arms.

7707. Then to what do you attribute the fact, that none of the troops of Her Majesty were wounded in these affairs, if the people were so generally armed?—The matter was so inconsiderable; there was so little idea of any military organization or hostile attempt to the government.

7708. *Sir J. Hogg.*] Were you in Kandy at the time of the disturbances during the administration of Sir Robert Brownrigg?—No, I went to Ceylon in 1820.

7709. From your official information, are you able to state, or do you recollect, whether any of the Queen's troops were wounded or killed during those disturbances?—A great number.

7710. How many?—It was a most serious and dangerous war. The British Government was as nearly beat as it was possible.

7711. It was a very serious insurrection?—Very serious indeed.

7712. And the natives then proved very formidable?—Very formidable indeed; or rather, their country was very formidable; they were not individually so formidable as their country. The country is a most mountainous and difficult country for troops to pass.

7713. *Mr. Hume.*] At that time there were no roads?—There were no roads.

7714. *Chairman.*] Are you of opinion that these riots were mainly owing to the report of the numerous taxes that were to be imposed?—I think, unquestionably, the taxes led to the riots in this way: in all former instances the discontent was on the part of the chiefs and the priests; the lower classes have always been favourable to the British Government, but these taxes, for the first time, have rendered the lower classes discontented, and I think that troublesome people, robbers principally, took advantage of this general discontent of the lower classes to get up a row, principally for the sake of plunder.

7715. Do you conceive that the gun tax imposed great hardships on the people?—I do not think that the gun tax itself imposed such great hardships, but the mode in which it was to be levied imposed far greater hardships, far greater than the mere sum to be paid to the Government. People were required to come some days' journey with their guns; they had to wait day after day before they could get them registered; they had to pay a fee to get an application written by some clerk, and all that was excessively annoying; I think the tax was one that never could have been levied, and I will state the reasons. In the early part of my service in Ceylon, as far back as 1822, the Government at that time exerted itself to the utmost to deprive the people of their guns. I had a great deal to do in disarming the inhabitants, and I never succeeded in taking from them a gun that was worth 6*d.*; they always succeeded in concealing those that were of any service, and gave up only those which were worthless.

7716. *Sir J. Hogg.*] Retaining secreted the guns which were really effective and of value?—Yes.

7717. *Chairman.*] With respect to the Road Ordinance, do you conceive that to have been any hardship on the people?—I conceive it to be a very excellent tax, and a very useful one; and I hope it will be carried out.

7718. Had that ordinance created great dissatisfaction amongst the people?—Such a number of taxes being imposed all at once, it is difficult to separate the dissatisfaction caused by one tax and another. I think the road tax itself the only sensible tax which was imposed; and if the taxation had been confined to that, there would have been no difficulty about it. It is an excellent ordinance, if it is fairly carried out.

7719. Do you believe that there would have been great difficulty in carrying it out?—I do not believe that anybody can carry it out except Mr. Wodehouse; I do not believe the other members of the government know how to do it.

P. Anstruther,
Esq.

24 July 1849.

7720. You mean from not having had sufficient experience in the country?—Yes. The ordinance, I believe, was entirely prepared by Mr. Wodehouse, and I believe him to be the only man who understands how to carry it into effect. It has been greatly delayed.

7721. Were those taxes imposed, in your opinion, in consequence of the great deficiency in the revenue of Ceylon?—They were imposed because the expenditure exceeded the revenue. It was not from a deficiency of revenue, but from an excess of expenditure.

7722. Do you mean that the revenue had not fallen short to any great extent, but that the expenditure had increased?—The expenditure had increased enormously. The revenue of 1848 exceeded by nearly 40,000*l.* the largest sum that I ever expended.

7723. What was that amount?—The revenue of 1848 was 414,765*l.*, and the expenditure in that year was 431,325*l.* My expenditure for the year 1844, was 374,000*l.*

7724. Mr. Hawes.] That is not the previous year?—I had nothing to do with 1845, 1846, 1847, or 1848. I wish to say, that if the government had been carried on as economically as it was before I left the country, they would have had a surplus every year.

7725. Chairman.] Will you state the excess of revenue over the expenditure during the three last years that you were in Ceylon; stating the revenue and expenditure of each year?—The three last years that I was in Ceylon were 1842, 1843, and 1844. In 1842 the revenue was 322,000*l.*, the expenditure 327,000*l.* In 1843 the revenue was 383,000*l.*, the expenditure 325,000*l.*, giving a surplus of 57,000*l.* In 1844 the revenue was 444,000*l.*, the expenditure 374,000*l.*, giving a surplus of 69,000*l.*

7726. Can you state what is the aggregate surplus of those three years?—The aggregate surplus of 1842, 1843, and 1844, was 122,671*l.*

7727. That makes a surplus of revenue over expenditure during those three years?—Yes.

7728. Will you state what was the excess of expenditure over the revenue during the three years 1845, 1846, and 1847?—In 1845 the revenue was 454,000*l.*; in 1846, it was 416,000*l.*; in 1847, it was 440,000*l.*

7729. There is an aggregate excess of expenditure over revenue of how much?—There is an aggregate excess of expenditure over revenue for those years of 254,255*l.*

7730. Have you been accused of having added to the expenditure of the Government yearly payments to the amount of 50,000*l.*?—I have seen it stated several times, and I think in published despatches, that an addition of 50,000*l.* was made to the fixed expenditure in 1845. Of course that must have been in consequence of recommendations made in 1844; and those statements were clearly made with a view of throwing the odium of the present financial condition of the colony upon the government with which I was connected.

7731. Have you any explanations to offer upon that subject?—I have no access to official documents, and therefore I cannot say to what extent that was really the case. I know that Sir Colin Campbell, in many instances upon my advice, recommended additions to salaries; but in the absence of official documents, I am prepared to deny that I am responsible for anything like such an addition; and I believe that if the official documents were examined, it would be found that the 50,000*l.* a year added to the fixed establishment was, in a great measure, a mere technical transfer from the head of unfixed establishment to the head of fixed establishment. The same amount of money was previously paid under what is called the unfixed establishment, and merely transferred to the fixed, authorized by the Secretary of State.

7732. To what do you attribute this great increase of expenditure in Ceylon?—I can attribute it to nothing except very great want of economy.

7733. Do you mean extravagance on the part of the Government?—Certainly; and I will give instances to show it; my largest expenditure in any one of the last five years before I left the colony, was 374,000*l.*: now, listen to the gradual increases, and I will subsequently explain how very unjustifiable those increases were, if the revenue be looked at. In 1845 the expenditure rose to 448,000*l.*; in 1846, it rose to 498,000*l.*; in 1847, it rose to 518,000*l.* In fact they spent, during the three years after I left Ceylon, as nearly as possible half a million of money more than I did during the three last years before I left Ceylon. Therefore,
I think

387

P. Anstruther,
Esq.

24 July 1849.

I think I am justified in saying, unless they show that something was done for it, which I deny, that there was gross extravagance.

7734. Mr. Hume.] Do you know in what items the increase of expenditure principally consisted?—I have no access to official documents; I believe it to have been principally money wasted on roads and public buildings, which might have been done for a smaller sum.

7735. Are not the accounts of the revenue published in Ceylon every year?—They are; but it would be difficult to extract from them how it was expended; neither have I had them in sufficient number, or sufficiently complete, to attempt to analyze them.

7736-42. Where did you take those annual accounts from?—From the "Ceylon Calendar," published by the Government.

7743. Mr. Hume.] Do you mean to say that from 1841 the Legislative Council began to vote?—I cannot recollect the precise year.

7744. Do you mean that the Legislative Council voted these amounts forming the aggregate for the public expenditure?—No the Legislative Council were only allowed to vote contingent expenditure not fixed by the Secretary of State.

7745. Who voted the other?—The Secretary of State fixed it.

7746. At home?—At home.

7747. And the Governor there was merely the organ of the Secretary of State?—Yes.

7748. At that time were there any public reports of what took place in the Legislative Assembly?—Yes, for a considerable time a short-hand writer was paid by Government to take down and publish all that took place.

7749. As long as you were secretary was that the case?—No, the Home Government disapproved of it, for pretty obvious reasons.

7750. What reasons?—I presume that such a publication by a Government short-hand writer was a sort of official publication of transactions, which might give rise to difficult questions.

7751. Will you explain what were the items that formed the fixed expenditure as contradistinguished to the contingent?—The fixed expenditure consisted of salaries approved of and sanctioned by the Secretary of State. The unfixed expenditure consisted of expenditure by the Governor on his own responsibility, or expenditure on estimates.

7752. If an amount has been fixed by the Secretary of State for a public building, that would have been considered as fixed?—No, that would have been a contingent expense.

7753. Then has the increase that has taken place during the years 1845, 1846, and 1847, been in the fixed expenditure, or the contingent expenditure principally?—I have no access to official documents to show it, but it must have been principally in the contingent expenditure.

7754. Chairman.] Are you aware whether it was the practice, during the time you were in Ceylon, for the Governor or the secretary to charge their travelling expenses to the Colony?—I never received a farthing for travelling expenses; neither did any Governor while I was there. Other officers were allowed travelling expenses; I never asked or received a farthing from the time I first entered the civil service.

7755. Mr. Hume.] Did you travel much about?—A good deal; I frequently travelled as colonial secretary.

7756. To Kandy?—Frequently. I have also gone round the island, as Sir E. Tennent has done since.

7757. Chairman.] Sir E. Tennent has always had his travelling expenses paid, has he not?—I understand that he has a fixed travelling charge, which he takes whenever he travels, even if he is going in a Government vessel.

7758. Does the Governor also charge his travelling expenses?—It is stated, and I believe correctly, that the Governor is now allowed travelling expenses. Sir Robert Horton asked for it, and the reply was, that his salary was quite sufficient to cover everything.

7759. Has not the Governor also a private secretary, who is paid 500*l.* a year?—Yes.

7760. Has that been the case with any previous Governor?—It was abolished during Sir Robert Horton's administration; it was first abolished during Sir Edward Barnes' administration, many years ago; Sir Colin Campbell, the last Governor, had no private secretary; Mr. Stewart Mackenzie, his predecessor,

P. Anstruther,
Esq.

24 July 1849.

had no private secretary; a private secretary was allowed when Lord Torrington was appointed.

7761. Has not a good deal of the business of late been carried on through that private secretary, instead of going through the colonial secretary?—Such is understood to be the case, and I can conceive no more mischievous appointment than that of a private secretary.

7762. Mr. *Hume*.] How do you mean, “mischievous”?—It leads to rivalry between the private secretary and the colonial secretary. Unless the Governor is a very firm man, of course the private secretary comes in collision with the colonial secretary; the colonial secretary is the responsible man; the private secretary is an irresponsible adviser.

7763. Do you conceive any such individual as a private secretary to be injurious to the peace and conduct of the Government?—Certainly, unless you abolish the colonial secretary.

7764. Sir *J. Hogg*.] Do you know the fact that the Governor does transact through his private secretary the business which ought to be transacted in the ordinary course through the colonial secretary?—It is difficult for a mere looker-on to state that; I cannot say positively, but it is generally understood that the private secretary is the Governor's principal adviser.

7765. You mean “adviser”; for I presume it is not possible to address official documents to the private secretary?—I will decline answering that question, if I am asked to name my authorities.

7766. You would rather not answer the question as to whether official documents are or are not transmitted through the private secretary?—Yes, because the next question would be who told me.

7767. Major *Blackall*.] You do not know anything of it of your own knowledge?—No.

7768. *Chairman*.] Were you examined before the finance committee which is now sitting in Ceylon?—Yes.

7769. Mr. *Hume*.] Will you state what finance committee you allude to?—There are published despatches of the Secretary of State, directing the Government of Ceylon to revise the whole of their expenditure, with a view to reduction. In consequence of that instruction of the Secretary of State, the Governor appointed a finance committee, consisting of Sir Emerson Tennent, the colonial secretary; with Mr. Macarthy, the auditor general; and Mr. Templer, the treasurer; with Mr. Bernard, the Governor's private Secretary, as their secretary, to be a finance committee, to investigate the general finances of the colonies, and to report what reductions they considered to be advisable. Those gentlemen asked me to attend, and I did so.

7770. When was that committee appointed?—I am not aware when that committee was appointed; I was summoned by a letter from Sir Emerson Tennent, and I attended I think in November or December at Colombo.

7771. You do not know whether they have as yet made any report?—I am unable to say.

7772. *Chairman*.] Did you recommend any large reductions to them?—Yes, a great many very large reductions.

7773. Mr. *Hume*.] State what they were?—Unless you give me the “Ceylon Calendar,” which I took as my text, I cannot state them precisely; but as far as my memory serves, I will endeavour to do so. I began with the Governor; and I said that I thought his salary was twice too large at least.

7774. Mr. *Wilson*.] Is it larger than it was in your time?—No.

7775. Lord *Hotham*.] The salary is now 7,000*l.* a year?—£. 7,000 a year, with other allowances.

7776. *Chairman*.] He has perquisites besides his salary?—He is allowed oil for the Government house, and he is allowed, I think, 200*l.* a year for keeping up gardens, and travelling expenses, and little things of that sort.

7777. Mr. *Hume*.] Are you able to form an idea of the aggregate amount, exclusive of the salary; are any of his servants paid?—None of his servants are paid. Messengers attending at the Government House are paid; they are not his servants; they are official messengers, and not more than he requires. I then went on to state, that I saw no reason why there should be a highly paid Governor, and so highly paid a colonial secretary as Sir Emerson Tennent; and that I thought that if the Government chose to have a gentleman of such pretensions and such standing as colonial secretary, he was as competent a man to conduct the

the government as the Governor himself, and that I did not see the use of two highly paid officials where economy was required. *P. Anstruther, Esq.*

7778. *Chairman.*] Has Sir Emerson Tennent a higher salary than you had when you were there?—Yes; Sir Emerson Tennent has 2,800*l.* a year; I had 2,000*l.* a year.

24 July 1849.

7779. *Mr. Hume.*] Had you 2,000*l.* a year all the time you were colonial secretary?—I had latterly some fees on grants of land.

7780. What amount did that give in a year?—I cannot pledge myself positively; I think the utmost amount I ever received in one year was 230*l.*

7781. That would make the greatest amount you ever received, 2,230*l.*?—Yes.

7782. And now Sir Emerson Tennent has how much?—£2,800. a year; he has 2,500*l.* a year, and I think a compensation of 300*l.* a year for the loss of those fees; the fees now go to the Crown.

7783. What amount is he allowed for travelling expenses?—I am not certain; I think 2*l.* 5*s.* a day; I will not pledge myself to the exact sum.

7784. But he is allowed what you never were allowed when you were secretary?—I cannot say that I never was allowed it; I never asked for it.

7785. What other reductions did you recommend?—I had not an opportunity of giving the opinion I have now given as to the private secretary; I intended to have given my opinion strongly against it, but was prevented, as the committee went on to the colonial secretary's office. I stated there, as I have now stated, that I did not see the use of two such highly-paid officials; I stated that an auditor-general and treasurer were unnecessary at such highly-paid salaries.

7786. How would you have their duties performed?—I think a great deal of the treasurer's business might be done by the banks; and that the auditor-general's business, considering the rapid communication with England, and that all the accounts are audited finally at Somerset House, would have been better done by an assistant in the colonial secretary's office, at a much lower salary.

7787. *Mr. Hawes.*] That office was in existence when you were colonial secretary, was it not?—Certainly.

7788. At the same rate of salary?—The auditor originally was paid 2,000*l.* a year; I think it was afterwards reduced to 1,500*l.* It has since recently been increased to 1,750*l.*

7789. Recently increased, when?—About the time of Mr. Macarthy's appointment, I think, or since.

7790. *Mr. Hume.*] Is it now 1,700*l.*?—£1,750. it is stated in the "Calendar."

7791. *Mr. Hawes.*] Do you know the date of the increase?—I cannot say. The previous auditor, or one of the previous auditors, had 1,750*l.*; but 1,500*l.* a year was his salary, 250*l.* a year being compensation for the reduction of a higher office.

7792. *Mr. Hume.*] Were the accounts audited in England when you were secretary?—Always; I never saw any good done by an auditor in Ceylon at any time. I have always expressed my opinion that the audit of accounts in Ceylon was inefficient; therefore I concurred with Sir Colin Campbell in advising that a qualified auditor should be sent from England.

7793. How long has the bank been established to which you have alluded?—There are two banks, the Oriental Bank and the Bank of Ceylon; they were established, I think, about 1840.

7794. Do the Government keep any cash account with them?—No.

7795. It is all done in the Treasury?—It is all kept in the Treasury.

7796. You think that all the payments required might be done in the bank?—I think a great deal might be done in the bank; and if you deal with the bank very much there is little occasion for paying the treasurer so very high a salary. You pay him I presume for his responsibility; if you take away his responsibility, the mere duties of the treasurer are comparatively inconsiderable. The duties of an auditor might be very easily performed by an assistant in the Colonial Office.

7797. What other alterations did you recommend?—I recommended a considerable number of military reductions; I recommended also a considerable reduction of ecclesiastical establishments, and an alteration in the system of the Supreme Court.

7798. All that will appear in your evidence?—If it is sent home, it will.

7799. Is it your opinion that the inhabitants of Ceylon are lightly taxed?—That is a very difficult question; you must tax them lightly or heavily so as to get

P. Anstruther, Esq.

24 July 1849.

sufficient funds to carry on the government; but the present taxes are more than sufficient.

7800. Can you state what aggregate amount you consider may be reduced from the aggregate amount of 1848?—The aggregate of 1848 was 431,000*l.*; my expenditure was 374,000*l.*, 325,000*l.*, and 327,000*l.*; that was paying the Governor and other salaries, of course, at the established rate, which I have said may be reduced.

7801. It makes a difference of than more 100,000*l.*?—Yes. Three years after I left they spent 500,000*l.* more than I spent the three years before I went away.

7802. Besides economy, are you prepared to recommend any alterations in the government of the island, either in the Council, or in any other way?—That is an exceedingly difficult question; it involves a consideration of the whole system of colonial administration. I consider that the whole system of colonial administration might be revised with great advantage.

7803. In what way?—I would make the Government altogether more practical, and I would only pay efficient men for efficient duty; for instance I think there is no object in having a highly-paid Governor to represent Majesty.

7804. *Mr. Villiers.*] Are you speaking now of the colonies generally, or of Ceylon in particular?—Of Ceylon in particular. I think that the consequence of such an appointment is, that almost invariably an inefficient man is sent out as Governor, because he is a man of influence, and that he is a sleeping partner.

7805. *Mr. Hume.*] You mean because the salary is very large?—Yes. If you reduce the salary very greatly, it will be much less in demand, and you are more likely to be compelled to select an efficient man.

7806. You say that you would make the government more practical. In what way?—Whatever the Council may be, I would give the Council a much greater share in the administration. The Council of Ceylon now has practically no efficient share.

7807. Do you mean the Executive Council?—Yes. The Governor submits to them such questions as he thinks of such importance as to require the advice of the Executive Council; therefore he is the sole judge of what should be brought before them.

7808. You would give to the members of that Council, whoever they might be, a voice and power of deciding, and of introducing measures respecting the government?—To a much greater extent than they do now. I think they ought to be consulted in all matters, except mere details; and I think that the Secretary of State ought to know what is their opinion; for instance, I think that some of the members of the Council at least ought to sign all despatches.

7809. Is it your opinion that all public communications between the Home Government and the colonial Governor should be laid before the Council?—I think so certainly. I have frequently been the organ of sending home despatches which I disapproved of very much.

7810. You think they ought to be cognizant of everything?—They ought not only to be cognizant, but the Secretary of State ought to know what the opinions of the Governor's advisers are, and that would be best done by making some of them sign despatches.

7811. Then up to this present time, any member who may dissent from the opinion of the Governor and the majority, does not make any protest, so as to place on record his opinion?—Very rarely. I do not recollect any instance of a protest being sent home.

7812. *Sir J. Hogg.*] Have not the members of the Executive Council the power, if they like, to record minutes expressing their opinion, if they dissent from the Governor; and is it not a duty of the Governor to send those minutes home to the Secretary of State?—If the Governor thinks fit to consult them, he is bound to send home any protest immediately and the minutes every six months; but it is optional with the Governor to consult them in anything or nothing.

7813. Where the Governor does consult the Executive Council on any subject, and they differ in opinion from him, is it not competent to them to record their opinion in a minute?—Perfectly.

7814. And in that case, would it not be imperative on the Governor of the colony to send it over to the Colonial Secretary?—Certainly.

7815. You mean that the Governor, in point of fact, does not consult the Executive Council?—Very little.

Jovis, 26^o die Julii, 1849.

MEMBERS PRESENT.

Mr. Hawes.
Major Blackall.
Sir James Hogg.
Sir Joshua Walmsley.
Mr. M^cCullagh.

Lord Hotham.
Mr. Disraeli.
Mr. Hume.
Mr. Wilson.
Mr. Villiers.

HENRY JAMES BAILLIE, Esq., IN THE CHAIR.

Phillip Anstruther, Esq. called in; and further Examined.

P. Anstruther, Esq.

7816. *Chairman.*] IS there any portion of your evidence which you gave on Tuesday last which you wish to correct?—There is; I wish to give an explanation of the answers which I gave to No. 7737, and some of the subsequent questions.

26 July 1849.

7817. *Mr. Hawes.*] Will you read question 7737?—"Was there ever a balance sheet published while you were Colonial Secretary?" My answer was, "Always." I understood the Honourable Gentleman to ask entirely with reference to the annual statement of the revenue and expenditure. There was always, at least since the time that the Legislative Council began its functions, an annual statement of the revenue and expenditure published, as well as the assets of the day, showing a surplus or deficit, as it might be, at the end of the year. That is totally different from what I see stated here, namely, a balance sheet, which would be a statement of the money in the treasury, and not only that, but of the assets and liabilities. In the large sense in which it appears here it would include the whole debt of every description, not only the paper money, but the Dutch debt; and on the other hand, the funds in the Orphan Chamber, and many other things of that sort, which were never called for from Ceylon, and I do not believe were ever obtained from any colony.

LIST OF APPENDIX.

Appendix, No. 1.

Copies of the two Papers respecting the Buddhist Priests referred to in page 141 of Ceylon Papers, para. 5	p. 359
Despatch from Viscount Torrington to the Right Hon. Earl Grey; dated 14 December 1847 (with Enclosures)	p. 360
Ordinance No. 10, 1847: To make Provision for the more convenient and speedy Trial of Cases in which the Crown is interested	p. 360
Despatch from the Right Hon. Earl Grey to Viscount Torrington; dated 26 March 1848,	p. 371
Despatch from Viscount Torrington to the Right Hon. Earl Grey; dated 8 March 1848 (with two Enclosures)	p. 372
Despatch from the Right Hon. Earl Grey to Viscount Torrington; dated 18 May 1848	p. 378
Despatch from Viscount Torrington to the Right Hon. Earl Grey; dated 9 June 1847 (with two Enclosures)	p. 380
Despatch from the Right Hon. Earl Grey to Viscount Torrington; dated 18 September 1847	p. 381
Letter from E. Ackland, Esq., to the Right Hon. Lord Glenelg; dated 18 July 1837	p. 381
Despatch from Governor Mackenzie to the Right Hon. Lord Glenelg; dated 12 June 1838	p. 384
Despatch from the Right Hon. Lord Glenelg to Governor Mackenzie; dated 30 October 1838,	p. 385
Despatch from Governor Mackenzie to the Right Hon. Lord John Russell; dated 8 June 1840 (with Enclosure)	p. 385
Instructions issued by the Right Hon. Earl Grey, to prevent any Captured Africans being sent to British Guiana, not already laid before the Committee	p. 385

Appendix, No. 2.

Copies or Extracts of the Correspondence between the Colonial Office and the Government of Ceylon, relating to the late Insurrection; with an Appendix	p. 386
Petition from Merchants, Planters, Traders, and other Inhabitants of Ceylon, to the House of Commons	p. 410
Despatch from Viscount Torrington to the Right Hon. Earl Grey; dated 16 October 1848 (with an Enclosure)	p. 411

Appendix, No. 3.

Despatch from Viscount Torrington to the Right Hon. Earl Grey; dated 9 February 1849 (with Enclosures)	p. 414
--	--------

Appendix, No. 4.

Power of the Governor of Ceylon to proclaim Martial Law, with or without the Sanction of the Council	p. 427
Power and Authority by which the Commanding Officer (Colonel Drought) of the Forces in Kandy issued his Proclamation to Sequester and Confiscate the Property of the Inhabitants	p. 427
Dr. Elliott's Letter to the Governor of Ceylon, in answer to, and explanatory of, the Governor's Letter of 27 July to Mr. Elliott (28 July 1848)	p. 427
Government Notice in the Singhalese Language, prohibiting Persons from Assembling to Petition (28 July 1848)	p. 427
Colonel Drought's Proclamation to Confiscate all Lands, Houses, and Property of certain Inhabitants of Ceylon (8 August 1848)	p. 427
Copy of Proclamation of 31 July, proclaiming Martial Law	p. 427
Copy of the Revenue and Expenditure of the Island of Ceylon, in the year 1847, specifying the Sources of Revenue, and the Amount of each Tax	p. 428
Statement of the several old Taxes repealed in whole or in part, after the arrival of Lord Torrington, and the expected Loss of Revenue of such Repeal or Modification	p. 428
List of the several new Taxes imposed since the arrival of Lord Torrington, stating the Date on which each Tax was passed, and Estimate of the Amount of Revenue expected from the same, stating also the Date of subsequent Repeal or Modification of any of these new Taxes,	p. 429
Copies of any Remonstrances, Memorials, or Petitions from the European or Native Inhabitants of Ceylon, against the new taxes imposed by Lord Torrington's Government, and of any Answers to the same by the Ceylon Government, and not already laid before Parliament	p. 429

Copy of the Government Circular of the 8th August, announcing that Courts Martial were then being held at Kandy and Kornegalle	p. 433
List of the Names, Stations, Addresses, or Places of Residence of all Persons whose Property has been sequestered or confiscated, and distinguishing how many or how much of the same has been sold, stating the Nature and Value of that Property, and distinguishing all Persons whose Property was sequestered before Trial and after Trial, and whether found Guilty, and by what Tribunal tried; stating also the Names of those Persons whose Property has been seized, and the Proprietors not brought to Trial	p. 433
List of the Number of Persons Killed in the different Conflicts, and also the Number Wounded at place, and the Dates of such Conflicts	p. 433
List of all Persons taken Prisoners since the 6th of July 1848, stating whether Tried or not, and by what Tribunal: the Result of such Trial, and whether the Sentences have been carried into effect	p. 433
Copy of the Instructions given to Sir Emerson Tennent, when he visited Kandy, and on his subsequent tour to Galee and other parts of the Island, to explain the Nature of the new Taxes, and the object of the Government in enacting them	p. 433
Copy of the Proceedings in the Council on the several stages, whilst the Indemnity Ordinance was in progress and passed	p. 434
Copy of the Circular of the 16th November, announcing the Intention of the Government to modify	p. 434
Copy of the Commission to Lord Torrington as Governor, &c. of Ceylon	p. 434
Copy of the Public and Private Instructions given to Lord Torrington as Governor of Ceylon,	p. 435

Appendix, No. 5.

Returns ordered by the Committee on 27 March 1849	p. 442
Returns ordered by the Committee on 3 April 1849	p. 442

Appendix, No. 6.

Despatch from Viscount Torrington to the Right Honourable Earl Grey, dated 10 January 1849	p. 443
Ordinance enacted by the Governor of Ceylon, with the Advice and Consent of the Legislative Council, to regulate the Felling and Removal of Timber grown on the Crown Lands	p. 444
Despatch from the Right Honourable Earl Grey to Viscount Torrington, dated 23 March 1849	p. 448
Despatch from Viscount Torrington to the Right Honourable Earl Grey, dated 2 March 1849	p. 448
Table (A.)—Abstract of the Revenue and Expenditure of the Colony of Ceylon for the year 1848	p. 449
Table (B.)—Comparative Statement of the Estimated and Actual Revenue and Expenditure of the year 1848	p. 451
Despatch from the Right Honourable Earl Grey to Viscount Torrington, dated 1 May 1849	p. 453
Despatch from Viscount Torrington to the Right Honourable Earl Grey, dated 11 April 1849	p. 453
Despatch from Viscount Torrington to the Right Honourable Earl Grey, dated 13 April 1849 (with seven Enclosures)	p. 453
Despatch from Viscount Torrington to the Right Honourable Earl Grey, dated 13 April 1849 (with two Enclosures)	p. 458
Despatch from Viscount Torrington to the Right Honourable Earl Grey; dated 14 April 1849 (with two Enclosures)	p. 459
Despatch from the Right Honourable Earl Grey to Viscount Torrington; dated 29 May 1849	p. 461
Despatch from Viscount Torrington to the Right Honourable Earl Grey; dated 17 April 1849 (with one Enclosure)	p. 461
Despatch from Viscount Torrington to the Right Honourable Earl Grey; dated 17 April 1849 (with one Enclosure)	p. 462
Despatch from the Right Honourable Earl Grey to Viscount Torrington; dated 7 June 1849	p. 464

Appendix, No. 7.

Letter from Lieutenant-general Lord Fitzroy Somerset, G. C. B. to B. Hawes, Esq. M. P.; dated 9 October 1848	p. 464
Letter from Major-general Smelt to Lieutenant-general Lord Fitzroy Somerset, G. C. B.; dated 15 August 1848 (with Enclosures)	p. 464
Letter from the Right Honourable Earl Grey to Field Marshal His Grace the Duke of Wellington, K. G.; dated 24 October 1848	p. 468

Appendix, No. 8.

Capitulation of Demerara and Essequibo, 18-19th September 1803	- - -	p. 469
Supplementary Charter of Justice, Ceylon, 1843	- - -	p. 471
Supplementary Charter of Justice, Ceylon, 1844	- - -	p. 472

Appendix, No. 9.

Petition of T. Y. M'Christie, Esq. Agent of the Committee of the Inhabitants of Colombo ; dated 7 March 1848	- - -	p. 473
Petition of Merchants, Planters, Landowners, Traders, Householders, and others, of Colombo : dated 15 June 1848	- - -	p. 474

Appendix, No. 10.

Copy of Advertisement respecting the Removal of the Verandahs of the Houses of Colombo contained in the "Ceylon Government Gazette" of 21 February 1846	- - -	p. 477
Copy of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 18 April 1846	- - -	p. 478
Copy of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 1 August 1846	- - -	p. 478
Copy of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 31 October 1846	- - -	p. 479
Despatch from Governor Campbell to the Right Honourable Earl Grey; dated 14 November 1846 (with Enclosures)	- - -	p. 479
Letter from the Committee of Inhabitants of Colombo to the Right Honourable Earl Grey, dated 13 November 1846, authorising Mr. M'Christie to wait on his Lordship as their Agent on the subject of the Verandahs	- - -	p. 494
Letter from T. Y. M'Christie, Esq. to the Right Honourable Earl Grey; dated 27 March 1847	- - -	p. 495
Despatch from the Right Honourable Earl Grey to Viscount Torrington; dated 23 April 1847	- - -	p. 499
Despatch from Viscount Torrington to the Right Honourable Earl Grey; dated 10 July 1847 (with three Enclosures)	- - -	p. 500
Memorial from a Deputation of the Inhabitants of Colombo; dated 7 July 1847; and copies of Documents referred to in that Memorial	- - -	p. 501
Letter from T. Y. M'Christie, Esq. to the Right Honourable Earl Grey; dated 31 August 1847	- - -	p. 514
Despatch from B. Hawes, Esq., M.P., to T. Y. M'Christie, Esq.; dated 23 October 1847	- - -	p. 515
Despatch from Viscount Torrington to the Right Honourable Earl Grey; dated 28 June 1847 (with Enclosures)	- - -	p. 516

Appendix, No. 11.

Memorandum with reference to the Past and Present Social Condition of the entire Population of Ceylon; by Major Skinner	- - -	p. 524
---	-------	--------

Appendix, No. 12.

Papers delivered in by T. Y. M'Christie, Esq., 20 July 1849	- - -	p. 533
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Appendix, No. 13.

Correspondence respecting Sir Emerson Tennent's Fees as Colonial Secretary	- - -	p. 540
--	-------	--------

Appendix, No. 14.

Copy of Mr. Selby's Letters of 7th and 16th April, and Lord Torrington's Answer	- - -	p. 542
---	-------	--------

395

APPENDIX.

Appendix, No. 1.

Appendix, No. 1.

SCHEDULE.

	SUBJECT.	PAGE.
1.	Copies of the two Papers respecting the Buddhist Priests referred to in page 141 of Ceylon Papers, para. 5.	359
2.	1847: 14 December (No. 176.) - Lord Torrington: Ordinance No. 10, 1847: To make provision for the more convenient and speedy Trial of Cases in which the Crown is interested; with Correspondence with Judges, &c.	360
	1848: 26 March (No. 193.) - Earl Grey: In reply to the above, disallowing the Ordinance	371
3.	8 March (No. 53.) - Lord Torrington: Mr. Ackland's Letters of 11th and 24th February, enclosed	372
	18 May* (No. 216.) - Earl Grey: In reply to the above: Constitution of the Legislative Council	378
4.	1847: 9 June (No. 23.) - Lord Torrington: Mr. Ackland's Appointment to the Council, referring to	380
	18 September (No. 87.) - Earl Grey: In reply: approving of Mr. Ackland's Appointment	381
5.	1837: 18 July - Mr. Ackland's Letter, in 1837, to Lord Glenelg, requesting his Lordship to instruct Mr. Stewart Mackenzie as Governor	381
	1838: 12 June (No. 88.) - Governor Mackenzie: Messrs. Ackland and Casie Chitty nominated to the Legislative Council	384
	30 October (No. 133.) - Lord Glenelg: Confirming the Appointments of those Gentlemen	385
	1840: 8 June (No. 92.) - Governor Mackenzie: Vacancy in the Council; Mr. Ackland's Retirement, &c.	385
6.	Instructions issued by Earl Grey to prevent any captured Africans being sent to British Guiana.—Presented to Guiana Committee, 24 April 1849	385

* Mem.—There does not appear to have been any Letter from Earl Grey, dated 3 May, as referred to in the requisition of the Select Committee.

Colonial Office, Downing-street,
4 May 1849.

B. HAWES.

— No. 1. —

COPIES of the two Papers respecting the Buddhist Priests, referred to in page 141 of Ceylon Papers, para. 5.

The Papers in question appear to be Enclosures Nos. 4 and 5 in No. 18, printed at pp. 143-4 of the Papers relating to Ceylon.

396

Appendix, No. 1.

— No. 2. —

(No. 176.)

Queen's House, Colombo, 14 December 1847.
(Received 31 January 1848.)

My Lord,

I HAVE the honour herewith to transmit to your Lordship an Ordinance which has been passed by the Legislative Council, "To make provision for the more convenient and speedy trial of cases in which the Crown is interested."

No. 10 of 1847.

1.

A protest against the Ordinance having been entered on the minutes of the Council by some of its members, copy of which is annexed, I deemed it advisable, previously to its transmission to your Lordship, to call upon the judges of the Supreme Court for such observations as they might wish to make on any of its provisions; and from their Lordships I received the letter of which a copy is also annexed.

2.

The views and opinions therein expressed by the judges differed so widely from those both of the Queen's Advocate, by whom the draft of this Ordinance was submitted to the local government, and of the Acting Queen's Advocate, that I felt it to be my duty to submit their Lordship's letter to the latter gentleman, for such remarks thereon as might appear to him necessary. A copy of Mr. Selby's letter to the Colonial Secretary, on the subject, is annexed.

3.

Although well assured of the urgent necessity for some legislative remedy similar to that contemplated by the Ordinance, it nevertheless seemed to me inexpedient, under the circumstances, to promulgate the Ordinance, and thus give it legal operation, until your Lordship shall have signified to me the pleasure of Her Majesty in regard to its confirmation or disallowance. But after a careful perusal of the Acting Queen's Advocate's observations in regard to the objections urged against the Ordinance by the judges, I confidently anticipate that it will meet with Her Majesty's approbation.

4.

As Mr. Selby has entered fully into the objections taken by the judges to the Ordinance, and has also stated clearly the grounds upon which it has been enacted, I feel that it is needless for me to examine in detail the reasons given against the measure by those members of the Council who have entered in the minutes the protest to which I have referred.

Whatever observations it might otherwise have been necessary for me to offer thereon, have been made by the Acting Queen's Advocate in considering the objections mooted by the judges. Should your Lordship desire further explanation on any point, Mr. Buller, the Queen's Advocate, who is at present in England on leave of absence, will be able to afford your Lordship the fullest information.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) Torrington.

Enclosure 1 in No. 2.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council.

(No. 10.)

TORRINGTON.

To make Provision for the more convenient and speedy Trial of Cases in which the Crown is interested.

Preamble.

WHEREAS great public inconvenience and loss is occasioned by the delay attending the recovery of debts due to the Crown, and the trial of Crown civil cases; and also by the necessity of prosecuting such cases in courts situated at a great distance from the chief town of the circuit; and whereas it is expedient to make provision for the more convenient and speedy trial of such cases:

The venue may be laid in an information in any district of the circuit where the cause of action arose.

1. It is therefore enacted by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof, that when any information shall be exhibited by or at the instance of the Queen's Advocate or any competent Deputy Queen's Advocate, at any time after the promulgation of this Ordinance, for the recovery of any debt, damages, fine, penalty, or forfeiture alleged to be due to or recoverable in this island to the use of our Lady the Queen, or to the government of this island, or to any public officer for and on behalf of our Lady the Queen or of the said government, or for the ejection of any person from, or for trying the right of our said Lady the Queen, or of any person, to any lands situated within this island alleged to belong to Her said Majesty, or for the partition or sale of any lands situated within this island alleged to belong to Her said Majesty in common with any person or persons; the court in which the information shall be exhibited shall take cognizance thereof, and shall have power and jurisdiction for the hearing, trial, and decision of the same, notwithstanding that the act, matter, or thing complained of was done or performed, or that such lands are situated at some place without the jurisdiction of the court in which the information shall be exhibited; anything in the charter or letters patent of King William the Fourth, dated the 18th day of February 1833, or in any law or ordinance, or rule or order of any court, in force within this colony, to the contrary notwithstanding. Provided that the place where such act, matter, or thing was done or performed, or such lands are situated, shall be within the circuit in which such court shall be holden; and provided also that the place where such act, matter, or thing was done or performed, or such lands are situated, shall be truly set forth in such information.

2. And

397

2. And it is further enacted, that in any action or prosecution which now is or shall hereafter be depending in any of the courts of this colony, to which the Queen's Advocate is or shall be a party, either plaintiff or defendant, or intervenient, the court in which such action shall be depending, or the judge of any such court, shall and is hereby required on the application made, either in person or by writing, of the Queen's Advocate or of the Deputy Queen's Advocate for the circuit within which such court is holden, to order that the trial of the said action or prosecution shall be had in any other district within the same circuit than that in which the same is depending, which shall be named in such application. And the judge of the said court shall thereupon enter such order on the record, and transmit the same to the judge of the court mentioned in the said order; and such last-mentioned court shall take cognizance of the said action or prosecution, and have power and jurisdiction for the hearing, trial, and decision of the same, as fully and effectually, to all intents and purposes, as the court in which the same was originally brought could or might have had.

Appendix, No. 1.

Power to direct the trial of Crown suits in any district.

3. And it is further enacted, that the mode of appearance to every summons issued to any defendant in any such action or prosecution by or at the instance of the Queen's Advocate as aforesaid, shall be by delivering a memorandum in writing, according to the form in the Schedule hereunto annexed, marked (A.), to the secretary of the court out of which such summons issued; and such memorandum shall be dated on the day of the delivery thereof, and shall specify the place within the jurisdiction of the court at which the defendant will accept service of process and of notices relating to the said action or prosecution. Provided always, that if, after appearance entered, any order shall be made for the trial of such action or prosecution in any other district than that in which the same was originally brought, it shall be lawful for the defendant to change the place so specified by him as aforesaid, and to select any place within the jurisdiction of the court to which the said action or prosecution has been transferred, as that at which he will thereafter accept service of such process or notices, instead of the place specified in the said memorandum; and for that purpose the said defendant shall deliver to the Deputy Queen's Advocate for the circuit within which such court is holden, a notice in writing of such change, specifying the place selected by such defendant as that where for the future he will accept service of process and notices relating to the said action or prosecution; and service of any such process and notice at such place as aforesaid shall be considered as good and valid as personal service of the same; any law or ordinance, or rule or order of any court, in force within this colony, to the contrary notwithstanding.

Mode of entering an appearance.

4. And it is further enacted, that whenever the Queen's Advocate shall be a defendant in any action or prosecution which shall hereafter be depending in any of the courts of this colony, or whenever any third party shall hereafter intervene in any action or prosecution as aforesaid, to which the Queen's advocate now is or shall hereafter be a party, the plaintiff or intervenient in such action or prosecution shall specify in writing at the foot of his libel, or petition of intervention, as the case may be, the place within the jurisdiction of the court at which such plaintiff or intervenient will accept service of process and of notices relating to the said action or prosecution. Provided always, that if any order shall be made for the trial of such action or prosecution in any other district than that in which the same was originally brought, it shall be lawful for such plaintiff or intervenient to change the place so specified by him as aforesaid, and to select any place within the jurisdiction of the court to which the said action or prosecution has been transferred as that at which he will thereafter accept service of such process or notices, instead of the place specified at the foot of his libel or petition of intervention: and for that purpose such plaintiff or intervenient shall deliver to the Deputy Queen's Advocate for the circuit within which such court is holden a notice in writing of such change, specifying the place selected by such plaintiff or intervenient as that where for the future he will accept service of process and notices relating to the said action or prosecution; and service of any such process or notice at such place as aforesaid shall be considered as good and valid as personal service of the same; any law or ordinance, or rule or order of any court, in force within this colony, to the contrary notwithstanding.

When Queen's Advocate is defendant, the plaintiff or intervenient to specify where he will accept service of process.

5. And it is further enacted, that in case it shall be made to appear to the satisfaction of the court out of which the summons issued, by the return of the fiscal thereto, or by affidavit, that any defendant in any such action by or at the instance of the Queen's Advocate as aforesaid, could not be found, and by reason thereof he has not been served with any such summons, and has not according to the exigency thereof appeared to the action, then and in any such case it shall be lawful for such court to order a writ to be issued directed to the fiscal of the province wherein the dwelling house or place of abode of such defendant shall be situate, or to the fiscal of the province wherein the said court shall be holden, in order to compel the appearance of such defendant; which writ shall be in the form, and with the notice subscribed thereto, mentioned in the Schedule hereunto annexed, marked (B.); and a copy of such writ and notice shall be served on such defendant, if he can be met with, or if not, shall be left at the place where such writ shall be executed; and if the defendant against whom such writ issued shall not enter his appearance at or within eight days inclusive after the return thereof, and it shall be made to appear by affidavit, to the satisfaction of the court out of which such writ issued, that such writ has been duly served or executed, or that due and proper means were taken and used to serve and execute such writ, it shall be lawful for such court to authorize the Queen's Advocate or the Deputy Queen's Advocate for the circuit within which such court is holden, to enter an appearance for such defendant, and to proceed thereon to judgment and execution.

Appearance may be enforced by writ in case a defendant cannot be served with the summons.

6. And it is further enacted, that if the defendant shall duly enter an appearance according to the exigency of the said writ, the court out of which the said writ issued shall make

Disposal of property seized under such writ.

Appendix, No. 1.

order that the property seized thereunder be returned to him ; but if he shall make default in entering his appearance, the property so seized shall be sold by the fiscal, and the proceeds retained in court until the decision of the action, and such proceeds shall then be applied towards the payment of such costs, if any, as the defendant may have been adjudged to pay, or in satisfaction of any judgment given against him ; and the surplus, if any, shall then be returned to him.

Action shall be tried on an early day named by the Queen's Advocate.

7. And it is further enacted, that in any action depending in any district court to which the Queen's Advocate is or shall be a party either plaintiff or defendant, or intervenient, it shall be lawful for the judge of such court, and he is hereby required on the application made, either in person or by writing, of the Queen's Advocate or of the Deputy Queen's Advocate for the circuit within which such court is holden, to order and appoint that the said action shall come on for hearing or trial upon an early day to be named in such application; anything in the 10th and 11th rules of the 2d July 1842, or in the fifth rule of the 17th June 1844, or in any other rule or order of court, law or ordinance whatsoever, to the contrary notwithstanding. Provided always, that on the day so appointed the hearing or trial of the said action shall not take precedence of any other cause which previously to such application had been specially fixed for trial or argument on that day, except by consent of the parties thereto, or their proctors, but shall take precedence of all cases not specially fixed for trial or argument on such day: and provided also, that reasonable notice of the day of trial or argument so appointed by the judge shall have been given to the opposite party by the said Queen's Advocate or Deputy Queen's Advocate.

SCHEDULE (A).

Form of entering an Appearance.

A. against B. ; or against B. and another ; or against B. and others. { The defendant B. appears in person ; or C., proctor for B., appears for him ; or D., the Deputy Queen's Advocate for for the defendant B. according to the Ordinance. , appears

Entered the day of 18 . The defendant will accept service of process and notices at the house (or office) of at .

SCHEDULE (B).

Form of Writ.

VICTORIA, by the Grace of God, &c. &c.

To the Fiscal of the province

Greeting :

We command you to seize and sequester the property of B., situate or being anywhere within the said province, to the value of the sum of 3l. sterling, in order to compel his appearance in the court of , to answer to an information exhibited therein by Our Advocate against him: and how you shall execute this Our writ you make known to Us in Our said court, on the day of now next ensuing.

Dated at the day of 18 . (signed) , Judge.

Notice to be subscribed to the foregoing Writ.

In the Court of

Between { A. plaintiff, and B. defendant.

B.

TAKE notice that I have this day seized and sequestered your property to the value of the sum of 3l. sterling, in consequence of your not having appeared in the said court to answer to an information exhibited therein against you by the said A. according to the exigency of a summons bearing date the day of ; and that in default of your entering an appearance to the said action within eight days inclusive of the return of the present writ, an appearance will be entered for you, and the said A. will proceed thereon to judgment and execution.

(signed) , Fiscal.

Passed in Council the 23d day of November 1847.

G. C. Talbot, Acting Clerk to the Council. J. Emerson Tennent, Colonial Secretary.

Enclosure 2 in No. 2.

PROTEST.

WE protest against this Ordinance for the following reasons :

1st. It is in contravention of the civil law, which enacts that no man shall be amenable in civil jurisdiction, except to his own magistrate.

2d. It will increase the expenses of legal proceedings to the defendants, and is therefore opposed to the spirit of the recommendations of the Commissioners of Inquiry sent out in 1829.

3d. It establishes one law for the governors, one law for the powerful, and another for the powerless; one law for the strong, and another for the weak.

4th. By establishing a system of precedence or favour in behalf of Government, it will have the effect of delaying justice to private suitors, and is incompatible with the principle that the "law is no respecter of persons."

5th. We consider it to be unnecessary, inasmuch as if Government agents will take all the precautions usually taken by private individuals, we believe that they may obtain the recovery of Crown debts without any special Ordinance.

6th. And also for the reason, that by the law in force, a case can be transferred from one court to another, on satisfactory grounds being shown to the Supreme Court.

(signed) *John Armitage.* *J. F. Giffening.*
J. C. Dias. *G. Ackland.*
Edermanesingem,

(A true copy.)

Gerald C. Talbot.

Enclosure 3 in No. 2.

My Lord,

Colombo, 22 November 1847.

WE have the honour to acknowledge your Excellency's letter of the 17th instant, transmitting the draft of an Ordinance "To make provisions for the more convenient and speedy trial of cases in which the Crown is interested;" and requesting our observations thereon.

Your Excellency will see from the copy of the letter enclosed, that the Queen's Advocate made an application to us in June ultimo, on the subject, and suggested the expediency of our framing a rule for the remedy of the inconvenience; accordingly the judges had a conference at chambers with the Queen's Advocate thereon, and proposed to frame a new rule requiring a separate trial roll to be kept in each district court, to be called "The Queen's Advocate's Trial Roll," wherein all civil cases should be entered in which the Queen's Advocate was a party. We preferred this course being adopted in the first instance, as it accorded with the practice of the court of Holland, in which separate rolls are kept, and amongst them "the roll of the Attorney-general in civil causes, and the same in criminal causes." (Vanderlinden, p. 405.) The Queen's Advocate requested time to consider this proposal, and to confer with the Deputy Queen's Advocates, and afterwards expressed his assent to it in the memorandum or note of which a copy is enclosed, to the acting chief justice, who then prepared and sent to the Queen's Advocate the draft of the new rule, which was to be settled and passed by the judges at their first general sessions after the circuit. No further communication on the subject with the judges was ever made, until the draft of the present Ordinance appeared in the "Gazette," when to our surprise we saw therefrom that the proposed remedy by the above rule was abandoned for the extensive powers conferred on the Queen's Advocate and his deputies by this Ordinance. We think that the rule proposed by us ought, in the first instance, to have been tried, or that under the circumstances some sufficient reason at least should have been shown against it; it should always satisfactorily appear that the ordinary course fails, before another be resorted to; and although we do not question that full power is now vested in the local government to pass any Ordinance, subject to Her Majesty's confirmation, for altering and amending the courts of justice of this colony, or the practice thereof, to any extent that it may think fit, wholly independent of the judges; yet we must leave it to the Secretary of State to say whether such power has been exercised in this instance properly, and whether we ought not to have been earlier referred to, and our opinions at least ascertained on an Ordinance effecting such important changes in the jurisdiction and practice of the courts, prior to its being brought before the Legislative Council, instead of our being asked for the same in its final stage.

With respect to the Ordinance as it stands, we are unanimous in dissenting from it. The provisions of the 1st and 2d clauses are at variance with the subdivision of the island into distinct districts, each having exclusive original jurisdiction; and also with the principle of

Appendix, No. 1.

the 36th and 38th clauses of the charter, which provide for the transfer of civil and criminal causes under the control of the Supreme Court; and these powers have been enlarged by Ordinance No. 9 of 1843, clauses 11 and 12, and by Ordinance No. 12 of 1843, clause 6. Nor do we think that any analogy can be drawn from the practice in England as regards the Court of Exchequer (which has been relied on by the Queen's Advocate in support of the provisions of this Ordinance), because so far from its being the practice to try all revenue cases in that court, few only, and those the most important cases, are continued to be tried therein; the great mass of revenue informations in the excise, customs, &c. being now tried under the statutes before justices of the peace.

The power, moreover, given by this Ordinance to the Queen's Advocate's department seems to us far more extensive than we think ought to be possessed by the Deputy Queen's Advocates, or even by the Queen's Advocate, especially when it is considered that the Queen's Advocate has never been entrusted with the power to elect where any offence shall be tried in this colony; all he can do is to elect whether it shall be tried in the inferior or Supreme Court, if they have concurrent jurisdiction; but he cannot transfer jurisdiction, except under the order of the Supreme Court. Besides, it appears to us incongruous with the subdivision of the island into separate districts, each having exclusive local jurisdiction, that one local court upon a motion of course should make an order for the trial of a cause over which it has jurisdiction, before the court of another district where it has no jurisdiction whatever; and it is also quite at variance with the present system of indorsing process into other districts: see rule, section 1. c. 14, and Ordinance 15 of 1843, c. 4. Nay, although the first clause of the Ordinance speaks only of "informations," yet the second clause expressly extends to "any action or prosecution which now is, or shall hereafter be depending in any of the courts;" so that a court of inferior jurisdiction, like the Court of Requests, may be called on to make an order for the trial of an action depending in it before the district court of another district, which is therefore to take cognizance of it, and declared to "have power and jurisdiction, to all intents and purposes, as the court in which the same was originally brought could or might have had;" and this clause is so vaguely worded that it would admit of the converse, and allow of courts of requests and police courts, taking cognizance of cases to which they would be wholly incompetent, except by their being transferred from the district courts, under the operation of this clause. We must notice, moreover, that according to the preamble and observation of the Queen's Advocate in Council, the object of the Ordinance was to enable Crown cases being heard at the chief town of the circuit; but this principle appears to be deviated from in this second clause, as the power given therein is without limitation, and allows of cases being transferred to any court within the circuit.

We may here observe that we do not object to any general provisions to allow of all causes being tried, by consent of parties, in any district court that they may mutually agree on; but this must be done by Ordinance, as consent will not give jurisdiction. We do not think, however, that it would be often acted on, at least if we may judge from the slight operation of the Ordinance No. 11 of 1845, which allows of appeals being heard at Colombo instead of on circuit, by consent of parties; yet that course is very seldom availed of, though it was made for the more convenient and speedy hearing of appeals. We are inclined to think that the powers of the Supreme Court upon motions for the transfer of causes from one district to another, and also for hearing appeals in Colombo, should be enlarged; and that either party should be entitled, on a motion of course, to obtain a rule or order on the opposite party to show cause why the suit should not be transferred to any other district, or the appeal be heard in Colombo; when on default of sufficient cause being shown, the Supreme Court might make the order. It would facilitate the practice if such motions and orders were allowed to be made at chambers; and we may add, that we are so fully aware of the difficulty that the Crown labours under in presenting informations at out-stations, and of the advantages also that all other parties must generally gain in their suit being heard in the court where there is the best bar, that we should incline, on such power being vested in us, to make the above order in all cases where the amount of the sum demanded or the value of the property in dispute would justify it, and unless special grounds of hardship appeared against it. Under the present Ordinance, however, the court mentioned therein can exercise no judgment or discretion in the matter; but the Deputy Queen's Advocate may, "suo arbitrio," compel the transfer of any "action or prosecution" which now is, or shall hereafter be, depending in any of the courts of this colony, however trifling may be the debt or value of property in dispute, and whatever peculiar hardships might otherwise be urged against it to the court.

We do not dissent from the provisions of the 3d and 4th clauses for entering appearance, and for a place being specified for accepting of process or notice, although the latter is a very extensive power, as it extends even to cases where personal service is required; excepting for this objection, we should prefer seeing it made a general rule equally applicable to all private parties.

The 5th clause appears to us unobjectionable, being an adoption of the process of "dis-tringas," issuable under the Act of Parliament of 3 Will. 4. c. 39, s. 3; but we think this provision might also be better introduced as a general rule equally applicable to all private parties, as the English enactment does so. The 6th clause is merely appurtenant to the 5th.

In respect to the 7th clause, we prefer the plan proposed by us, of the Queen's Advocate having a separate trial roll, because we think it derogatory to the court that it should not have the control over its own cause list; and we feel that it should possess, moreover,

a power

a power of hearing the cases on the Queen's Advocate's list on a separate day, if it though t fit. Appendix, No. 1.

We have in conclusion to add, that we have been induced to enter thus fully into the details and various provisions of this Ordinance, to satisfy your Excellency that there is every disposition on our part to furnish all due information and assistance in our power on any proposed amendments of the courts of justice in the colony, or their practice, when we are requested to do so.

His Excellency
The Right Hon. the Governor,
&c. &c. &c.

We have, &c.
(signed) *W. O. Carr, A. C. J.*
James Stark, P. J.
C. Temple, P. J.

Sir,

Queen's Advocate's Office, 18 June 1847.

I HAVE the honour to request that you will bring to the notice of the judges of the Supreme Court the extreme inconvenience to the public which arises from the want of some power on the part of the Crown to compel the advancement of Government cases on the trial roll; and that you will suggest to their Lordships the expediency of framing a new rule for the remedy of this inconvenience.

The only grounds for such an advancement at present recognized, the consent of the parties or special cause being shown, are hardly ever available to the Crown; and I would suggest, unless a better plan occurs to their Lordships, that the mere motion of the Queen's Advocate or of a Deputy Queen's Advocate should be a sufficient ground for the advancement of any case in which the Government is a party.

May I beg you to inform their Lordships that is very desirable that the Ordinance in which any such rule must be embodied should be brought before the Council at its approaching sessions.

I have, &c.
(signed) *Arthur Buller, Q. A.*

My dear Chief,

WE are willing to accept your separate Crown list.
Perhaps you will let us see the draft of this rule before you send it in to Government.

Ever yours, &c.
(signed) *Arthur Buller.*

(True Copies.)

(signed) *Gerald C. Talbot.*

Enclosure 4 in No. 2.

Queen's Advocate's Office, Colombo,
14 December 1847.

Sir,

IN obedience to the directions of his Excellency the Governor, I have the honour to submit for his Lordship's information the following observations in regard to the Ordinance recently passed by the Legislative Council, "To make provision for the more convenient and speedy Trial of Cases in which the Crown is interested;" and more particularly in reference to the remarks made thereon by the honourable the judges of the Supreme Court in their letter to his Excellency, which is herewith returned.

Permit me, however, before entering into a consideration of the provisions of the Ordinance, and of the grounds stated by the judges for dissenting to them, to offer a few remarks upon those parts of their Lordships' letter which relate to matters prominently brought forward indeed, but not, as it appears to me, having any immediate bearing on the merits of the Ordinance itself.

In the first place, I would observe with reference to the complaint made by the judges that the Queen's Advocate did not finally adopt the rule which at his request they had proposed to him to frame, that I believe the reason Mr. Buller departed from his original purpose was because, on consultation with me, it was considered that the rule requiring a separate trial roll to be kept in each court for Crown civil cases, as proposed by the judges, would only partially, and that in a slight degree, remedy existing evils, for the redress of which a much more extensive measure was absolutely necessary; and that it was therefore advisable for obvious reasons to include in one general enactment all that related to the more speedy trial of such cases.

The judges likewise complain that the first intimation they received of the abandonment by the Queen's Advocate of the remedy proposed to him by the above rule, was from the "Gazette" which contained the draft of the present Ordinance. It is very possible that Mr. Buller may have forgotten or considered it unnecessary to communicate officially to their Lordships his change of purpose. Knowing that they would learn from the "Gazette" that the contemplated rule was not required, he probably deemed it superfluous to enter upon a correspondence which might have occupied much of his time at a season when,

Appendix, No. 1. — owing to the sitting of the Legislative Council, he was necessarily engaged with a great mass of important business. But however this may be, it is unnecessary to assure his Excellency that the omission of which the judges complain did not proceed from any intentional want of courtesy on the part of the Queen's Advocate. It seems unnecessary that I should offer any remarks upon that portion of the judges' letter in which they complain that their opinions were not ascertained by the Government at an earlier period. Suffice it to say, that as one of the principal reasons for the publication in the "Gazette" of the drafts of all Bills which it is intended to bring before the Council is to give the judges, as well as all other public servants, the fullest opportunity of communicating to the Government their opinions on the provisions of the proposed law, their Lordships cannot but have been sensible that any representation they might have thought it right to make on the subject of an Ordinance "effecting such important changes in the jurisdiction and practice of the courts" would have received the most attentive consideration. In order fully to understand the evils of the present system with regard to the prosecution of Crown cases, it must be borne in mind that in each of the circuits into which the island is divided there are several district courts of original civil jurisdiction. Each of these has exclusive jurisdiction in all civil cases above the value of 5*l.*, arising within the limits of such district, or where the defendant resides therein. But though in each circuit several courts of exclusive jurisdiction are established, there are only four local deputies to the Queen's Advocate for the whole island; one stationed at Colombo, another at Kandy, a third at Jaffna, and the fourth at Galle. At each of these provincial capitals a district court is established, being the principal court of original civil jurisdiction in the province. In them, as may be supposed, the greater part of the Crown business is necessarily transacted; and it is quite impossible therefore that the local Deputy Queen's Advocate, whose duty it is not only to conduct the trials of Crown cases, but to superintend all the numerous steps which have to be taken previously to trial, should be often absent, or absent at all for any length of time, from the provincial capital where he has so much daily business to transact. It follows, that unless a Deputy Queen's Advocate, or some such officer, were appointed to each place where a district court is established, the prosecution of Crown debtors in those districts must under the present system be abandoned; and in point of fact such has in many instances been the result. To remedy in some measure an evil of such magnitude, it has hitherto been customary for the Queen's Advocate to appoint one of the proctors at these out-station district courts to act as his deputy in Crown cases; but these deputies received no salary, being remunerated only by the costs which they recovered when the Crown was successful, and too often found it answer their purposes to allow the claim of the Government to be defeated, or its recovery delayed indefinitely. Even when they acted with entire honesty, they were so little under control, so dilatory in their proceedings, and so ignorant of their business, that very slight benefit has accrued to the Government from their appointment. Neither the state of the colonial revenue, nor the number or general importance of the cases which had to be prosecuted in these remote districts, justified the appointment however for each district of a salaried Deputy Queen's Advocate; and as the Deputy Queen's Advocate of the circuit, though he could not possibly attend to the daily conduct of the cases in courts situated in other districts than that in which he resided, could easily manage all the cases arising within the circuit, if instituted in the district court of the provincial town where he is stationed, it seemed on all accounts most desirable to concentrate the Crown civil business of the province at the chief district court of the circuit.

This the first section of the Ordinance has done, by empowering the Queen's Advocate to lay the venue in an information in any district of the circuit within the limits of which the cause of action arose. The reason of making the power general, and not limited to a particular district of the circuit, namely, that where the Deputy Queen's Advocate is stationed, is because cases might still occasionally arise in which it would be desirable to institute a case in the court of the district where the defendant resided, or where the property was situated, rather than in the circuit town.

It may be here remarked, that the power thus given to the Queen's Advocate does little more in effect than place the Crown on an equal footing with the subject: for where the latter has a claim or complaint against the Government, he selects, according to his own convenience, either the Court of the district in which the cause of action arose, or the court of the chief town in the circuit, where the Government agent resides; or even the court of Colombo, where the Queen's Advocate is stationed.

Nor is the principle by any means a novelty in Ceylon. In criminal cases it has always been recognized and acted upon, and offenders are brought to trial on informations presented by the Queen's Advocate, in any district of the circuit within the limits of which the offence was committed, in which the Queen's Advocate elects to prosecute.

To give but a single example. From 1833 up to the present time all crimes and offences committed in the district of Saffragam, cognizable by the Supreme Court, have been prosecuted on information exhibited by the Queen's Advocate in the district of Colombo. Many other instances might be given if necessary; indeed it was with a view to facilitate the prosecution by the Queen's Advocate, of criminal cases at any place in the circuit which he might think fit to select, that by the 29th section of the Ordinance No. 15, of 1843, it was enacted "that it shall be lawful for the justice of the peace for any district, on an application to that effect, signed by the Queen's Advocate, to grant a warrant for the removal of any person detained by virtue of any legal warrant within the gaol of such district, on any criminal charge, to the gaol of any other district mentioned in such application, therein to be detained for further re-examination, or for trial, or until liberated or removed therefrom in due

due course of law." Nay more, the Ordinance No. 9, of 1843, clause 12, to which the judges have made reference, enables the Queen's Advocate to obtain the transfer of a prosecution to a circuit within the limits of which the offence was not committed; and not only so, but provides for the trial of offences (the prosecution of which has not been so transferred) committed in the limits of another circuit, unless the prisoner or defendant shall have pleaded specially to the jurisdiction of the court.

It is true that to obtain the transfer of a prosecution from one circuit to another, the Queen's Advocate must apply to the court for an order to that effect, and satisfy the judge that sufficient reason exists for such transfer. But this rule only applies to the removal of cases to a different circuit from that within the limits of which the offence was committed, and does not affect the right of the Queen's Advocate to elect in which district of a circuit he will prosecute offences committed within the limits of such circuit.

Applying this principle to civil cases, in which, as will presently be shown, a much greater necessity exists for its adoption than in criminal prosecutions, the 1st section of the Ordinance having provided for the institution of Crown cases in any court of the circuit which the Queen's Advocate may select, the 2d section has authorized the transfer, on his application, of any such case from one court to any other in the same circuit.

Nor is there any real hardship upon a defendant in thus enabling the public prosecutor to select the chief court of the circuit as the tribunal in which the rights of the litigating parties are to be decided. The number of district courts has of late been so much reduced, that to many persons resident within the district, the difference in the distance between the court of the district and that of the chief town in the province is very small; to some it is less. Moreover it is only in the chief district courts that anything approaching to a bar exists, and consequently it is there alone that the rights of a suitor can be effectually maintained. To compel the Queen's Advocate then, as by the present law he is compelled, to prosecute parties in the out-station courts, would be to deprive them of such professional assistance as can be secured at the provincial capitals, without any corresponding benefit to themselves, and at great public inconvenience and expense.

It may be urged, however, that by the wording of the Ordinance the institution of a Crown suit in any district of the circuit is allowed, and therefore that the Queen's Advocate might not select the chief court in it as that in which he would generally file informations. This indeed is true; and the reason for not limiting the discretion of the Queen's Advocate in this respect has been already explained in a former part of this letter. But though true in the abstract, it would practically be impossible for the Queen's Advocate to carry on civil suits in courts where he has no efficient deputy (and he has none at all excepting at the provincial capital), even assuming, for which there is no conceivable reason, that he was disposed to exercise his discretion in a manner at once inconvenient to himself, injurious to the subject and detrimental to the Government.

The objections of the judges to these provisions of the Ordinance seem to me rather of a technical than substantial nature, indicating rather that they are opposed to the remedies proposed, than that the remedies themselves are objectionable. The first ground of dissent stated by their Lordships is, that the principle of allowing the Queen's Advocate to sue in any court of the circuit is at variance with the division of the island into distinct districts, each having exclusive original jurisdiction. It is so certainly under the law as it now stands, but no reason is stated by their Lordships showing that a departure to this extent from the principle of the charter of 1823 is unnecessary or inexpedient. The principle of allowing informations to be prosecuted elsewhere than in the country or district where the cause of action arose, or the defendant resides, though opposed to the charter, is not however on that account necessarily objectionable. Indeed, as has already been shown, it is likely to be beneficial in its operation both as regards the public and the individual suitor.

The second ground of dissent which their Lordships allege is, that the power of election given to the Queen's Advocate is too extensive, especially as he has never been entrusted with the power to elect where any offence shall be tried in the colony. I have already shown that the power is limited to the circuit within which the cause of action arose; and, moreover, that to this extent the Queen's Advocate has always possessed this power of election in criminal prosecutions before the Supreme Court. Nor do their Lordships state, so far as I can perceive, any valid objection to the mode by which it is proposed to effect the transfer of cases on the application of the Queen's Advocate from one court to another within the circuit. The court to which application will be made would act simply ministerially, by transmitting the record of the case to the court named by the Queen's Advocate as that where he has elected to prosecute it; and the court, to which the record is so transmitted, would then exercise the jurisdiction which the Ordinance has conferred on it. To allow this transfer only on cause shown by the Queen's Advocate, would entirely defeat the intention which the Legislature has in view; inasmuch as, under such circumstances, not only would the personal attendance of the Queen's Advocate or Deputy Queen's Advocate be necessary (the impossibility of which has been shown), but in every case an appeal would be taken to the Supreme Court for the mere purpose of delay. Besides, the only cause which the Queen's Advocate could assign to the court for such transfer, is that given in the preamble of the Ordinance as the reason for entrusting the power to him; and this, though a very sufficient ground for a legislative remedial Act like the present, would certainly not be considered by a court, in the absence of any such Act, a sufficient cause for granting an application for the transfer of a cause. The necessity for giving the Queen's Advocate this power of transfer follows from that given him to sue in any court in the circuit he may elect. For on the one hand, it will occasionally happen that though a suit has been instituted in the

Appendix, No. 1.

court established in the provincial capital, the trial of it there might be attended with considerable expense to the parties, on account of the distance which witnesses would have to travel; and in some cases it might be necessary that local inspections should be made, or other circumstances might exist rendering it advisable that although the pleadings should be conducted in the provincial town, the trial should take place in the district where the cause of action arose. On the other hand, causes may now be depending or might be hereafter instituted in courts at out stations, the trial of which, for a variety of reasons (to some of which allusion has been already made), it would be advantageous to the parties should take place at the principal court in the circuit. In truth, it is not easy to conceive a case in which the interests of the Crown and those of the Crown suitor, with regard to the place of trial, are not identical. If the question was one of law, the Crown could only desire to have it argued in the court of that district where the Deputy Queen's Advocate resided and could most conveniently appear, and there it is that the opposite party could alone secure efficient legal assistance. If the question was one of fact, the witnesses for both parties must usually come from the same place, and that court which is most convenient to the one party must be so for the other also.

The third and last ground assigned by the judges for their dissent to this Ordinance, is of a nature which I will not attempt to characterize. They state in substance, by way of objection to the 2d section of the Ordinance, that it would allow of cases being transferred, on the application of the Queen's Advocate, from the Court of Requests to the District Court, and from the District Court to the Court of Requests and Police Court. It appears to me that their Lordships have omitted to notice that the causes which may be transferred are those only "to which the Queen's Advocate is or shall be a party;" for had they observed this limitation, knowing, as their Lordships do, that the Queen's Advocate is never a party to petty suits in the Courts of Requests or Police Courts, they could not have supposed that the Ordinance contemplated the transfer, on the Queen's Advocate's application, from either of those courts, in which he never prosecutes, of causes to which he is not a party. Nor ought I to omit remarking in this place that the 1st section of the Ordinance speaks only of "informations," thus pointing out the class of cases and the court contemplated by the Ordinance. The reason why the same word, "informations," is not used in the 2d section of the Ordinance is because that section refers to cases in which the Queen's Advocate may be a defendant or intervenient, as well as those in which he may be plaintiff, and to cases already depending in which the Queen's Advocate is plaintiff; some of which, instituted at out-stations by ignorant practitioners under the present defective system, have been brought in the common form of actions between private parties. Still less am I able to concur in the view expressed by their Lordships, that by the 2d section the Queen's Advocate could obtain the transfer of a case from a court of competent jurisdiction, such as the District Court, to one wholly incompetent, as the Court of Requests or Police Court. The meaning of the Ordinance obviously is, that a cause may, on the Queen's Advocate's application, be transferred for trial from one competent court to another competent court within the same circuit. The question is simply one of territorial jurisdiction; the Ordinance provides that the court is "to order that the trial shall be had in any other district within the same circuit than that in which the same is depending, which shall be named in such application." It seems to me unreasonable, nay impossible, to suppose that any Queen's Advocate would name a court in such application which was (in other respects besides mere territorial jurisdiction) incompetent to try the case; and if he did so, I find it equally difficult to imagine that such a construction of the words of the Ordinance as the judges have now put upon them, could receive the authority of a solemn judicial decision. But should such a contingency arise, a declaratory or explanatory legislative enactment would, of course, become necessary; for certainly a provision of the kind supposed by the judges was not for an instant contemplated by the Queen's Advocate in submitting this Ordinance to his Excellency, nor can I believe that it was so by the Legislature in its enactment.

Considering the nature of the objections stated by the judges to the provisions of the Ordinance, their testimony to the evils of the existing system, and in favour of the fundamental principle of the Ordinance, is very important. The course, however, which they propose for remedying those evils does not appear adapted to meet the exigencies of the case, and is, I consider, open to greater objection than that prescribed by the Ordinance. The passage in their Lordships letter to which I refer is in the following words: "We are inclined to think that the powers of the Supreme Court upon motions for the transfer of causes from one district to another, and also for hearing appeals in Colombo, should be enlarged; and that either party should be entitled, on a motion of course, to obtain a rule or order on the opposite party to show cause why the suit should not be transferred to any other district, or the appeal be heard in Colombo; when, on default of sufficient cause being shown, the Supreme Court might make the order. It would facilitate the practice if such motions and orders were allowed to be made at chambers; and we may add, that we are so fully aware of the difficulty that the Crown labours under in prosecuting informations at out-stations, and of the advantages also that all other parties must generally gain in their suit being heard in the court where there is the best bar, that we should incline, on such power being vested in us, to make the above order in all cases where the Amount of the sum demanded or the value of the property in dispute would justify it, and unless special grounds of hardship appeared against it."

Now the main object of the great majority of persons with whom the Crown is required to litigate in this country being delay, it must be obvious that the course suggested by their

Lordships

Lordships in the preceding paragraph would prove most injurious to the interests of the public, by facilitating that object which the public debtor ever has in view. What beneficial purpose, it may be inquired, can be served by allowing the Government debtor to obtain, on a motion of course, a rule on the Queen's Advocate to show cause why the suit instituted by the latter should not be transferred to another district? Such a practice seems certainly well calculated to serve the purposes of delay, but I fail to perceive what useful object will be answered by it. Even, however, if their Lordships' suggestion were made to apply only to the Queen's Advocate, giving him the right of obtaining, by application to the Supreme Court, on a motion of course, the proposed rule to show cause, it is evident that great delay would be occasioned, and that without any corresponding benefit to the opposite party; or I might rather say, that a useless procedure would be adopted, which, whilst it delayed the public creditor, would entail needless expense and trouble on the debtor.

Their Lordships propose that these motions should be made, and cause shown against them, at chambers. If, as would generally happen, they would not be resisted, or if, being opposed, they would nevertheless be granted for the very reasons which would induce the Queen's Advocate to make them, and which are stated in the preamble of the Ordinance, the opposite party would, without deriving any advantage, be put to increased expense (which, when he opposed the application, would be considerable), and a proceeding calculated greatly to retard the progress of the suit would be had, without benefiting in any other way the party whose protection is intended.

The principle of the Ordinance in regard to this matter is, that these motions being in reality the merest matters of course, it would therefore be unreasonable to put a party to the unnecessary expense of calling on him by rule to show cause against them; it assumes that the public prosecutor ought to have in civil cases the power he possesses in criminal, of suing in any district of the circuit, and therefore vests in him the discretionary right of obtaining the transfer of a suit from one district to another; and it makes the order of transference (what it would assuredly be in practice) an order of course, thus preventing all that delay and expense which would be consequent upon any more formal proceeding.

The want of a Deputy Queen's Advocate in each district court is not by any means, however, the principal source of those evils against the continuance of which the Ordinance is intended to provide. A far more serious evil is one to which his Excellency's attention has been already directed, namely, the delay attending the recovery of debts due to the Crown. This arises principally from the great difficulty in getting process served on defendants in such suits. It seldom happens that in these cases the defendants have any *bona fide* defence to the claim made against them, and their ingenuity is solely exercised to delay the payment of that demand which they cannot hope to defeat. To effect this object, not only do they habitually keep out of the way when they know a summons or rule for judgment is out against them, but they do not hesitate to bribe the native officers of the fiscal's department to make false returns to the process issued to bring them before the court. The extent to which this practice is carried is illustrated by the annexed document, marked (A.), which has been copied from the court records of a Crown suit. This is by no means a solitary example of the system that prevails.

The same thing occurs to a greater or less extent in every government case. His Excellency will perceive that in this particular instance seven months elapsed before the defendants could be found, so that summonses could be served on them; and further, that to effect this the first step in the suit, no less than eight applications had to be made to the court by the Deputy Queen's Advocate, and summons had to be issued as often to the defendants.

That delay is all that is usually sought is quite manifest from the fact, that out of 317 cases of debt instituted in the district court of Colombo since the appointment of a Deputy Queen's Advocate for the Midland Circuit (26 October 1843), eight only have been defended. The defendants in two only, out of these eight defended cases, persevered in going to trial; so that judgment by default was eventually obtained in 315 out of 317 cases. These facts clearly show not only the necessity for the adoption of measures to facilitate the bringing of Crown debtors before the court, but likewise the importance of allowing the Queen's Advocate to sue in those courts only where he has a deputy, whose daily attendance can be given to the issuing and reissuing of the processes required in the various stages of the numerous suits which he is compelled to prosecute.

The third, fourth, fifth and sixth sections of the Ordinance have been framed to obviate in some measure the evils just mentioned. It does not seem to me that any observations of mine on their provisions is required. The principle followed in their enactment has, as will be observed, been adopted from the Act 2 Will. 4, c. 39. Except in so far as the Ordinance is opposed to the rule of court requiring personal service of process (a requisition impracticable in many instances), the only objection made to them, either in the Legislative Council or by the judges, is that the remedy should be one of general application, and not confined in its operation to Crown Suits.

In regard to this it must be observed that private parties do not suffer from the evils which those provisions are intended to redress, to anything like the extent experienced by the Crown. The plaintiff in a suit between private parties usually accompanies the fiscal's officer to point out his debtor; he also has many relatives or acquaintances from whom he can obtain correct information as to where the defendants are to be found; he has but one, or at most a few, suits requiring his superintendance; time is of no value to him; and he has a personal interest in the conduct of his cause. In all these respects the private suitor has advantages which are not possessed by the public prosecutor. The latter cannot go about the country to look after the public defaulter; he has no means of finding out the

Appendix, No. 1.

defendant; and the very people employed to execute the process he causes to be issued are leagued to defeat his object.

It may here also be observed, that in this respect, as well as in regard to the selection of the court in which to sue, the Ordinance has only placed the Crown on an equal footing with the subject; for wherever the latter has a suit with the Government, he never can experience any difficulty whatever in obtaining the service of process. The Queen's Advocate or the government agent is always to be found; service of process upon them cannot be evaded, nor the private party delayed by means to which he is himself not slow to resort.

Moreover, it appears to me that, independently of these considerations, it is no valid objection to these clauses of the Ordinance that they do not apply generally to suits between all parties. Leaving out of view that the special purpose of this Ordinance is to make provision respecting the trial of Crown cases, and that no necessity has been shown to exist for the introduction of a similar measure in private suits, it is doubtful whether it would be safe to confer on private suitors in this country the powers thereby vested in public officers, responsible for their due exercise. Besides, changes in the civil proceedings of the courts of so important a character could not have been properly introduced into general practice without a revision of the whole system; for which, however greatly needed, there was no immediate opportunity. It seemed therefore, for both reasons, advisable to confine the operation of a measure which must be regarded as experimental, to those cases, in the first instance, in which there would at least be less probability of abuse than if it had received a more extended application.

In regard to the seventh section of the Ordinance I have but few remarks to offer. The judges have assigned two reasons for preferring the plan of a separate trial-roll, which they had proposed to the Queen's Advocate. The first is, because, according to the authority of Vanderlinden, p. 405, "it accorded with the practice of the court of Holland, in which separate rolls are kept, and amongst them the roll of the Attorney-general in civil causes, and the same in criminal causes." The force of this reason is not obvious to my mind, inasmuch as the practice of the colonial courts in other respects is not based upon that which obtains in Holland, but is founded on the practice in the English courts. Indeed the judges have repeatedly decided that the practice of the Dutch courts does not obtain here; and that whenever the local rules of practice are silent, the practice in England is to be followed. That there is no analogy between the practice in the courts of Holland and that which prevails here, the passage quoted by their Lordships from Vanderlinden most abundantly demonstrates. The whole paragraph is in these words: "In most places where there are few causes, only one roll is kept; but in the Court of Holland there are seven: the ordinary roll; the extraordinary roll; the roll of pleadings; the roll of decrees; the furnace roll, or roll for production and exchange of vouchers; the roll of the attorney-general in civil causes, and the same in criminal causes. At Amsterdam we have the court roll; the ordinary roll; the privileged roll; the small roll; the roll of induction and attestation of cession and benefit of inventory; the schout's or sheriff's roll; the impost roll; and the extraordinary roll."

But instead of seven rolls as in the court of Holland, or eight as at Amsterdam, the Ceylon courts have, as in England, but two, namely, the roll of cases for trial and that of cases for argument; as will be seen from the following rules of court in force here:—

"9. When a cause is at issue and the facts alleged in the pleadings are disputed, either party may set it down for trial by entering it with the secretary, who is hereby required to enter the same in a book or list of cases for trial to be kept for that purpose, in the order, according to priority of time, in which such causes are brought to him to be entered; and the said causes shall be called on, heard, and tried in the order in which they shall have been so entered; provided that the party so entering the cause shall give to the adverse party, or his proctor, a notice that he has so set down the cause for trial, of 14 days at the least before the day on which it shall be so called on for trial.

"10. When a cause is at issue and the facts alleged in the pleadings are admitted, the law arising therefrom only being disputed, either party may set it down for argument by entering it with the secretary, who is hereby required to enter the same in a book or list of cases for argument, in the order, according to priority of time, in which such causes are brought to him to be entered; and the said causes shall be called on and heard in the order in which they shall have been so entered, and the party so entering such cause shall give at least eight days' notice that he has set down the cause for argument, to the adverse party or his proctor.

"5. (17 June 1844.) It shall be competent to the judge, on the motion of any party, and on sufficient cause being shown to his satisfaction, by affidavit or otherwise, to allow any cause to be heard or tried out of the order in which it shall have been entered in the book or list of cases for trial or argument, as the case may be, and although the notice of 14 days and eight days, as the case may be, shall not have been given; provided however that the adverse party shall have received such notice of the day of trial or hearing as the judge shall consider to be reasonable and proper; anything in the 9th and 10th rules of the 2d July 1842 to the contrary notwithstanding."

The existing practice has therefore, in this respect, been adhered to in the Ordinance; nor from it does there seem to be any sufficient ground for departing.

The other reasons the judges assign for preferring their own plan, are, that they "think it derogatory to the court that it should not have the control over its own cause list;" and because their Lordships "feel that the court should possess a power of hearing the cases on the Queen's Advocate list on a separate day, if it thought fit."

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407

These reasons seem to me founded upon a misapprehension of the Ordinance; the section under consideration merely gives precedence to Crown cases over those which have not been already specially fixed for trial or argument by the court. Under the existing practice, causes between private parties are always specially fixed for hearing on sufficient cause shown. The Ordinance simply gives the Queen's Advocate the right of obtaining from the court the appointment of an early day for the trial of Crown cases, allowing him to name the day, because he only can know when his other public avocations will permit his attendance in court; but this right is not to interfere with the rights of other suitors whose cases have been specially fixed; nor can it be exercised in such a manner as to injure the opposite party, who is to have reasonable notice of the day appointed for the trial.

In conclusion, I have only to remark that I entirely concur with the Queen's Advocate as to the necessity of the present measure, and am persuaded that its adoption will, in practice, be not only advantageous to the Government, but beneficial to the honest suitor.

I have, &c.
(signed) *H. C. Selby,*
Acting Queen's Advocate.

The Right Hon. Earl Grey,
&c. &c. &c.

(A.)

IN THE DISTRICT COURT OF COLOMBO.

Case—No. 16.

1845:

- 9 September - - Summons ordered; returnable the 30th instant.
- 30 September - - The fiscal (of Colombo) reports that the defendants are not to be found.
- 24 November - - The fiscal of Caltura reports that the fourth defendant is a resident of Colombo.
- 28 November - - Summons not served; the fiscal (of Colombo) reports that the (fourth) defendant is not to be found.
- 15 December - - The fiscal reports that the defendant is not to be found.

1846:

- 14 February - - Summons not served; defendant reported not to be found.
- 28 March - - Summons not served; the fiscal (of Colombo) reports that the defendant is not to be found in Colombo, and is said to have gone to Caltura.
- 15 April - - Summons not served; the fiscal of Caltura reports that the defendant is a resident of Hill-street, in Colombo.

Note.—The same difficulty and delay are of course experienced after summons has been served, in the service of rules for judgment, notices of trial, &c.

(True Copies.) (signed) *H. C. S.*
(signed) *Gerald C. Talbot.*

(No. 193.)

— No. 2/2, —

My Lord,

Downing-street, 26 March 1848.

I HAVE to acknowledge your Lordship's despatch of 14 December, No. 176, enclosing an Ordinance "for the more convenient and speedy trial of cases in which the Crown is interested." Under the particular circumstances attending the passing of this Ordinance, you have thought it advisable to transmit it for Her Majesty's pleasure in regard to its confirmation or disallowance.

If the circumstances to which you refer had not been of a very peculiar nature, I should have felt no difficulty in advising Her Majesty to sanction a law relating to matters peculiarly of local cognizance, and of which you and the majority of the Council had expressed approbation. But you will observe, that this Ordinance relates to a subject on which the opinion and counsel of the judges of the Supreme Court is necessarily of the greatest weight. They are the administrators of the law, and their unanimous decision in favour of, or against, a measure exclusively regarding the practice of their own court, or the inferior courts of the colony, requires at least the most deliberate attention on the part of the Legislature. If, after having given such attention to the opinion of the judges, the Legislature remain unconvinced, it is their right and their duty to act upon their own judgment. But, in the present instance, the opinion of the judges was not merely disregarded, but it was not asked as far as concerns this Ordinance, until it could be of no service.

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Appendix, No. 1.

It appears that the Queen's Advocate and the judges had been in consultation about some enactment or rule of court for the purpose of remedying certain inconveniences suggested by the former officer. The judges made a proposal, and the Queen's Advocate requested time to consider it. But, instead of communicating to the judges any objections which he might entertain to it, he originated, or was at least a party to the introduction of, the present measure, without any notice to them at all. On the 22d November, their opinion having been, for the first time, asked, they transmitted an answer unanimously condemning the measure. On the 23d November, whether before or after receiving the judges' dissent I am not informed, the Ordinance was passed through the Council, against the votes and protest of five members.

Under these circumstances, I am compelled to advise that the Ordinance be disallowed. You will distinctly understand, that I pass no judgment on the expediency of its provisions. My decision is founded solely on the absence of proper communication with the judges, in a case where their advice was not only of importance, but where they had, in the first instance, been engaged in consultation with the Queen's Advocate, and had undertaken to remedy the mischief. If the judges had been apprized of the intended Ordinance and consulted respecting it, and their objections had, after full consideration, been overruled, I should have been ready to regard the decision of the Council, upon a subject on which it is impossible for me to form a competent opinion, as entitled to my support. But, the manner in which it has been passed imposes on me the necessity of recommending that it should be reconsidered.

As the Ordinance has not yet been brought into operation, I trust that no practical inconvenience will result from this course, especially as the subject does not seem one of pressing urgency, and no very serious delay will be interposed in the way of the necessary reform. If, after fully considering the objections made by the judges, and in the Council itself, the Council should be of opinion that those objections are not well founded, and that no modification of the proposed law can be adopted for the purpose of meeting them, they are in no respect precluded by my present decision from passing another Ordinance, similar in effect to that disallowed. And, if such should be their decision, the law so passed may be brought into immediate operation.

I have, &c.
(signed) Grey.

(No. 53.)

— No. 3. —

Pavilion, Kandy, 8 March 1848.

(Received 1 May 1848.)

My Lord,

It is my duty to forward to your Lordship two memorials, addressed to your Lordship by Mr. Ackland, an unofficial member of the Legislative Council, who was re-appointed to it soon after my arrival in the colony. Memorials very much of a similar description have, as I understand, been addressed by the same gentleman, on former occasions, to more than one of your Lordship's predecessors in the office of Secretary of State. I feel unwilling to descend so far as to notice any of Mr. Ackland's remarks which at first view may seem to have a direct personal bearing upon myself, and may even appear designed to point out to your Lordship my unfitness, in his estimation, for the performance of the high and responsible duties entrusted to me as Governor of the colony.

The first of these memorials conveys to you Lordship the objections which Mr. Ackland has thought proper to express to the passing of the Ordinances Nos. 8, 9, and 10, of 1847, and to the Stamp Ordinance No. 2, of 1848. My despatches noted in the margin, which accompanied the transmission of those Ordinances, will have fully explained the grounds upon which they were passed, and will, I trust, satisfy your Lordship that Mr. Ackland's objections to them were altogether weak and untenable.

The second memorial proposes for your Lordship's consideration the views which Mr. Ackland entertains with regard to certain alterations which he would desire to see introduced into the present constitution of the Legislative Council. I need scarcely observe, that while I entirely dissent from that gentleman's opinions upon this subject, I think it quite inconsistent with my position to enter into any discussion as to the purport of his wish to exclude the Governor from the presidency of the Council. In the present state of this colony, I am far from disposed to believe that any increase in the number of members of which the Council is composed, would be followed by any advantageous practical result, either to the people or to the Government.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) Torrington.

Despatches:
No. 170, of 3d Dec.,
No. 175, of 13th Dec.,
No. 176, of 14th Dec.,
1847; and
No. 36, of 9th Feb.
1848.

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Enclosure 1 in No. 3.

My Lord,

Colombo, 11 February 1848.

IN a letter which I had the honour to address to your Lordship under date of 28th October last, I stated it to be my intention to lay before your Lordship my opinions, as an individual member of the Legislative Council, especially recommended to the office by the voices of the mercantile community, whenever I should unfortunately differ from the Executive Government as to the policy of their measures or the mode by which they endeavour to effect the object of them.

I conceive this course to be more respectful to the Government than the constant recurrence to my right as a member of the Council, to record a protest on the minutes, which might have the appearance of either a factious feeling, or a desire rather to earn popular applause, than to promote the welfare of the colony. If this course appeared to me expedient at that early period of our session, it has now, from circumstances which immediately thereafter transpired, become an imperative duty; for the voices of non-executive official members being reported to be silenced by the orders, direct or indirect, of the Government, anything like that fair discussion of a subject so desirable in the Council is necessarily precluded, and the Council itself would, under such a system, become a mere registry of the wishes of the executive.

In this letter, my Lord, I content myself with this general remark, for I purpose, at as early a period as my other avocations will permit, to submit for your Lordship's consideration, in a separate letter, my more particular views upon the present constitution, powers, and working of the Council, in its effects upon the legislation and government of the colony. The Ordinances on which I would now venture to offer to your Lordship my remarks, are—

1st, (No. 10, of 1847) "To make provision for the more convenient and speedy trial of cases in which the Crown is interested."

This Ordinance was passed, under protest, by five of the unofficial members, and a reference to the minutes will show that on one division the whole six were opposed to the views of the executive. In the discussion of this Ordinance I fell into an unintentional error, arising from want of practice in the rules of the Council. At a previous sitting exception had been taken to an amendment in committee, stated to "affect the principle of the Bill," and therefore requiring notice. I will not here discuss this question; it will fall more conveniently under consideration in my proposed future communication to your Lordship; I allude to it only as the cause of my giving notice of many amendments, which may have presented the appearance of a factious spirit of opposition, as far from my intention as it is uncongenial to my real feelings of respect for authority; but, my Lord, at the meeting in Council I explained that I had done this under a misapprehension of the right of a member to speak more than once on the same subject, forgetting at the moment of writing that the Council would be in committee, consequently the necessity for my protective array of amendments was done away with. I also took the opportunity of apologizing to the Government for too strong an expression in my letter, but which I may observe, for your Lordship's information, preserved our legislature from actually introducing by enactment one of those fictions of law which the British Legislature would be but too glad to free their law proceedings from, were not the task surrounded with such immense difficulty. I have thought it due to myself to place the above explanation on record; the discussion on this Ordinance gave rise to much unpleasant feeling (the most unsuitable element in a deliberative assembly), and therefore, wishing to refrain from any observations of a merely personal character (for we have far higher interests under consideration), I rest the objections to this Ordinance on the protest which I signed, although I had not seen it till laid on the table of the Council.

To prevent any misunderstanding, my Lord, I may here be permitted to mention, that it was after the discussion on this Ordinance I addressed the printed letter to the members of the Legislative Council, which I shall have the honour to forward to your Lordship in my proposed letter on the constitution of that assembly.

2dly. The next Ordinance I would crave leave to bring under your Lordship's notice is, that "for regulating the duties for customs," (No. 9 of 1847). This Ordinance will be represented to your Lordship as passed with the unanimous consent of the Council, as it was; and I feel assured your Lordship will, after perusing the following remarks, rightly estimate the spirit in which this unanimity was accorded, so far as I was personally concerned. I shall hereafter have occasion to allude to the manner in which this Ordinance was hurried through the Council: at present I would simply state, that the resolution of the Chamber of Commerce with respect to it, was only put into my hands whilst the Council was sitting, with a note from the secretary, expressive of his regret, that owing to the shortness of the notice the document was so hastily drawn up.

The Chamber of Commerce and the Agricultural Society were both opposed to the repeal of the export duties, especially as regards coffee, considering the revenue derived therefrom, levied as it was in the most convenient manner, and at the most convenient time, of too much importance to be given up, until it could be fairly seen whether the proposed substitute of a land tax could be equitably assessed. In this view I most cordially concurred, for we have before us the fatal example of the Imperial Legislature in conceding the abstract

410

Appendix, No. 1. principle of free trade to the clamour of the manufacturers before it was prepared to do equal justice to the British colonies, by freeing them from the trammels under which their energies are cramped.

I would have continued the export duties (excepting always the article of cinnamon) until after the practicability of fairly assessing the land tax had been placed beyond a doubt, and the additional revenue to be derived therefrom in the first year would have been most acceptable to the colonial treasury; but I was restrained from offering any opposition to the Bill, by the intimation that it was under the direct and imperative orders of your Lordship that the Executive Government introduced it; and generally I had laid it down for myself as a rule not to oppose any financial measure of the Government of his Excellency Viscount Torrington, until it should have had the opportunity of maturely considering the plans proposed for its adoption in the report of the Committee on Ceylon affairs, emanating, as I believe, from your Lordship's solicitude for the wellbeing of the colony.

Sdly. It is hardly possible to conceive an Ordinance, the object of which would be so generally approved of, either in or out of the Council, as that requiring "returns of lands under coffee cultivation" (No. 8 of 1847), and yet this law is, in the opinion of those who I do not hesitate affirming are most competent to judge, most impracticable and unequal to the attainment of the desirable end in view; it is doubtful if it can be successfully enforced, and assuredly not with credit to the government, against those parties who would be unwilling, of their own accord, to render the required information; therefore the enactment is opposed to the general policy of legislation; it will be inoperative in reality for any useful purpose, and only appear in the unenviable light of an instrument of annoyance, an opinion likely to be engendered in the minds of those who witnessed (as many did) the way in which it was hurried through the committee, the apparent feeling against the planters, as a body, and generally the absence on the part of the Government of that consideration for the opinions of the parties interested, which, to say the least, appears to my mind as impolitic as it is unnecessary, especially evidenced in the refusal of my application for a sub-committee, offering as I did, with the utmost sincerity, to endeavour to make the Ordinance effective.

4thly. I do not propose offering to your Lordship my remarks on the "supply" Ordinances. Considering that the unfortunate state of the island finances placed the Executive in a position of much difficulty, and Lord Torrington having so lately assumed the government, I felt it my duty to accord to the proposed estimate a silent vote, leaving to the future any criticism on the present system of expenditure, and in the hope that the committee of the Council appointed at the commencement of the season, to examine into the accounts and expenditure of the colony, (but which has never yet met) may be permitted, unfettered by undue influences, to enter into a thorough investigation of the present system of conducting the several departments of government, with a view to present to your Lordship a deliberate and independent opinion as to the practicability of reducing our expenditure, without lessening the efficiency of the public service, or depriving its members of the power of supporting that state of respectability so essential to the maintenance of a proper influence in the estimation of the community.

The only remaining Ordinance which appears to me to require notice, is that for the imposition of "stamp duties," and that not for the purpose of objection to the duties as now settled, but in order that I may beg your Lordship's attention to the original draft of the Ordinance, in the schedules of which it was proposed to include stamps on licences, which it was intended hereafter to enact, as necessary to be taken out. I object to this, on the ground that, by so doing, the Council would be pledging its assent to the principle of Ordinances, the details of which were not before it; but I felt it to be due to the dignity of the Council, to be but common courtesy to the sub-committee appointed to examine into the details of the Ordinance, to postpone any notice of amendments on these points, until its reports should have been made. Whilst I feel assured that your Lordship will give me credit for correct and proper feeling in this course, so do I believe that as a general principle it will meet your Lordship's approval, and that consequently, you will be surprised to learn that although, to meet the convenience of the Government, (which I have ever cordially responded to), the rules of the Council in respect to "notice," were not set aside on the committee resuming the consideration of the Bill, yet this arrangement, proposed by myself, to meet the public convenience, was not accorded without my being exposed to the imputation of "factious" opposition, which I feel to be as unmerited by me as it was unworthy of those who applied it.

As I cannot bring myself to believe that your Lordship will consider this the kind of treatment due to a member of the Legislative Council, who has endeavoured most earnestly, permit me to add, my Lord, most laboriously, to fulfil the high duties which he conceives to attach to the honourable position in which it has pleased your Lordship to confirm him, I feel it to be due, no less to myself than to the unofficial members generally, respectfully to bring it under your Lordship's notice.

I have, &c.
(signed) Geo. Ackland.

(A true copy.)
(signed) Wm. D. Bernard, P.S.

March 7.

To the Right Hon. the Earl Grey,
&c. &c. &c.

Enclosure 2, in No. 3.

Appendix, No. 1.

My Lord,

Colombo, 24 February 1848.

I now proceed, as proposed in my letter of the 11th instant, respectively to submit for your Lordship's consideration, some observations upon the present constitution, powers and working of the Legislative Council of this colony.

With a view to secure for my remarks the most favourable consideration of your Lordship, as well as from the real absence in my own mind of any little personal feelings, (for the more important interests at stake really outweigh all minor considerations) I will endeavour to divest this letter of all reference to the individual qualifications of the present Members of the Government or the Council.

In treating of the working of the system, I may be compelled, by way of illustration, to allude to single acts which I conceive to be obnoxious to censure, or at all events questionable in policy; but by considering all acts as those of "the Government," and if possible never alluding to its individual members, I will hope, as I really am anxious, to satisfy your Lordship's mind that I have no personal feelings to gratify in this communication; if that were my object, I flatter myself that my well-known character in the colony, my correspondence with the local Government, or the records of your Lordship's office, might furnish a sufficient guarantee that I am not wanting in the moral courage to appeal boldly to your Lordship for redress whenever I might consider such a course necessary and expedient.

I am not only desirous of impressing this upon your Lordship's mind, but I make the observation also for the consideration of the Right honourable Viscount Torrington, through whose hands all correspondence is very properly directed to pass, which may in any way require his Excellency's report or comment for the information of your Lordship; and that because my sense of duty leads in the very outset of my observations on the constitution of the council, to place in the front rank of my objections the presence of the Governor of the colony in the Legislative Assembly, except for the purpose of opening or of closing it. My reasons for objecting to the Governor taking a part in the proceedings of the Legislative Council are, that having already decided in the Executive Council upon the introduction of an Ordinance, he becomes in a measure identified with it, as the proposal of his Government, and consequently is liable to enter more warmly in favour of its being carried, than is consistent with the position of President of the Council, who, if possible, ought to be an independent man, as far as practicable, unbiassed either in favour of or against the measures under discussion.

The interest taken in a measure by the Governor necessarily brings him into contact with those members of the council who may be honestly opposed to his views, and it either has the improper and unconstitutional influence of silencing them, or endangers a collision of opinion, as derogatory to his position as Governor, and subversive of that respect for his authority and station, so desirable to maintain, as it must be unpleasant to the individual whose sense of duty may impel him to a determined opposition to a proposed law, even at the risk of being tabooed by the whole Government party as "a Radical," when probably his opinions may be more truly Conservative than those under the influence of which they may for the moment be guided.

By taking the Governor out of the Legislative Council, you open the measures of government to free discussion, and however inconvenient this may be to men who would wish to rule the colony on the principle of *sic volo sic jubeo*, assigning no reasons, or only just so much as suits their purposes, for the measures they propose, I feel assured that your Lordship will agree with me, that for the interests of the colony, to secure the respect of the community for the laws enacted for their governance, the discussion cannot be too full, the inquiry too searching, previous to their enactment.

As, therefore, I purpose excluding the Governor from the Legislative Council, the next inquiry is, who is the most fit and proper person to preside over its deliberations? and this presents no difficulty to my mind, for there are abundant reasons in favour of the very member of the government who, in the governing absence, would take his seat; viz. the senior officer commanding Her Majesty's forces in the island. Although a member of the Executive Council, this officer is not generally supposed to take any very active part in the discussions of that body; he would not, therefore, be imbued with any strong feelings in favour of the government propositions; not being a member of the civil service, he would be untrammelled by the peculiar party views of that body (not merely in Ceylon but in all colonies), and be the more able impartially to weigh the arguments of the unofficial members; and then, as a member of the executive, to convey them to the Governor, who now, entirely freed from that warmth of feeling or the little irritations too apt to be engendered by debate, would calmly review the matters in difference, and where necessary, could with a better grace yield to the arguments of the opponents of any particular measure.

Another reason for investing the military member with the office is, that during his professional service his constant liability to serve on courts martial, and, in later periods, to preside over them, will have given him a habit of command which would carry weight in his preservation of that order in debate so essential to the proper progress of public business, and, except in very few questions, his position would screen him from the supposition in the minds of the members of being influenced by the party feelings which debate is apt to call forth.

I would next inquire, my Lord, into the constitution of the Council itself; and in this place your Lordship will permit me to beg your perusal of the accompanying letter which I felt it my duty to address to the members of the Legislative Council in November last.

Appendix, No. 1.

In offering the remarks therein contained for your Lordship's consideration, I trust it may be unnecessary for me to remind your Lordship that the style in which this "half letter, half speech" (as it has been designated) is written, is not that which I should have adopted in our "official" communication either to the colonial government or your Lordship. The subject is treated in an off-hand style which suited the purpose of the moment.

In this letter I profess to disbelieve the reports alluded to, not, my Lord, that I had the shadow of a doubt in my own mind upon the subject; I had taken care to ascertain on what foundation the "editor of the Observer" had given currency to the rumour which had previously reached me in various forms; but, in justice to Lord Torrington's government, I conceived it possible that there might be some misunderstanding on the point; or if not, I gave the members of that government credit for higher principles of statesmanship; a more correct reading of the spirit of the times than to persevere in a false and hasty step from which I purposely gave them the opportunity of gracefully receding. With your Lordship this reserve is unnecessary; it is my duty no less than my privilege to appeal to you direct, as Her Majesty's Secretary of State for the Colonies, and to inquire whether such a course on the part of the Executive Government, or any one of its members, can meet your Lordship's sanction. I cannot persuade myself that any doubt will rest on your Lordship's mind as to the immediate reply. I stoop not to flattery, my Lord, but if the previous life and character of a public man is to be our guide in anticipating his opinions, there can be no question but that the attempt to fetter the public deliberations and votes of the non-executive official members of the Legislative Council will meet with your Lordship's decided disapprobation; could I think otherwise I would spare myself and your Lordship the further trouble of considering the constitution of an assembly which no sophistry could prevent the public from regarding as an absolute mockery, a mere blind to shield the executive from responsibility, without the power of effective control.

I believe, my Lord, the mercantile body in general consider it necessary for the proper guardianship of the interests of the community that the Council should be increased in numbers, and that by the addition of three unofficial members; thus making that portion of the assembly numerically equal to the members of the Government.

I do not conceive that there would be any danger in acceding to this request; I treat with absolute contempt the opinion that the measures of Government would be obstructed by combinations; let the measures be good and they would meet with cordial support, opposition only when, as in the Ordinance (the discussion of which called forth my printed letter) the executive, instead of fulfilling its duties, by requiring at the hands of its subordinates active personal attention to their duties, thinks proper, or finds it less troublesome, to listen to the complaints of its servants, of the inefficiency of the law; and at their solicitation unnecessarily, as I have contended, gives additional powers, when honesty and activity were the ingredients requisite in the machinery of prosecuting Crown cases.

But for myself, my Lord, I shall be content, at least for the present, to rely upon the theory of our constitution, as laid down in my letter to the members, adding only one slight alteration and suggestion for your Lordship's consideration. Supposing your Lordship to concur in my reasoning for the exclusion of the Governor from our Council, and in which opinion I believe I am supported by the high authority of his late Majesty's Commissioner of Inquiry (Colonel Colebrooke), in order to restore the number of officials to their present relative strength and with a view to increase, as I would, whenever practicable, the number of non-executive officials, I would propose the addition of the Master Attendant of Colombo, an officer who always should receive his appointment from home, and from the general nature of the duties which devolve upon him, ought to be a man of more than ordinary acquirements, as the gentleman at present filling the office (Captain James Stewart) unquestionably is, and not being dependent upon the local government for promotion, with fixed emoluments, he would be like the collector of customs and surveyor-general, in a measure an independent member, though as an administrative officer, with natural tendencies in favour of the Executive Government.

And with the same view I would beg leave further to suggest that the civil engineer, or if that office be abolished, the senior officer of the Royal engineers should be added to the Council; and then probably your Lordship may be induced to add two more unofficial members, which, considering the greatly increased number of the British, commercial, and agricultural body, would be still far less in proportion than when the new councils were first called into existence; and should it be desirable to add still further to the numbers of the Council, I would beg to suggest, for your Lordship's consideration, the lieutenant colonel commanding the Ceylon Rifle Regiment, the head-quarters of which are usually in Colombo, and who must necessarily be an officer of considerable local knowledge, whose experience would be valuable to the Council, and whose natural bias would be sufficiently in favour of the Government.

Not to intrude too much upon your Lordship's time, I will now offer a few remarks on the powers vested in the Legislative Council, and the limitations placed on the effectiveness, to my mind, of its members.

The first and most material point in which I consider the Council inefficient for the good which it might otherwise secure for the colony, is the limitation (in the 15th clause of the instructions) of the power of introducing questions for debate in the Legislative Council to the Governor only.

I cannot

I cannot, I feel, my Lord, touch upon this point but with extreme delicacy, for I am most anxious to avoid giving personal offence to any individual member of the Government, or in fact in any way making this my letter upon general principles the vehicle of complaint either against the Government or any of the members of the public service; and yet conceiving this to be the most important means of securing good government for the colony, I cannot abandon my duty by passing it in silence.

I would wish to abstain from bringing charges against any individuals directly or indirectly, but the experience of 20 years' acquaintance with this colony convinces me that, from the personal friendships which naturally exist amongst the members of a service, negligence, to use the mildest term, is constantly passed over by the executive when the good of the public service would require the marked condemnation of the Government. My Lord, I assure you, I write not unadvisedly, although most anxious to avoid giving instances in illustration of my meaning, my object being security for the future, not the raking up of the past.

I believe that if individuals of the public service were to know that members of council had the right to inquire of the Government *vis à vis* explanations of passing events, you would have a far more effectual check upon misconduct of every description than you at present possess; I believe that a committee of the Legislative Council would be far more likely to elicit the truth of any matter submitted for their inquiry, than a committee composed entirely of the service to which the party implicated belongs; and I believe your Lordship to be far more likely thus to be informed of the real truth of matters deeply affecting the colonial interests. I have purposely made these remarks, my Lord, as general as possible; and most respectfully do I beg you to take them in the spirit in which I offer them.

I am quite aware that the 16th clause of the instructions gives to members the power of placing a minute on the proceedings of the Council, and which may thus come under your Lordship's eye; so also, my Lord, may any individual of the community address a letter to your Lordship; but men are naturally disinclined to do either the one or the other, when they have no means of ascertaining the nature of the explanation which is offered to your Lordship by the authorities here; I am well enough versed in the mode of framing official despatches, to know how easy it is to offer explanations in them which would not be offered to an assembly composed of men having a knowledge of facts passing before their eyes, and common sense to draw their own conclusions.

I think also, that it is not desirable that the Governor should have the power to pass any Ordinance for which your Lordship's sanction has not been previously obtained (except the annual Supply Ordinance), unless with a clear majority, irrespective of his own vote, of four-fifths of the Legislative Council, which would place it in the power of any three members (out of the present 15) to postpone the enactment of a law pending a reference home. I would also ask, for the Legislative Council, a much larger control over the expenditure of the colony, by a considerable reduction of the fixed establishments. I feel that it would not be fair or proper to name any specific alterations I would propose, with my present limited knowledge of the details of the establishments; but to give your Lordship a general idea of the improvement I wish to see introduced, I would instance the department of the surveyor-general. I would confine the "fixed" establishment to that officer an assistant, and such necessary clerks and draftsmen as are inevitably required at all times; and I would leave the salaries of all other assistants to be "contingent" on the works decided upon being undertaken in each year, and the same with all departments whose establishments depend upon the work which the revenue of the year may enable the Executive to propose.

The only subject in respect to the working of the Legislative Council, which I wish at present to bring to your Lordship's notice, arises out of a construction which the existing government have, as I conceive, erroneously put upon the 36th clause of the instructions, which I cannot disjoin from the proper and valuable provisions of the 31st; the evident object of the 31st clause being to give to the public "ample opportunity for opposing" Ordinances affecting their interests, and for which the 36th clause directs "that no Ordinance shall by you be proposed to the said Legislative Council, or enacted by them, unless the draft of the same shall first have been published in the 'Gazette' of our said island, or otherwise made publicly known, for at least three weeks next before the enactment thereof." Now, my Lord, I do conceive that although in urgent cases the Council should have the power to set aside its standing rules, in ordinary cases the construction which all previous administrations have put upon the clause, is much more in accordance with the enlightened and liberal spirit evidenced in the provision of the 31st clause, than the practice of the present, who, during our late sitting, have, notwithstanding objection to the course, proceeded with the Ordinances in most cases up to the passing them through committee previous to the three weeks, considering it only necessary to defer the third reading till after the expiration of that period; a system of procedure not allowing of that time for deliberate consideration and inquiry so essential to the ensurance of respect for our labours. And as regards the Supply Ordinances, I would hope that your Lordship would impress upon the present Government the necessity in future years (for circumstances entirely justified the deviation this session) of adhering to the rules for the colonial service generally, requiring the estimates of expenditure for the ensuing year to be submitted to the Council in the month of June preceding; or at all events, within not less than two months previous to its first reading; and that the whole of the details connected with the expenditure of the colony shall be laid upon the table for the same period; for if the

414

Appendix, No. 1.

local knowledge and practical experience of men of business is to be of any service to the executive, you must give them the opportunity of making themselves acquainted with the subject on which they have to offer their opinions; and further, that these papers should be available from 9 o'clock A. M., as from that hour till 11 (the time when government offices usually open), the merchants could but spare for the purpose of quiet examination of accounts.

I would also respectfully submit, for your Lordship's consideration, that a copy of the "Printed collection of Rules and Regulations for the Colonial Service" should be laid on the table of the Legislative Council, for the information and guidance of its members.

I have thus, my Lord, endeavoured to place my opinions before you, in language, I trust, as unobjectionable as I would assure you they are free from any personal feelings. I may have written at too great a length; it is from no liking for the task; it is the labour of hours taken from sleep, work added to anxieties of no trifling weight, and from which only I can hope for relief in the results of good government; for I do not hesitate to place on record, for your Lordship's information, my deliberate opinion that the planting interests of this colony are on the very brink of absolute annihilation; to preserve us from which it will require all the aid in your Lordship's power to afford, and that without delay.

I have, &c.
(signed) *Geo. Ackland.*

(A true copy.)

To the Right Hon. Earl Grey,
&c. &c. &c.

(signed) *W. D. Bernard.*

— No. 3/3. —

(No. 216.)

My Lord,

Downing-street, 18 May 1848.

You will inform Mr. Ackland that I have carefully read and considered the two letters which he has addressed to me, bearing date the 11th and 24th of last February respectively, which were enclosed in your despatch of March 3d, No. 53. And you will assure him, on my part, that I do full justice to the motives of interest in the public welfare which have induced him to write them.

With regard to the first of these letters, in which he remarks on the Ordinances Nos. 8, 9, 10, of 1847, and on the Stamp Ordinance, No. 2 of 1848, my despatches on the subject of those Ordinances will have put your Lordship sufficiently in possession of my views respecting them, and you can communicate to Mr. Ackland so much of the substance of these communications as it may appear necessary that he should know.

With respect to the second and more important of Mr. Ackland's letters, in which he suggests various important alterations in the constitution of the Legislative Council, your Lordship will inform him, that although I am not of opinion that the changes which he has recommended can, in general, be introduced with advantage, at least at the present time, yet I trust that without their adoption the objects which he has had in view in proposing them may, to a considerable extent, be attained.

Mr. Ackland proposes, in the first place, that the Governor should cease to preside at the meetings of the Legislative Council and to take part in its proceedings. If the legislative body in Ceylon were a popular assembly, I should subscribe to the justice of his objections to the presence of the Governor. But, considering the very different character which belongs to it under the present constitution of government, I do not think the same arguments apply. But I so far recognize the principle of his observations, that I consider it the duty of the head of the government, as I have no doubt it will be the wish of your Lordship, as long as you hold that office, to give the utmost latitude to fair and free discussion among the members of the Council upon all subjects concerning the interests of the island. It is, indeed, one of the chief advantages which result from the Governor's taking part in the proceedings of that body, that in this manner he enjoys better opportunities than he would otherwise possess of learning the views of the principal inhabitants of Ceylon upon the various measures for its improvement, suggested either by Government or by other parties. And I am convinced that the circumstance of having taken an active part in the preparation of such measures will never induce the Governor to entertain the slightest wish to check the remarks of those who may honestly object to any of his proposals. On the contrary, it will naturally be his desire, while there is still an opportunity of amending and reconsidering the measures brought forward, to hear the criticisms of the members of his Legislative Council; whose object, it is to be presumed, will be the same as his own, namely, that of rendering the laws which are enacted as well adapted as possible to the wants of the community. Considering how deeply the reputation of the Governor is concerned in the prosperity of the colony entrusted to his charge, he cannot but be anxious for the best assistance which he may be able to procure towards rendering his measures as effective as possible.

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With regard to the amount of freedom in their conduct as legislators to be allowed to the official members of the Legislative Council, which is the subject of the next part of Mr. Ackland's letter to myself, as well as of his former letter to the Legislative Council to which he refers, it appears to me that the best rule which can be laid down under the circumstances of Ceylon is that the official members of the Council are entitled, as well as the unofficial, to express their opinion upon all subjects with the utmost freedom; but that, after they have done so, it would be improper and inconsistent with their official character to defeat by their votes measures which the Governor, having fully considered their observations, might continue to think it necessary to press forward. If they should altogether disapprove of them, it would in my opinion be their duty to enable him to pass them upon his own responsibility, recording by minute, if they should deem it requisite, the objections which they might entertain. The adoption of a different rule would create the risk of a most inconvenient obstruction of the march of government.

With regard to an increase in the numbers of the Legislative Council, I do not at present see any evidence of its necessity. Nor am I satisfied that there is any sufficient reason for altering the fifth clause of the Instructions, which relates to the power of introducing questions for debate. I consider it to be the duty of the Governor so to exercise the power which that instruction confers upon him as not to interfere with the full discussion in the Legislative Council of all subjects affecting the interests of the colony. But the power itself ought, in my opinion, to exist, in order to avert the possibility of obstructive proceedings. I am certain your Lordship will never make use of it for other purposes. But in the highly improbable event of a Governor abusing this power, a check upon such misconduct is provided by the 16th clause of the same Instructions, empowering members of the Council to place on record their objections; to which Mr. Ackland himself refers. On the other hand, to give three members of the Council the power of obstructing the passing of any measure without the previous sanction of the Secretary of State would be highly inconvenient, nor do I perceive that any occasion for such a provision has been shown to exist.

I do not apprehend the distinction which Mr. Ackland has drawn between what are called the fixed establishments and the remainder of the expenditure, to be such as to warrant any alteration of the existing rules. The power of the Legislative Council extends over all the public expenditure of the colony. The difference is only this, that to alter any part of the charges constituting what is called the fixed establishment requires a legislative measure, in the absence of which the expense once sanctioned continues; whereas the remaining heads of expenditure require to be provided for by annual appropriations. This is a distinction with which at home we are familiar. Many heads of expense in the public administration of this country are provided for by permanent laws charging them on the Consolidated Fund; while others are voted in Committee of Supply, and then included in the annual Appropriation Act. But the former charges are not thus placed beyond the power of Parliament to reduce them, except so far as the faith of the Legislature is pledged to the maintenance of some of them. For instance, Parliament might at any time, if it thought fit, repeal the law by which a portion of the charge for the metropolitan police is permanently placed upon the Consolidated Fund. In the same manner I regard the whole fixed establishment of Ceylon as liable to revision and reduction; and I believe it stands greatly in need of being strictly scrutinized.

With regard to the notice to be given of laws before they are passed, I am of opinion that it is not necessary to make any change in the existing instructions. At the same time, in a colony of which the legislature does not possess a representative character, I think it of peculiar importance that as much time should be given as is practicable without inconvenience, in order to ascertain public opinion on all proposed laws before they are passed. The drafts of all ordinances, therefore, which are not of a kind to require enactment without delay, ought, I think, to be published at least three weeks before they are committed; and if materially altered in committee, they should be again published before they are read a third time. The state of society opposing obstacles to the grant of representative institutions to Ceylon, the publicity of all proposed ordinances affords the next best security against ill-advised legislation. I consider it better, however, to leave this to the discretion of the Governor, than to attempt by a new regulation to define the cases in which delay would be inconvenient.

I concur in opinion with Mr. Ackland as to the propriety of giving ample time for the discussion of the annual Appropriation Ordinance; although, as he observes, the circumstances of last year afford a sufficient ground for proceeding more rapidly.

You will, in conclusion, assure Mr. Ackland, that I have no fault to find with the language in which he has placed his views before me, and that I am fully sensible of the necessity of adopting such measures as are practicable for the relief of the planting interest in Ceylon.

You will lay a copy of this despatch on the table of the Legislative Council, for the information of all its members. I enclose a copy of the printed rules and regulations for the Colonial Service, to be laid on the table in like manner, in pursuance of Mr. Ackland's request.

The Lord Torrington,
&c. &c. &c.
Ceylon.

I have, &c.
(signed) Grey.

416

Appendix, No. 1.

— No. 4. —

(No. 23.)

Queen's House, Colombo, 9 June 1847.

(Received 26 July 1847.)

My Lord,

A VACANCY having been occasioned in the number of unofficial members of the Legislative Council by the resignation of Mr. Smith (whose appointment was sanctioned by Her Majesty in 1845), I felt disposed, from the recommendations which had been made to me, and the inquiries which I had instituted, to offer the vacant seat for the acceptance of Mr. Ackland, who had formerly been a member of the Council, and resigned in January 1840, on the occasion of visiting England.

Diffident of my own opinion, however, after so short a residence in the colony, and anxious to fortify it by that of parties longer and better acquainted with the community, I took an opportunity to ascertain the sentiments of the Chamber of Commerce, for which purpose I caused the letter to be addressed to them, of which I have the honour to enclose a copy, inviting them to suggest a person for my approval, whom the mercantile body would concur to recommend.

Their reply, of which a copy is also enclosed, contained an unanimous approval of Mr. Ackland, the gentleman on whom my own attention had been fixed.

Thus confirmed in the propriety of that selection, I have offered the seat in Council to Mr. Ackland, subject to Her Majesty's confirmation, and I beg now to submit his name for the Royal sanction, and to solicit the usual authority for his appointment.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *Torrington.*

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Enclosure 1 in No. 4.

Sir,

Colombo, 4 June 1847.

I AM directed by Viscount Torrington to request that you will communicate to the Chamber of Commerce of Colombo, that although by the Royal instructions to his Excellency, the nomination of unofficial members to the Legislative Council is to be made on his own responsibility, he is not only desirous in discharging that duty so to make his selections as to secure, as far as possible, a voice for the several interests in the island, but also, so long as he is comparatively a stranger in Ceylon, to avail himself of the advice and assistance of those longest and most intimately acquainted with the colony and its community.

Acting on this impulse, and desirous that the vacancy caused by the retirement of Mr. Smith should again be filled by a member of the mercantile body conversant with their interests and sharing their confidence, his Lordship begs on this occasion that the Chamber of Commerce will have the kindness to suggest the name of a gentleman suited, in their opinions, to fill a seat in the Council; and I am desired to assure you, that any recommendation with which the Chamber may favour him shall have his Lordship's most respectful attention.

The Secretary to the
Chamber of Commerce.

I have, &c.
(signed) *J. Emerson Tennent.*

(A true copy.)

J. Emerson Tennent.

Enclosure 2 in No. 4.

Sir,

Chamber of Commerce, Colombo, 7 June 1847.

IN acknowledging the communication of the 4th instant with which you have honoured the Chamber of Commerce, I have been requested to apprise you that the Chamber highly appreciate the liberal and enlightened policy and feeling which has induced his Excellency to be desirous for the Chamber to suggest the name of a gentleman suited, in its opinion, to fill the vacancy in the Legislative Council occasioned by Mr. Smith's retirement.

The Chamber numbers amongst its members the whole of the European mercantile establishments in Colombo, and it is mainly themselves and their constituents who supply the means for carrying on the whole of the planting and other operations of the colony; the Chamber therefore are most deeply interested in seeing in the Legislative Council gentlemen whose experience, abilities, and knowledge shall be likely to render their advice advantageous to the interest of the colony, and whose character shall guarantee their advice to be honest and faithful to the Crown as well.

I have now the honour to state, that the Chamber respectfully beg to recommend to his Excellency's consideration for nomination to the seat in the Legislative Council vacated by Mr.

Mr.

417

Mr. Smith, the name of Mr. George Ackland; and I have to add, that in coming to this election, the Chamber has been deeply impressed with the propriety and necessity of supporting His Excellency's desire, that the recommendation should be of a gentleman conversant with the interest of the mercantile community, and sharing their confidence. Mr. Ackland has deservedly acquired the entire confidence of the mercantile community, and the Chamber is satisfied he will be found equally deserving of that of His Excellency.

Honourable the Colonial Secretary. I have, &c.
(signed) W. Thompson,
Hon. Sec.

(A true copy.)
J. Emerson Tennent.

— No. 4/4. —

(No. 87.)

My Lord, Downing-street, 18th September 1847.

I HAVE to acknowledge the receipt of your Lordship's despatch, No. 23, of the 9th of June, and of its enclosures, recommending that Mr. George Ackland be appointed to the seat in the Legislative Council of Ceylon, vacant by the resignation of Mr. Smith.

The name of Mr. Ackland having been submitted to the Queen in Council, Her Majesty has been pleased to approve of his appointment to the vacant seat in the Legislative Council; and I transmit, herewith, a warrant under the Royal sign manual, authorizing your Lordship to carry this appointment into effect.

3d September 1847.

Viscount Torrington. I have, &c.
(signed) Grey.

— No. 5. —

My Lord, No. 14, Euston Place, 18 July 1837.

THE approaching departure of Mr. Stewart Mackenzie to assume the government of Ceylon, renders it very desirable that in giving him his instructions your Lordship should have every means of judging in what manner his administration may be made most conducive to the welfare of so important a colony.

A residence of 10 years in Ceylon, and a careful attention to its interests, I venture to hope will justify my offering for your Lordship's consideration a few remarks on the government, trade, and agriculture of that island.

Your Lordship is aware that the merchants of Ceylon are much dissatisfied with the government of Sir Robert Wilmot Horton, and also that the firm of which I am a member have had occasion to send home very serious complaints against the authorities of Ceylon. The little leisure I have had since my arrival in this country has prevented my giving any attention to these matters, and now that a new Governor is appointed, I feel that it will be better for all parties to forget the past, individually resting satisfied that although your Lordship may have felt it your duty to give your official support to the Governor of a colony, you cannot have passed over the misconduct of his subordinates without animadversion.

The constitution of the government of a colony is the most material point in considering the means by which it may be benefited, and I shall be most happy if the following observations prove of service to your Lordship in framing your instructions to our new Governor.

Executive Council.—This Council is entirely composed of official servants of Government, and it is of the utmost importance that those members who are called to its assistance in consequence of the situations they may hold or be appointed to at the time, should possess as great a share of talent and judgment as possible to be obtained; for both are alike required in their capacity of councillors, and in filling those high situations which confer upon them their title to that honour.

This important consideration has been, I fear, entirely lost sight of, or if not so, at least the means of securing such a requisite has been very much narrowed.

There are in Ceylon 72 situations usually filled by Europeans, of which 37 are judicial, three maritime, and 32 civil. Had no pluralities existed, so great a number of Government servants would have offered a field for the cultivation of talent and acquisition of information, which could not have been but most desirable for members of a council.

In the past, this field has been narrowed by one individual being permitted to hold two or more situations, and by the employment of military officers in the administration of civil duties.

I do not anticipate from your Lordship any difference of opinion as to the objectionable nature of pluralities, not only on the preceding grounds, but also upon the general tendency.

It is not, I believe, denied that the situation of district judge and Government agent (a collector of revenue) are incompatible with each other, and I only advert to this point

Appendix, No. 1. in this place to strengthen the observations I shall offer under another head (Judicial Situations).

I do not object to the appointment of military officers on the score of fitness; my objection is to the principle. The minor situations of the civil service are the proper schools in which the Government servants should be trained for the higher departments. The experience gained by a residence in the interior is of the utmost importance in after life. A knowledge of the habits of the people, the nature and value of the property which has to contribute to the revenue of the State, the soil and productions of each district, and its capabilities of improvement, are all points of too much importance to be lost, as I now conceive them to be in every situation filled by a military officer, because he is not competent to fill any higher appointment where his experience and information would be of advantage to the Government.

At present there are seven distinct Government agencies filled by military officers, and I respectfully submit that it is for the interest of the colony and the Government that these situations should in every case be filled by a civilian. The salaries attached to these situations (400*l.* a year) are fully equal to the requisite wants of a properly qualified party, having the higher branches of the service to look forward to as his ulterior reward.

I do not propose to trouble your Lordship with many remarks upon the subject of the Legislative Council. The mercantile body, of which I am a member, submitted their objections to its formation to your Lordship; these objections your Lordship has not concurred in, and bowing to your decision, the merchants have withdrawn their refusal to accept of seats, but retaining their opinions upon the question. As an individual I am bound, for the interest of the whole body, to acquiesce in its collective decision, and I have only on this head to remark that the strong party feeling betwixt the Government and the mercantile interest could not have existed on one side alone. It cannot but be evident to your Lordship that Sir Robert Horton does not entertain any very friendly feeling to the merchants who memorialized your Lordship on the subject of the Council, and therefore I would respectfully suggest that any additional appointment to the Legislative Council had better be postponed until the arrival of the new Governor, who will have to preside over it.

Judicial Establishment.—The entire change in our system which has been effected will naturally require a considerable time to elapse before a fair opinion upon its merits can be pronounced. In theory the principle of the measure must be admired, and I have no doubt that in time it would practically effect every improvement in the administration of the law intended by His late Majesty's Government, had not the very principle on which it was based, the appointment as district judges of lawyers by profession, been most unaccountably set aside. If the duties of district judges were those of mere magistrates it might not have been of so much importance, but when it is considered that in the principal ports of the colony the district judges have to decide upon many most intricate cases, involving nice points of commercial law, it does appear to me most objectionable that such determined obstinacy on the part of the Ceylon Government should have existed. I am aware that it is not consistent with the usage of official correspondence to attribute motives to parties administering the government, but when I know that the attention of Sir Robert Horton was strongly drawn to this subject just previous to my leaving the island (in January 1836), when a gentleman educated in England, of admitted talent and acquirement in his profession, was called to the bar of Ceylon by the Supreme Court, apparently, as it were, to convince the Government that there was a qualified individual, in the judgment of that court, to fill the expected vacancy; when I thus see so good an opportunity lost of carrying out the principle so strongly recommended by the Commissioners of Inquiry and by your Lordship's predecessor, Viscount Goderich, what can I think but that the influence of the civil service has prevailed in the Executive Council to prevent any one of the great prizes, which they have been accustomed to look forward to, being given away out of their exclusive circle? Your Lordship will, I hope, do me the justice to believe that I am not regardless of the claims on the Government of those gentlemen who have passed so many years of their lives in its service; that I do not pen these remarks against individual appointments, but against the exclusive principle which pervades the present system. I most respectfully ask on behalf of the natives and colonists of Ceylon that no opportunity should be lost of carrying out the very best, the most important recommendations of His late Majesty's Commissioners of Inquiry.

I am not ignorant of the difficulties the Ceylon government have to contend against, but in this one instance they have thrown away the opportunity of stimulating the whole profession of Ceylon to qualify themselves to fill those high situations. Besides, difficulties must be met boldly; no improvements in government can be carried out without cases of hardship or disappointment to some parties arising; the people receiving the benefit will not grudge the prize, and all parties look to your Lordship for the earliest possible fulfilment of the gracious promises of improvement contained in the letter of your predecessor. The merchants (European and native) have a right to expect that their disputed cases shall be decided by men conversant with mercantile law; the profession have an equal right to expect that their arguments on behalf of their clients shall be addressed to men competent by education to estimate their value and bearing upon the point at issue.

These remarks more particularly apply to the district courts of Colombo, Galle, Trincomalee, and Jaffna; but that there may be men qualified to fill these posts it is essential that the system should obtain throughout the island.

There are in all about 40 judicial appointments, and although the salaries of some of them are small, still I cannot doubt that there are many young men in the profession here and

and in Ceylon, who would be glad to accept and discharge the duties of the minor appointments, with the knowledge that they may with confidence look forward to the higher honours and emoluments.

My Lord, in treating of the government of Ceylon, I have most effectually served the interests of its agriculture, trade, and commerce, and therefore upon these points I shall have little to offer for your Lordship's consideration.

The recent alterations of the customs duties has my general approval; individual claims for compensation will arise, and no doubt meet attentive consideration; but that the colony will rapidly progress now that the restrictions on so many of its valuable productions have been removed, no one conversant with its great capabilities can doubt.

The question of cinnamon, however, requires separate consideration as of the utmost importance to the revenue of the colony.

It is ever to be regretted that the desire to secure present revenue should have induced the Government to sanction so high a rate of duty. It was always foretold by those most competent to judge, that a high export duty would prove a bar to extensive cultivation in Ceylon, and a bounty to production in other countries, and the result has fully verified the prediction; cinnamon is now being produced on the Malabar coast and in Java, and as labour is in both these countries fully as cheap as in Ceylon, I cannot but anticipate at a future period the entire loss of this lucrative trade to the colony.

My experience in planting justifies a confidence in my calculations, and I am satisfied that cinnamon of a second quality (and the great proportion produced being of this quality, it is fair to found all calculations thereon) cannot be produced to remunerate the capitalist under 2s. per lb.; and as the duty is fixed at 2s. 6d., other countries have a protecting price in their favour of 4s. 6d. per lb. I am acquainted with the most extensive planters on the Malabar coast, and I know that they reckon the cinnamon, which is equal to Ceylon seconds, to cost them 3s. per lb., owing to the difference of soil, so that they have in fact a profit of 1s. 6d. per lb., or 50 per cent. on their cost, more than the Ceylon cultivators can receive. I submit to your Lordship whether the planting of cinnamon can be expected to progress under such circumstances, and I would further remark that the high rate of duty not only represses cultivation, but it affects the value of the Government cinnamon plantations, for in estimating their value a purchaser must have reference to the net income to be derived from the sale of their produce, and although, in consequence of a short supply for two or three years after the opening of the trade, and from other causes affecting East India produce generally, the price of cinnamon did advance considerably in the summer of last year, and consequently gave rise to an extensive demand from Ceylon, yet the fall in price here and consequent heavy losses to importers will assuredly keep the trade back for the next five years; this will give the Java planters time, and if the Government plantations are not previously disposed of, they will be reduced considerably in their value.

On this subject I have one general complaint to make against the Government, whether here or in Ceylon; the merchants are treated with distrust, their views are suspected as always interested, and the Government withhold from them all the data upon which they found their calculations as to the value of property; now I conceive that the public are entitled to every title of information which the Government itself possesses, but independent of this right, it is for the interest of the Government that its calculations should be laid before the public; if upon known data, taken from official statements of facts (not opinions), the calculations of Government be found to be correct, the public will adopt them, and the colony will reap the advantage in the sale of its property; if on the other hand individuals can point out the incorrectness of the deductions made by Government, it will surely be for its honour and interest that the valuation be revised. I should be sorry to be obliged to believe that the Government had any lurking objection to dispose of the plantations, but I certainly am impressed with a strong conviction that a jealousy exists on the part of the members of the Government as to transferring the management of these gardens to private hands. This must not be permitted, for so long as the Government retain their plantations, the trade cannot progress as it is for the interest of the colony that it should do. I am rather anxious to call your Lordship's attention to this subject now, because, from the pledge given by the Government, no alteration can take place without ten months' notice in Ceylon, and it would be very desirable that Mr. Mackenzie should be able to give this notice as soon after his arrival as possible. An alteration of the duty would induce continued purchases of the Government stocks, it would raise the value of the plantations, it would give a spur to cultivation in Ceylon and repress it in other parts of the world, and I cannot but feel that now is the time to effect the change, for if it be not done now, the sales of Government cinnamon will meet with a serious check.

The stock in London is large, and the high prices have decreased the consumption, so that there is no inducement to the merchant to send out orders at the present upset prices with the export duty. I will not trouble your Lordship with further remarks on this subject, satisfied that its great importance to the colony will secure for my observations the fullest consideration.

The reduction of the export duty upon areca nut will undoubtedly lead to an extensive trade in this article, as it is well adapted to the China market, and has hitherto been debarred from that outlet by the export duty only. As a great proportion of this article is grown in the Kandian districts, it now becomes of more importance than ever to ascertain

Appendix, No. 1.

whether the large river, the Mahavilla Ganga, from Kandy to Trincomalee, could at any reasonable expense be rendered navigable; if this could be accomplished it would inevitably effect the conversion of Trincomalee into a large commercial port; the coffee now growing on the banks of this river, and the produce of plantations rising up on all sides, will, if once a water communication be established, undoubtedly be sent to Trincomalee for shipment to Great Britain, and it is not necessary for me to call your Lordship's attention to the obvious advantages of so fine a harbour being made available for commercial purposes.

So much has been written upon, and the attention of the local government has so often been called to the state of the grain cultivation of the colony, that it is hardly necessary I should trouble your Lordship on this head; but I should be wanting in a proper regard for the native interests were I not to notice a point in which they are so materially involved. The value of the annual imports of rice into Ceylon is on an average 150,000*L.*, and no one can doubt that with the application of proper means, with such cheap labour and so favourable a soil, the colony would soon render itself independent of foreign supply for this great necessary of life.

The rendering the rivers navigable might be accomplished in some parts by canals, and means have been suggested of rendering these canals available for the purposes of irrigation; the subject at least deserves consideration and might at a trifling expense have a trial, but the principal and most certain mode of increasing the cultivation of rice is by repairing the great tanks in the northern and central districts. I merely allude to this subject, as I have no doubt it has frequently and ably been brought to your Lordship's attention.

Your Lordship cannot but be aware of the advantage which the colony in its present progressing state would derive from the establishment of a bank upon safe and sound principles. I do not think it advisable that the Government should have any connexion with a bank, but as it would require a charter, with some other privileges, the Government have an undoubted right to protect the interests of the public by stipulating for the maintenance of certain fixed principles in the management. It would be necessary for the profitable working of a bank that it should have the power to issue its notes, and this would be of little service unless accompanied by the withdrawal of the Government issues, which at present amount on an average, I think, to 60,000*L.* I do not conceive that any objection to this can exist, for so small a circulation as 60,000*L.* can be of no importance to a Government in a colony requiring a circulation of three times the amount.

It would also be worthy of consideration how far the Government could aid the bank by making it the depository of its floating balances, as is done by the government of the Cape of Good Hope. This plan might save the Government the expense of the present establishment of the Treasury.

The Government, through the medium of the bank, would have less difficulty in converting into cash its bills on London and the bills on the Indian Presidencies, which it receives in payment for cinnamon and duties.

I believe I have now touched upon the most important topics connected with the Government of Ceylon, in which my experience enables me to offer an opinion, and I shall be most happy to find the administration of our new Governor accompanied by those ameliorations in our present system which would be alike conducive to the interests of the colony and the honour of Her Majesty's Government.

To the Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) *E. Ackland.*

—No. 1/5.—

(No. 88.)

My Lord,

The Queen's House, Colombo,
12 June 1838.

I HAVE the honour to report that I have nominated George Ackland, esq., and Simon Casie Chitty, esq., to be members of the Legislative Council here; thereby completing the number of six non-official members.

Mr. Ackland was selected by the merchants here, to whom I had delegated that difficult task.

Mr. Casie Chitty is an intelligent Malabar; the person mentioned in your Lordship's despatch No. 176, of the 17th May 1837; as his circumstances are such as to preclude his accepting a seat in the Legislative Council without some allowance being made to him, I have assigned to him a pension of 9*L.* 16*s.* per annum, being the amount of the official income of the situations he resigned in order to accept a seat in the Council.

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) *J. A. Stewart Mackenzie.*

— No. 2/5. —

Appendix, No. 1.

(No. 133.)

Sir,

Downing-street, 30 October 1838.

I HAVE received and laid before The Queen, your despatch No. 88, of 12 June last.

Her Majesty has been graciously pleased to approve and confirm the appointment of George Ackland, esq., and Simon Casie Chitty, esq., as members of the Legislative Council of your government.

Her Majesty's Government regret that Mr. Casie Chitty's circumstances should preclude his accepting a seat in the Council without some allowance being made to him; and they trust that whenever it may be practicable, either in this or in any other instance, to withdraw such allowance from native members of the Council, without incapacitating them from attendance at the Council Board, you will not fail to adopt the course originally contemplated by Mr. Spring Rice, in his despatch of the 23d August 1834.

The Right Hon. Stewart Mackenzie,
&c. &c. &c.

I have, &c.
(signed) *Glenelg.*

— No. 3/5. —

(No. 92.)

My Lord,

Galle, 8 June 1840.

I HAVE the honour to report to your Lordship that two vacancies have occurred among the unofficial members of the Legislative Council of this colony; one by the return of Mr. Ackland to Europe, a copy of whose resignation is herewith transmitted; and the other by the death, on the 10th March last, of Mr. Charles Dawkins Parlett.

Pursuant to the 7th clause of the Royal Instructions, I have appointed in their place Mr. John Armitage and Mr. George Crabbe, until Her Majesty's pleasure be made known.

Mr. Armitage is the senior member of the firm of Armitage, Scott, & Co., and Mr. Crabbe is the senior resident partner of the house of Crowe & Co.; they are both establishments of respectability, and I have reason to believe that my selection has given satisfaction to the commercial community. I beg leave therefore to recommend that these appointments may receive Her Majesty's gracious confirmation.

Although the present Royal Instructions do not prescribe any particular period of residence to render an inhabitant of this colony eligible for admission into the Legislative Council, I have the honour to state that both these gentlemen have been resident in Ceylon for upwards of two years, the term fixed in the original instructions issued to Sir Robert Wilmot Horton.

The Right Hon. Lord John Russell,
&c. &c. &c.

I have, &c.
(signed) *J. A. Stewart Mackenzie.*

Enclosure in No. 3/5.

Sir,

Colombo, 13 January 1840.

I HAVE the honour to acquaint you, for the information of the Right honourable the Governor, with my intention of embarking for Bombay on my way to England; thereby vacating my seat in the Legislative Council of this colony.

In relinquishing this honour I cannot but repeat my expression of gratitude to his Excellency for the mode in which it was conferred, and which alone induced me to alter my original intention of devoting the short time I had to reside here to my private affairs.

The Hon. Geo. Turnour, Esq.
Acting Colonial Secretary, &c. &c. &c.

I have, &c.
(signed) *Geo. Ackland.*

(A true copy.)
(signed) *Geo. Turnour,*
Acting Colonial Secretary.

— No. 6. —

INSTRUCTIONS issued by Earl Grey to prevent any Captured Africans being sent to British Guiana, not already laid before the Committee.

See Return presented 24 April 1849.

Appendix No. 2.

Appendix, No. 2. COPIES or EXTRACTS of the CORRESPONDENCE between the Colonial Office and the Government of *Ceylon*, subsequent to those already laid before the House; viz. "Papers relative to the Affairs of *Ceylon*, presented by Her Majesty's Command, February 1849."

Colonial Office, Downing-street, }
31 March 1849.

(signed) B. HAWES.

LIST of CEYLON DESPATCHES (relating to the late Insurrection) since those included in the last Parliamentary Paper.

FROM THE GOVERNOR.

No.	DATE.	SUBJECT.	PAGE.
	1849:		
6.	8 January	- Ordinance No. 19 of 1848: Repealing Regulations of 1806 and 1807, for the licensing of Bakers	387
7.	8	- Ordinances Nos. 20 & 21, 1848: Licensing of Traders; Dog Licences; in Amendment of former Ordinances	388
8.	9	- Ordinance No. 22, 1848: Fire-arms; The points of difference in this and the previous Enactment contrasted	389
9.	9	- Ordinance No. 23, 1848, Relative to Carriages and Boats	392
13.	12	- Address of Singalese Inhabitants, in connexion with late Occurrences, and expressive of Gratitude for the Modification of the recent Fire-arms, Dog, and other Ordinances	400

FROM THE SECRETARY OF STATE.

	1848:		
301.	21 October	- Buddhist Petition, enclosed for Governor's Report	402
312.	14 November	- Reply to Reference of Buddhist Petition for exemption from the Labour Tax, under the Road Ordinance	402
318.	16	- Kandy Riots: Acknowledging Memorandum by Mr. Buller and Priest; Proclamation to restore Confidence, approved; Non-participation of the generality of Community; awaits further Report	403
323.	1 December	- Merchants' Memorial on taxation, acknowledged	403
329.	16	- Kandy Riots: General Approval of Measures adopted; Loan from Oriental Bank sanctioned	403
	1849:		
338.	16 January	- Financial Measures and Recent Ordinances: Gun, Dog, and Shop Licences; Alterations will be sanctioned; Observations on the inconvenience of frequent Alterations	403
339.	16	- Ordinance No. 11, 1848: Indemnification for acts done during Martial Law	404
341.	20	- Buddhist Priests: Their exemption from the operation of the Road Ordinance; reply in respect of Representations of Bishop of Colombo	405
345.	24	- Road Ordinance, No. 14 of 1848; in Amendment of No. 8 of same year: Extension of its operation to the Maintenance of Tanks and other means of Irrigation; final Confirmation of the Ordinance suspended	405
346.	24	- Kandy Riots: Apprehension of further Disturbances; trusts there is no foundation for the rumour	407
347.	30	- Buddhist Priests: Exemption from operation of the Road Ordinance; Bishop of Colombo to be informed that Earl Grey cannot interfere therein	408
348.	31	- Capture of pretended King: His Trial and Punishment; proceedings sanctioned	408
349.	31	- General Policy of Lord Torrington: Acknowledges Despatch containing review of	408
350.	31	- Shop Tax: Acknowledges Native Address on its Repeal	408
353.	3 February	- Mr. Wodehouse's Tour, with view of Explaining Measures of Government: Acknowledges Despatch thereon	408
356.	8	- Revenue and Expenditure; Estimates for 1849: Acknowledges Despatch enclosing, and approves Measures therein detailed	409
357.	9	- Memorial of Chamber of Commerce, for a Commission of Inquiry: acknowledged	409

FROM THE SECRETARY OF STATE—*continued.*

Appendix, No. 2.

No.	DATE.	SUBJECT.	PAGE.
	1849 :		
361.	6 March	- Native Address to Governor : Congratulates him on its receipt	409
362.	8 —	- Ordinances, No. 20, 1848, Shop Licences	} Approved - - 409
		No. 21, 1848, Gun Licences	
		No. 23, 1848, Boat Licences	
366.	17 —	- — — No. 22, 1848, Amending Fire-arms' Act : Approved	410

APPENDIX.

Appendix, No. 1.	- Petition from the Merchants, Planters, Traders, and other Inhabitants of Ceylon to the House of Commons	- - - 410
Appendix, No. 2.	- Copy of a Despatch from Viscount Torrington to Earl Grey, dated Colombo, 16 October 1848, transmitting Petition from the Inhabitants of Ceylon	- - - 411

DESPATCHES FROM THE RIGHT HON. VISCOUNT TORRINGTON,
GOVERNOR OF CEYLON.

(No. 6.)

Queen's House, Colombo, 8 January 1849.

(Received 28 February 1849.)

My Lord,

AMONG the regulations of this colony having the force of legal enactments, which have ceased to be applicable to the present state of the community, and which it is therefore desirable to repeal, are the Regulations No. 11 of 1806, and No 2 of 1807, which provided for the licensing and regulation of bakers. The charge of 7s. 6d. annually for the licence has been continued up to the present time, although the other provisions of the same Regulations by which that payment has been enforced have necessarily fallen into desuetude.

Answered 8 March 1849, page 409.

On general grounds it has been judged expedient to leave the trade of bakers as little fettered by regulations or licences as other trades, and accordingly the Ordinance which I have now the honour to submit, being No. 19 of 1848, has been passed with a view to repeal the Regulations No. 11 of 1806, and No. 2. of 1807.

I cannot hesitate to anticipate that it will be recommended by your Lordship for the confirmation of Her Majesty.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) Torrington.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council thereof.

(No. 19.)

TORRINGTON.

To Repeal the Regulation No. 11 of 1806, and No. 2 of 1807.

WHEREAS the provisions contained in the Regulation No. 11 of the year 1806, and in the Regulation No. 2 of the year 1807, relating to the sale of bread at Colombo and Trincomalie, are not adapted to the present circumstances of this island ; and many of them have become obsolete : And whereas it is therefore expedient to repeal the same ;

Preamble.

It is therefore enacted by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance the Regulation No. 11 of the year 1806, and the Regulation No 2 of the year 1807, entitled " Regulations respecting Bakers at Trincomalie," shall be and the same are hereby repealed.

Repeal of Regulations No. 11 of 1806, and 2 of 1807.

Passed in Council the 18th day of December 1848.

(signed) *W. C. Gibson,*
Clerk to the Council.

Published by order of His Excellency the Governor.

(signed) *J. Emerson Tennent,*
Colonial Secretary.

424

Appendix, No. 2.

(No. 7.)

Colombo, 8 January 1849.
(Received 28 February 1849.)

Answered 8 March 1849, p. 409.
No. 203. 14 Nov. 1848.
No. 221. 17 Dec. 1848.

My Lord,
IN my despatches noted in the margin, I have already stated to your Lordship my views with regard to the propriety of repealing the Ordinances No. 5 of 1848, and No. 9 of 1848, the former requiring the owners of dogs to take out annual licences for them, and the latter imposing upon the occupiers of shops of the annual rental of 5*l.* and upwards, the payment of 20*s.* annually for a licence to trade.

Vide Ceylon Papers, February 1849, pages 290 and 301.

The grounds upon which I stated that I was prepared to recommend the repeal of the Ordinances in question have been already so fully explained, that it will be unnecessary for me to enter into further details upon the subject.

Vide Ceylon Papers, February 1849, page 300.

I have every reason to feel assured that the repeal of these Ordinances, and the modification of some others, has been regarded in its true light by the mass of the people, not as a concession to popular clamour and tumult on the part of the Government, but as an earnest of its real desire to deal equitably and mildly with all classes of the inhabitants, and to consult their wants and their feelings in a spirit of candour and impartiality.

The address from the traders of Colombo, transmitted with my despatch, No. 222, of 11th December, will have proved satisfactory to your Lordship upon this subject. I have now the honour to submit for your Lordship's approval, the Ordinances Nos. 20 and 21, of 1848, for repealing the Ordinances Nos. 5 and 9 of the same year, to which reference has been made.

The Earl Grey, &c. &c. &c.

I have, &c.
(signed) Torrington.

Enclosure 1.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council thereof.

(No. 20.)

TORRINGTON.

To Repeal the Ordinance No. 5 of 1848.

Preamble.

WHEREAS the revenue derived from licences on shops has been found to be inconsiderable, and it is therefore inexpedient to continue in force the provisions contained in the Ordinance No. 5 of this present year;

Ordinance No. 5 of 1848, repealed.

It is therefore hereby enacted, by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof, that from and after the 1st day of January next ensuing, the Ordinance No. 5, of the year 1848, entitled "To make provision for the registration and licensing of certain traders," shall be, and the same is hereby repealed, save and except as to any offences committed, or any fines or penalties incurred thereunder.

Passed in Council the 18th day of December 1848.

(signed) W. C. Gibson,
Clerk to the Council.

Published by Order of His Excellency the Governor.

(signed) J. Emerson Tennent,
Col. Secretary.

Enclosure 2.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council thereof.

(No. 21.)

TORRINGTON.

To repeal the Ordinance No. 9 of the Year 1848.

Preamble.

WHEREAS the Ordinance No. 9 of the present year 1848, requiring the owners of dogs to take out licences for the same annually, has been found in a great degree ineffectual for the purpose for which the same was enacted, and it is expedient to repeal the said Ordinance;

Ordinance No. 9 of 1849, repealed.

It is therefore hereby enacted, by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof, that from and after the 1st day of January next ensuing, the Ordinance No. 9 of the year 1848, entitled "To require the owners of dogs to take out licences for the same," shall be and the same is hereby repealed, save and except as to any offences committed, or any fines or penalties incurred thereunder.

Passed in Council the 18th day of December 1848.

(signed) W. C. Gibson,
Clerk to the Council.

Published by Order of His Excellency the Governor.

(signed) J. Emerson Tennent,
Col. Secretary.

425

(No. 8.)

Colombo, 9 January 1849.
(Received 28 February 1849.)

My Lord,

WITH reference to my despatch, No. 7, by this mail, and to previous correspondence therein alluded to, upon the subject of the repeal or modification of certain Ordinances which were passed in the early part of last year, I have the honour to submit for your Lordship's approval the Ordinance No. 22 of 1848, for repealing the Ordinance No. 13 of 1847, which was designed to regulate the possession of fire-arms. The present Ordinance has been introduced for the purpose of substituting some other provisions in lieu of those of the former one, which were found in practice to be productive of inconvenience.

Answered 17 Mar. 1849, page 410.

2. The principal points of difference between the two Ordinances are the following :

3. Instead of requiring the licence for the possession and use of fire-arms to be annually renewed, the present Ordinance merely requires a single registration, and the purchase of a single licence by the same proprietor; but in the event of any change in the ownership of the weapon, a new registration must be made, and a fresh licence paid for, at a charge of 1s. only, instead of 2s. 6d.

4. Instead of requiring the possessor of fire-arms to make an application in writing for a licence, to which many well-founded objections were entertained, it is now provided that the owner may make his application either verbally or in writing, as may best suit his convenience; and in practice also authority has been given to issue the licences not only at the cutcherry of the agent or assistant agent, but likewise at the principal towns and villages in the district, or, if the agent think proper, at the very house of the applicant.

5. Much benefit has already resulted from this new modification of the Gun Ordinance, and thousands of guns are now voluntarily and readily produced by their owners, and licences for them demanded, which before were cautiously concealed by the people, and the complete registration of which could not really have been enforced. Indeed I have reason to believe that the quantity of fire-arms possessed by the inhabitants in most parts of the country, some rudely manufactured in the island, some introduced from the continent of India, and others imported from Europe, will prove to be very much greater than either the Government or the public generally had at all imagined.

6. As there is no material difference between the present Ordinance and the former one with respect to the other provisions for effecting the object of its enactment, it will be unnecessary for me to dwell upon them, as they have already received your Lordship's approval.

The Earl Grey, &c. &c. &c.

I am, &c.
(signed) Torrington.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council thereof.

(No. 22.)

TORRINGTON.

To amend in certain respects the Ordinance No. 13 of 1847, entitled "To regulate the possession of Fire-arms."

WHEREAS the establishment of one general and uniform provision respecting the possession and use of fire-arms in this island is of the utmost importance; but it is expedient nevertheless that certain alterations should be made in the Ordinance No. 13 of 1847, in that behalf enacted; and that the owners of such arms should not henceforth be required to take out annual licences for the same;

Preamble.

1. It is therefore hereby enacted, by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 13 of the year 1847, entitled "To regulate the possession of fire-arms," shall be and the same is hereby repealed; save and except as to the repeal thereby of any former regulation, proclamation, or law; and except as to any offences already committed, or liabilities incurred thereunder.

Repeal of former laws.

2. And it is further enacted, that it shall not be lawful for any person to have in his custody or possession any arms without having obtained a licence for such arms; and any party who shall have in his custody or possession any arms without having obtained such licence shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding 2*l.*, and all such arms shall be forfeited to the use of Her Majesty, Her Heirs and Successors, if the Court before which such conviction shall take place shall so adjudge. Provided, however, that nothing herein contained shall be construed to apply or extend to any licensed manufacturer of or dealer in arms, nor to any person while actually employed by

Licence to possess fire-arms.

Penalty.

Proviso.

(92.)

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Appendix, No. 2.

any such manufacturer of or dealer in arms to carry or convey arms for the purposes of his trade; and provided also that nothing herein contained shall apply or extend to any person while intrusted by a person having any such licence with the temporary use or custody (whether as the servant of the owner, or by way of security for any debt or otherwise) of any arms for which a licence has been obtained. And provided also, that no member of the family of a deceased person who had at the time of his decease a licence to keep arms shall be liable to any fine for having such arms until after the expiration of one calendar month from the death of such licensed person.

Licences issued under the Ordinance No. 13 of 1847, to remain in force.

3. Provided always, and it is further enacted, that every licence duly obtained under and in virtue of the provisions of the Ordinance No. 13 of 1847, shall be and continue in full force and effect, so long as the arms for which the same was granted shall remain in the custody and possession of the person to whom such licence was issued; anything in the said Ordinance, or in any such licence, contained to the contrary notwithstanding; and that no person having obtained such licence shall incur the fine or forfeiture herein-before mentioned in respect of any arms in his custody or possession and therein described.

Licence how obtained.

4. And it is further enacted, that any person who may be desirous to obtain any licence under the provisions of this Ordinance shall make an application, verbally or in writing, to that effect to the Government agent, or some assistant Government agent, of the province within which such person resides, specifying the name and residence of such person and the number and description of arms for which licences are required; and such Government agent, or assistant Government agent, shall issue to the person making the same a licence for each gun, pistol, or other description of arms specified, as near as is material according to the form in the schedule hereunto annexed marked (A.), which licence shall be on a stamp of 2s. 6d. Provided always, however, that when any person shall apply for a licence for any arms for which a licence has been previously obtained by the former owner thereof, it shall be lawful for the Government agent, or assistant Government agent, and he is hereby required to issue such licence on a stamp of 1s. only.

Fire-arms may be marked by the Government agent if necessary.

5. And it is further enacted, that whenever any such arms are not marked with such names or figures, or in such other manner as that the same may be readily identified, it shall be lawful for the Government agent, or assistant Government agent, to whom the application is made, before granting the licence applied for, to require the applicant to produce to him any such arms, and thereupon to cause the same to be marked, either on the stock or barrel, with some permanent mark, whereby the same may afterwards be known and identified, but in such manner as not to injure or disfigure the same; and such arms when duly marked shall, with the licence relating thereto, be delivered to the said applicant; and the expenses attendant on such marking shall be defrayed by the Government agent, or assistant Government agent, out of the public funds. And if any person shall wilfully obliterate or deface, or shall alter, counterfeit or forge any such mark, or any mark put on any arms under the provisions of the Ordinance No. 13 of 1847, or shall mark any arms with any mark resembling or intended to resemble any mark used by such Government agent, or assistant Government agent, under the provisions of this Ordinance, or of the Ordinance No. 13 of 1847, with intent thereby to expose any person to any fine, or to defraud Her Majesty of any stamp duty, or to commit any other fraud, every such offender shall forfeit for each offence a sum not exceeding 20l.

Penalty for fraudulently obliterating or forging mark.

Register of licences.

6. And it is further enacted, that every Government agent, and assistant Government agent, shall register all such licences so granted, in a book to be kept for that purpose; and it shall be lawful for any person, at any time during office hours, to demand inspection of the said book, and also to take any copy or extract therefrom.

Proceedings where licence is lost, &c.

7. And it is further enacted, that if any such licence, granted under the provisions of this Ordinance, or of the Ordinance No. 13 of 1847, shall be by any casualty destroyed, defaced, or lost, it shall be lawful for the person to whom the same shall have been granted to report the same to the Government agent, or any assistant Government agent, for the province wherein such person resides; and if such Government agent, or assistant Government agent shall be satisfied of the fact of such casualty or loss, he shall grant to such person a certificate in the form in the schedule hereunto annexed marked (B.), reciting such loss, and setting out the purport and effect of the licence so lost, defaced, or destroyed, and such certificate shall be in lieu thereof, and of like force and effect.

Proof of ownership.

8. And it is further enacted, that the occupier of any house or premises in which any arms shall be found, shall, for the purpose of this Ordinance, be deemed and taken to be the possessor of such arms.

Licence to manufacture or sell arms.

9. And it is further enacted, that no person shall make, or keep for or expose to sale in this island, by way of auction or otherwise, any arms or any part of any arms, without a licence from the Government agent, or some assistant Government agent, of the province within which such person resides; which licence shall be as near as is material according to the form in the schedule hereunto annexed marked (C.), and shall be on a stamp of 1l.; and if any person shall have in his custody or possession, for the purpose of his trade as a manufacturer of or dealer in arms, any arms, or part thereof, without being so licensed, every such offender shall be liable on conviction thereof to a fine not exceeding 5l. Provided always, that nothing herein contained shall be construed to prevent any person licensed to possess arms under the 3d section of the Ordinance No. 13 of 1847, or under

Penalty.

Not to extend to sale of arms by the licensed owner thereof.

the

427

the 4th section of this Ordinance, from selling any arms for which he has obtained a licence. Provided also, that every licence to manufacture or sell arms duly obtained under and in virtue of the provisions of the Ordinance No. 13 of 1847, shall be and continue in full force and effect so long as the person to whom the same was granted shall continue to exercise his trade as a manufacturer of or dealer in arms; anything in the said Ordinance or in any such licence contained to the contrary notwithstanding: and that no person, having obtained such licence, shall incur the fine herein-before mentioned for having any arms, or part thereof, in his custody or possession for the purposes of his said trade.

Appendix, No. 2.
Licences issued to dealers under the Ordinance No. 13 of 1847, to remain in force.

10. And it is further enacted, that if any headman or officer of police, or any peace officer whomsoever, shall fail to inform against any person guilty of possessing or using arms without a licence, and whom he shall have good reason to know or to believe to be guilty thereof, such headman, officer of police, or peace officer, shall be guilty of an offence, and be liable on conviction thereof, to a fine not exceeding 5*l.* in respect of every failure to inform against any such person as aforesaid.

Headman to give information.

11. And it is further enacted, that one-half of all the fines actually recovered and realized under the provisions of this Ordinance shall go to Our Lady The Queen, and the other half to the informer.

Informer's share of penalty.

12. And it is further enacted, that whenever any person shall be charged before a competent court with possessing or using arms without a licence, the party complaining shall not be required to prove the want of licence, but the proof that such person is licensed shall be upon the accused. Provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Proof of licence.

Vexatious complaints how punished.

13. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by a police court, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

Limitation of prosecutions.

14. And it is further enacted, that nothing in this Ordinance contained shall apply to or affect any person serving in Her Majesty's Forces, or in any police force, or in any corps of pioneers in this island, in respect of any arms intrusted to or used by any such person in such capacity.

Ordinance not to extend to military and naval persons.

15. And it is further enacted, that in the construction of this Ordinance the word "arms" shall be deemed and construed to include every description of fire-arms and air-guns, and every separate gun or pistol barrel or stock, and no other weapon whatever.

Construction of terms.

16. And it is further enacted, that this Ordinance shall commence and take effect from and after the 1st day of January 1849.

Ordinance when to take effect.

SCHEDULES.

(A.)

FORM OF LICENCE TO POSSESS AND USE ARMS.

No. . A.B., of , was this day licensed to possess and use (a double
barrelled fowling piece by Manton, No. 6,749, or A single barrelled
pistol, marked on the barrel Δ , or as the case may be). Issued the day of

(signed)

Gov. Agent.

(B.)

Whereas on the day of last, a licence to keep the arms herein mentioned, was granted by to A.B., of . And whereas it has been proved to my satisfaction that the said licence has been (*destroyed, defaced, or lost, as the case may be*). Now I do hereby grant the said A.B. this certificate to be in lieu of the said licence, and of the like force and effect.

Given under my hand, at , this day of

(signed)

Gov. Agent.

(Here insert the description of the arms licensed.)

1228

Appendix, No. 2.

(C.)

LICENCE TO MAKE AND SELL ARMS.

No. . Licence is hereby granted to *A.B.*, of , to use and exercise the trade or calling of a manufacturer of, or dealer in arms, at , in the district of

Given at , the day of (signed)

Government Agent.

Passed in Council the 23d day of December 1848.

(signed) *W. C. Gibson*,
Clerk to the Council.

Published by order of His Excellency the Governor.

(signed) *J. Emerson Tennent*,
Colonial Secretary.

(No. 9.)

Answered 8 March 1849, page 409.

Queen's House, Colombo, 9 January 1849.
(Received 28 February 1849.)

My Lord,

1. THE Ordinance No. 23 of 1848, which I have now the honour to submit to your Lordship's approval, has been lately passed for the purpose of remedying a difficulty in the working of the Ordinance No. 3 of the same year, "for the registration of carriages and boats used for the conveyance of goods and passengers for hire," which had not been anticipated, until it was made apparent by a recent legal decision in which the Government failed to sustain a prosecution.

2. My despatch No. 52, of the 7th March 1848, entered fully into the nature and scope of the provisions of the original Ordinance which was transmitted to your Lordship therewith.

3. But in order that your Lordship may be in complete possession of every circumstance connected with these two ordinances, I would invite your attention to the enclosed copy of a letter addressed to the colonial secretary by the Queen's advocate, in which a full explanation is furnished of all that is material in the case.

4. In the second clause of the Ordinance No. 3 of 1848, it was enacted that no carriage or boat should be used for the conveyance of goods or passengers for hire as a public business, unless the owner thereof shall have had the same registered, and obtained a licence for it in the manner provided in the Ordinance. The result proved to be, that according to the decision of the Supreme Court, in a case of appeal from the decision of the police court, none but those who regularly let out carriages or boats for hire "as a public business" were liable to the provisions of the Ordinance; and it followed that as there are in this colony few, if any, persons who could be strictly brought under the denomination of "common carriers" in the sense of the English law, the Ordinance would become, to a very great extent, inoperative.

5. The precise case in point was that of a proprietor of carts, who was under a contract with Government to remove the filth and rubbish from the public streets of the Fort of Colombo; in consequence of his not having taken out a licence for his carts, he was prosecuted before the police court for a breach of the second clause of the Ordinance No. 3 of 1848; he was thereupon sentenced to pay a fine of 1*l.*, but on appeal to the Supreme Court, the decision was reversed by the Chief Justice, upon the ground that the defendant was a contractor for a particular job, and not at the service of every individual who might seek to hire him, and, in short, that he was not employed as a common carrier.

6. The principal difference therefore between the enactments of the present Ordinance and of the one for which it is a substitute, consists in the omission in the second clause of the words "as a public business," and the whole object of the slight modifications which have been introduced is to require the registration of, and the procuring of an annual licence for all carts or boats used for the conveyance of goods for hire, at any time or on any occasion within the year, without reference to the "business of a public carrier."

7. The eighth clause of the new Ordinance defines more clearly than the former one the liability of the owners of carriages or boats let for hire, without affecting in any way the liability as common carriers if they be such.

8. The other provisions of the Ordinance do not differ in any material point from those of the former Ordinance, which however has been expressly repealed, in order to avoid doubt or confusion.

9. I trust your Lordship will be able to recommend it for the confirmation of Her Majesty.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *Torrington*.

Vide Ceylon Papers, February 1849, page 94.

429

Enclosure No. 1.

ORDINANCE enacted by the Governor of *Ceylon*, with the Advice and Consent of the Legislative Council thereof.

(No. 23.)

TORRINGTON.

To amend the Ordinance, No. 3, of the Year 1848, entitled, "For the Registration of Carriages and Boats used for the conveyance of Goods and Passengers for Hire, and for declaring the Rights and Liabilities of the Owners thereof."

WHEREAS it is expedient to amend the Ordinance No. 3, of the year 1848, entitled, "For the registration of carriages and boats used for the conveyance of goods and passengers for hire, and for declaring the rights and liabilities of the owners thereof," and to declare, in certain respects, the rights and liabilities of the owners of carriages and boats used for the conveyance of goods and passengers for hire ;

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the commencement of this Ordinance, the said Ordinance No. 3 of the year 1848, shall be, and the same is hereby repealed, except as to the repeal thereby of any former law, regulation, or ordinance, and except as to any fines or penalties thereby imposed, or as to any offences which may have been committed against the same.

Repeal of former Ordinance.

2. And it is further enacted, that no cart or other carriage shall be used on land at any place within this island, and that no boat shall be used on any river, lake, or canal within the same for the conveyance of goods for hire, and that no mail coach, or other public conveyance by land, shall be used within this island for the conveyance for hire of any passengers or goods, unless the owner thereof shall have had the same registered in manner hereinafter mentioned, and shall have obtained a licence for the same from the government agent of the province in which such owner resides or exercises his calling, or from some assistant government agent thereof; and every such licence shall be on a stamp of 6s., and shall be in force until the 31st day of December of the year in or for which the same shall be granted, and no longer, and shall be as near as is material in the form in the schedule hereunto annexed marked (A.); and the said licences shall be numbered consecutively, commencing at the beginning of every year with the number one.

Carriages and boats to be registered and licensed.

3. And it is further enacted, that no licence shall be granted as aforesaid until a declaration of ownership shall have been made and subscribed before the said government agent, or assistant government agent, by the owner of the cart, coach, or other carriage, or boat to be registered, which declaration shall be as near as is material in the form of the schedule hereunto annexed marked (B.); provided always, that if it shall become necessary to license any cart, coach, or other carriage or boat belonging to any corporate body or company consisting of more than five co-partners, and trading under a deed of settlement or partnership, such declaration shall be made and subscribed by the secretary of such corporate body or company, or other person acting in such capacity; and provided also, that if by reason of sickness, or absence from the island, or other cause, any such owner shall be unable to attend before such government agent, or assistant government agent, such declaration may be made and subscribed by the agent of such owner duly authorized in writing to make and subscribe the same.

Declaration of ownership to be made before licence is granted.

4. And it is further enacted, that at the time when any such cart, coach, or other carriage or boat shall be licensed, the government agent, or assistant government agent, granting such licence, shall issue to the owner thereof a plate, on which shall be legibly painted or marked a number corresponding with the number of such carriage or boat mentioned in the licence for the same, together with figures or letters denoting the year in which such licence has been granted, and the name of the place where such licence was obtained; and the said plate shall be affixed on some conspicuous part of the said carriage or boat, in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so affixed during the continuance of such licence, and the owner of such carriage or boat shall, at the expiration of the period for which the said licence shall have been granted, or on his ceasing to be the owner thereof, return the said plate to the government agent, or assistant government agent from whom it was received.

A plate to be affixed to licensed carriages.

5. And it is further enacted, that the said several government agents and assistant government agents shall and they are hereby required to keep a book, in which shall be registered all the particulars stated in the licences granted by them, and the said register shall be kept as near as is material according to the form in the Schedule hereunto annexed marked (C.); and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference; and it shall be lawful for any person, at any time during office-hours, to demand inspection of the said register, and also to take any copy or extract therefrom.

Licences to be registered.

6. And be it further enacted, that if any persons, contrary to the provisions of this Ordinance, use or permit, or suffer to be used, any cart, coach or other carriage, or boat

Penalty for letting unlicensed carriages, &c.

Appendix, No. 2.

belonging to him, for the conveyance or hire of goods, or of passengers, for which a licence has not been obtained as aforesaid; or after the expiration of the period mentioned in such licence; or without having the said plate affixed as aforesaid; or if he shall use the said plate, or suffer it to remain affixed as aforesaid, after the period for which it was given shall have expired; or shall neglect or refuse to deliver up such plate within one month after the expiration of such licence, or after he has ceased to be the owner of such carriage or boat; or if, upon being thereunto required by any justice of the peace, superintendent of police, or police officer, of the place where such person shall reside, any such person shall refuse or neglect, within a reasonable time, to produce the licence for the same to such justice of the peace, superintendent of police or police officer, then in every such case the owner of such carriage or boat shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding five pounds for the first offence, and for the second and every other offence to a fine not exceeding ten pounds, and the said carriage or boat, and every horse, ox or other animal used for drawing the same, shall in every such case of a second or subsequent offence be forfeited to the use of Her Majesty, Her Heirs and Successors, if the court before which such conviction shall take place shall so adjudge.

Penalty for false declaration, forgery of licence, &c.

7. Provided always, and it is further enacted, that if any person shall wilfully make any false declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, alter, falsify, or forge any licence or plate, or part of any licence or plate issued under the provisions of this Ordinance; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall be on the person accused), have in his possession any false, forged, or counterfeit licence or plate resembling, or intended to resemble, either wholly or in part, any licence or plate which at any time whatever hath been or shall or may be issued or used under the provisions of this Ordinance; then and in every such case every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be guilty of an offence and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Liability of the owners of licensed carriages.

8. And it is further enacted, that the owner of every such licensed cart, coach, or carriage, or boat used for the conveyance of goods for hire, shall in the absence of any special contract between him or the person in charge of such cart, coach, or other carriage or boat, and any other party, for the conveyance of such goods, be liable for any loss of or injury to any goods, articles, or property whatsoever, delivered to be carried therein for hire, which shall be occasioned by the neglect or misconduct of such owner, or of any driver, coachman, boatman, book-keeper, or other person or servant in his employ, or in charge of any such cart, coach, or other carriage or boat; provided, however, that nothing in this action contained shall be construed to limit or in anywise affect the liability of any such owner as a common carrier, if he shall be such.

Not liable for loss of certain goods above 5l. unless delivered as such.

9. Provided always, and it is further enacted, that no such owner shall be liable for the loss of or injury to any article or articles, or property of the descriptions following (that is to say), gold or silver coin of this or any other country, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or time-pieces of any description, trinkets, bills of exchange, orders, notes and securities for the payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether or not wrought up into other materials, or lace, or any of them contained in any parcel or package which shall have been delivered to be carried for hire, or to accompany the person of any passenger when the value of such article or articles of property aforesaid contained in such parcel or package shall exceed the sum of 5l., unless at the time of delivery thereof at the office, warehouse, or receiving house of such owner, or to such owner or to his driver, coachman, boatman, book-keeper, or other servant, for the purpose of being carried, or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles, or property, shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Increased rate of charge for such goods.

10. And it is further enacted, that when any parcel or package containing any of the articles above specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of 5l., it shall be lawful for the person receiving the same for carriage on hire, to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters, in some public and conspicuous part of the office, warehouse, or other receiving house where such parcels or packages are received by them for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering any such parcels or packages at any such office shall be bound by such notice without further proof of the same having come to their knowledge.

Carriers to give receipts.

11. And it is further enacted, that whenever any goods shall have been received for conveyance for hire by any such licensed cart, coach, or other carriage, or boat, whether the same be such goods as are mentioned in the 9th clause of this Ordinance, or other goods, the person receiving the same for carriage or hire shall, if thereto required, when the rate of

431

of charge shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods; and if such receipt shall not be given when required, the person so receiving the same for carriage, in addition to any other penalty or liability which he may incur by such refusal, shall not have or be entitled to any benefit or advantage under the 9th clause of this Ordinance, and shall also be liable to refund any increased rate of charge he may have received in respect of the goods specified therein.

Appendix, No. 2.

Penalty in case of neglect.

12. Provided always, that no public notice or declaration by the owner of any such licensed cart, coach, or other carriage or boat, shall be deemed or construed to limit, or in anywise affect his liability as aforesaid, for or in respect of any articles or goods to be carried and conveyed by him, but that all and every such owners shall be liable to answer for the loss of, or any injury to any article and goods in respect whereof they may not be entitled to the benefits of the 9th clause of this Ordinance, any public notice or declaration by them made and given in anywise limiting such liability to the contrary notwithstanding.

Publication of notice to limit liability in respect to other goods.

13. And it is further enacted, that any one or more of the owners of any such licensed cart, coach, or other carriage, or boat, shall be liable to be sued by his or their name or names only, and that no action or suit commenced to recover damages for loss or injury to any parcel, package or person shall abate for the want of joining any co-proprietor or co-partner in any such carriage or boat.

Any owner may be sued.

14. And it is further enacted, that where any such goods as are mentioned in the 9th clause of this Ordinance shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charge, if any paid, and such goods shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover back such increased charge so paid as aforesaid, in addition to the value of such goods.

Parties entitled to damages may also recover extra charges.

15. Provided also, and it is further enacted, that nothing in the 9th section of this Ordinance contained shall be deemed to protect the owner of any such licensed cart, coach or other carriage, or boat, from liability to answer for loss or injury to any goods or articles whatsoever arising from theft or fraudulent conduct of any coachman, driver, book-keeper, boatman, or other person or servant in his employ, or in charge of any such carriage or boat; nor to protect any such coachman, driver, book-keeper, boatman, or other person or servant, from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Owner liable for thefts committed by his servants, &c.

16. Provided also, and it is further enacted, that no owner of any such licensed carriage or boat shall be concluded as to the value of any goods, whereof the value shall be declared in pursuance of the 9th clause of this Ordinance, but he shall in all cases be entitled to require from the party suing in respect of any loss or injury, proof of the actual value of the said goods by the ordinary legal evidence; and such owner shall be liable to such damages only as shall be proved as aforesaid, not exceeding the declared value, together with the increased charges, as aforesaid.

Owners liable to such damages only as are proved.

17. And it is further enacted, that every box, basket, package, parcel, or other thing whatsoever, not exceeding 50 pounds weight, brought to any coach office, hotel, warehouse, or other place, and accepted for the purpose of being carried by any licensed mail-coach, or other public conveyance by land, shall be despatched on the day and by the coach or conveyance agreed upon, and that every such box, basket, package, parcel, or other thing brought to any coach-office, hotel, warehouse, or other place, by any licensed mail-coach or other public conveyance by land, for the purpose of delivering at any place within the gravets of Colombo, Kandy, Galle, or Matma (except where the same shall be directed to be left till called for) shall be delivered according to the direction thereof within six hours after the arrival of any such box, basket, package, parcel, or other thing, at such coach-office, hotel, warehouse, or other place, unless such arrival shall be between the hours of five in the evening and seven in the morning, and in that case every such delivery shall be made within six hours after such hour in the morning, and in default thereof the keeper of such coach-office, hotel, warehouse, or other place, shall forfeit and pay for every such offence any sum not exceeding 20s.

Parcels brought by coaches to be delivered within six hours.

18. And it is further enacted, that every such box, basket, package, parcel, or other thing brought to such coach-office, hotel, warehouse, or other place as aforesaid, which shall be directed to be left till called for, shall, upon the demand of the person properly authorized to receive the same, be delivered to such person without any charge or demand whatsoever, other than what is justly due for the carriage thereof, and the additional sum of 2d. for the warehouse-room thereof; and if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, every keeper of such coach office, hotel, warehouse, or other place, shall forfeit and pay for every such offence any sum not exceeding 20s.; provided, nevertheless, that if such box, basket, package, parcel, or other thing so directed to be left till called for, be not sent for from such coach-office, hotel, warehouse, or other place before the end of one week after the same is brought to such coach-office, hotel, warehouse, or other place, it shall be lawful to and for the keeper of such coach office, hotel, warehouse, or other place, to charge and receive the further sum of 1d. for the warehouse-room thereof, and so in like manner if the same be not sent for before the end of the second or any subsequent week, to charge the further sum of 1d. weekly.

Parcels directed to be left till called for.

Warehouse room.

Appendix, No. 2.

Proviso for parcels not directed to be left till called for.

19. And it is further enacted, that if any such box, basket, package, parcel or other thing brought to such coach-office, hotel, warehouse, or other place as aforesaid, which is not directed to be left till called for, shall, before the same is sent for delivery from such coach-office, hotel, warehouse, or other place, be demanded by any person properly authorized to receive the same, such box, basket, package, parcel, or other thing, shall be thereupon delivered to such person demanding the same; and it shall be in such case lawful to and for the keeper of such coach-office, hotel, warehouse, or other place, to charge and take the sum justly due for the carriage thereof, and also the sum of 2*d.* for the warehouse-room thereof; but if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, the keeper of such coach-office, hotel, warehouse, or other place, shall forfeit and pay for every such offence any sum not exceeding 20*s.*

Rates of coolie hire of parcels not exceeding 50 lbs.

20. And it is further enacted, that the keeper of any coach-office, hotel, warehouse, and other place within the gravets of Colombo, Kandy, Galle or Matura, to whom any box, basket, package or parcel, or other thing whatsoever, not exceeding 50 pounds weight, is brought by any licensed mail-coach, or other public conveyance by land, or any coolie or other person employed by the keeper of any such coach-office, hotel, warehouse, or other place as aforesaid, in the delivery of any such box, basket, package, parcel or other thing as aforesaid, within the gravets of any of the said towns, shall be entitled to ask, demand, receive and take, in respect of such delivery, the sums hereinafter mentioned; that is to say,

For any distance not exceeding one mile, the sum of 2*d.*

For any distance exceeding one mile, but not exceeding two miles, the sum of 4*d.*

For any distance exceeding two miles, but not exceeding three miles, the sum of 6*d.*, and so in like manner the additional sum of 2*d.* for every further distance not exceeding a mile.

Penalty on taking more than the above rates.

21. And it is further enacted, that if any coolie or other person employed in the delivery of such boxes, baskets, packages, parcels or other things as aforesaid, shall ask or demand of or from any person or persons, in respect of such delivery, any greater sum or sums than the rates or prices hereinbefore fixed in that behalf, such coolie or other person shall for every such offence forfeit a sum not exceeding 10*s.*

Goods sent by carts and boats to be delivered within 24 hours.

22. And it is further enacted, that all goods and merchandize sent by any licensed cart or boat, for the purpose of delivery at any place within this island, shall in the absence of any special contract to the contrary, be delivered according to the direction thereof within 24 hours after the arrival of any such cart or boat at the place of delivery, and in default thereof the owner of such cart or boat shall forfeit and pay for every such offence any sum not exceeding 20*s.*

Proof of licence to be on the accused.

23. And it is further enacted, that if in any prosecution or proceeding under the Ordinance, any question shall arise as to whether any cart, coach, or other carriage or boat, has been used for the conveyance of any goods for hire without a licence, or as to whether a licence has been obtained for any cart, coach, or other carriage or boat, within the meaning thereof, or as to whether any person has made the declaration required thereby, the proof that such goods were not conveyed for hire shall be upon the accused, and it shall only be necessary for the complainant to prove that goods belonging to any person, other than the owner of such cart, coach, or other carriage or boat, have been conveyed therein, and the proof that such licence has been obtained, or that such person has made such declaration, shall be on the party against whom such prosecution or proceeding shall be had; provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused, against any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Informer's share of penalty.

24. And it is further enacted, that one half of all the fines actually recovered and realized, under the provisions of this Ordinance, shall go to Our Lady The Queen, and the other half to the informer.

Limitation of prosecution.

25. And it is further enacted, that no prosecution shall be instituted against any person, for any offence committed against any of the provisions of this Ordinance, cognizable by the police court, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

Commencement of Ordinance.

26. And it is further enacted, that this Ordinance shall commence and take effect from and after the 1st day of January 1849.

SCHEDULES.

(A.)

No. 149. Colombo, the day of 184 .

Whereas *A. B.*, of Galkisse, in the district of Colombo, (*C. D.* of in the district of &c. &c.) in pursuance of the Ordinance No. of the year 1848, has (or have) made and subscribed the declaration thereby required, and has (or have) declared that he is the sole owner (or that they are the joint owners) of the bandy (or other description of carriage or boat, as the case may be), marked and registered No. 149, licence is hereby granted unto the said *A. B.* (or *A. B.*, *C. D.*, &c.) to convey goods (or passengers, or goods and passengers,) therein for hire, from the date hereof until the 31st day of December 18 .

Given under my hand the day and year above written.

(signed)

Govt. Agent.

(B.)

No. 149.

I, *A. B.*, do truly declare that I reside at Galkisse, in the district of Colombo, and that I am the sole owner of the bandy (or other carriage or boat) which I have applied to be registered at the Colombo catcherry, and which has been registered No. 149.

Declared at Colombo the day of 184 .

(signed) *A. B.*

Before me,

(signed)

Govt. Agent.

(C.)

REGISTER of LICENCES for the Western Province, under the Ordinance No. of 1848.

Number of Licence.	Date of Licence.	Name and Residence of Owner.	Description of Carriage or Boat.	Whether for Goods or Passengers, or both.

Passed in Council the 23d day of December 1848.

(signed)

W. C. Gibson,
Clerk to the Council.

Published by order of His Excellency the Governor.

(signed)

J. Emerson Tennent,
Col. Secretary.

Enclosure No. 2 of Despatch No. 9, of 9 January 1849.

(No. 211.)

Queen's Advocate's Office, Colombo,
11 November 1848.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 4th ultimo, No. 248, instructing me to prepare the draft of an Ordinance requiring the owners of all carts used for the conveyance of goods for hire on any occasion, to take out a licence for the same, on a stamp of 6s.

An Ordinance (No. 3 of 1848) having been passed at the last sessions of the Legislative Council, consolidating and amending the laws in force regarding the licensing of carts used for

(92.)

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Appendix, No. 2. for the conveyance of goods for hire, making provision for the registration and licensing of carriages and boats of every description used for the conveyance of goods and passengers for hire, and declaring in certain respects the rights and liabilities of the owners thereof, it seemed to me that in carrying into effect the views of the Government it would be desirable to repeal the existing law, re-enacting such of its provisions as could be retained, in order that the whole law on the subject should be comprised in one and the same Ordinance.

This object it has been my endeavour to effect in the accompanying draft; and in order that the reasons which have led to those alterations that have been made in the Ordinance passed at the last sessions may be understood, and that the general principles upon which the present draft has been framed may be clearly apprehended, it has occurred to me that it would be advisable to take a brief review of the course of legislation which has been pursued in reference to this subject, mentioning those circumstances which led at the last sessions to a change in the then existing law, and those which have apparently influenced the Government in issuing the instructions which I have received.

Under the Ordinance No. 4 of 1834, section 8, all bullock carts "plying for hire, or for the conveyance of goods," within Colombo and Galle, were required to be annually licensed. In Colombo the licence was obtainable on payment of 6s.; in Galle on payment of 4s. 6d., and every cart so licensed was required to have a plate affixed thereto with the number of the cart painted thereon.

By the Ordinance No. 3 of 1835, it was enacted that the licences granted under the before-mentioned Ordinance, No. 4 of 1834, were to be in force only until the 31st of December of the year in which they were issued; that the plates therein mentioned were to be affixed to the carts at the cutcherry; that they were to be given up when the licences were renewed; that carts bringing loads into Colombo or Galle need not be licensed, unless "any such cart shall ply for hire, or take up any fresh load or goods within the said towns, forts, or gravets aforesaid, after entering into, or passing through, or returning from the same;" and lastly, that any person forging or using any forged plate should be guilty of an offence, and be liable to punishment as therein provided.

The Ordinance No. 4 of 1840, "for the supply of bullock carts and other means of transport required for Her Majesty's forces and their baggage on marches in this colony," provided for the annual registration throughout the whole of the island, of "all bullock carts plying for hire or the conveyance of goods," it contained provisions for requiring such carts to have affixed thereto a plate with the number of the cart painted thereon, for the delivering up of such plate at the expiration of the year, or "upon the withdrawal of any such cart, at any time during the current year, from the register, as no longer plying for hire;" and for the punishment of persons forging or altering any plate, or using it for any other cart than that for which it was granted. And it enacted (section 6), that "all bullock carts being duly licensed to ply for hire" within Colombo and Galle, under the Ordinances above mentioned, should be deemed to be duly registered under this Ordinance, and inserted in the register accordingly.

It will be seen then that according to these provisions, all bullock carts throughout the island plying for hire or the conveyance of goods were required to be registered annually, and to carry a number; but that those only which plied for hire or the conveyance of goods in the towns, forts, or gravets of Colombo or Galle were required to be licensed in the former place on payment of 6s., and in the latter, on payment of 4s. 6d. annually.

The second section of the last-mentioned Ordinance (No. 4 of 1840), it may be here remarked, contained an expression of some significance as regards the meaning which the legislature attached to the words "plying for hire or the conveyance of goods," used throughout all these Ordinances, as descriptive of the carts to be registered, or for which licences were required. It enacted, "that all bullock carts plying for hire, or the conveyance of goods, shall be liable to be impressed under the provisions of this Ordinance before any carts kept by individuals exclusively for private use, and not let out for common hire."

The construction put upon the words so repeatedly occurring in these Ordinances, "plying for hire or the conveyance of goods" in Colombo, though not, so far as I am aware, recognized by any judicial decision, was, that the owner of any cart conveying goods for hire, whether as a public business or on any single occasion, whether commonly employed in carrying goods for any person who pleased to hire such cart, or working by the job under a special contract with a particular individual, was bound to take out an annual licence, and to conform to all the other requisites of the law, in regard to registration and the like.

At Galle, doubt seems to have been entertained as to the meaning of these ambiguous expressions. In February 1847, the construction to be put upon the words "or the conveyance of goods," as used in the Ordinance No. 4 of 1840, was brought directly under consideration of the government agent of the southern province. On that occasion I stated in my letter to you of the 18th of that month (No. 37), "that the words 'plying for hire, or the conveyance of goods,' and the words 'plying for hire,' are used in the Ordinance as convertible expressions, and appear intended to be descriptive of the same thing. Indeed, I apprehend the expression 'plying for the conveyance of goods' means working for a livelihood (as a carrier does) in the conveyance of the goods of any one who may please to hire; and this also is the meaning of the words 'plying for hire,' though the latter phrase is of more extended meaning than the former; forasmuch as a cart may ply for hire for the conveyance of passengers as well as of goods. The Ordinance makes a clear distinction between carts plying for hire or the conveyance of goods, and carts kept by individuals for private

private use, and not let out for common hire:’ and in my opinion, carts kept exclusively for the conveyance of the goods of the owners of such carts, and not plying for hire, are not comprehended in the words ‘plying for hire, or the conveyance of goods.’”

Such was the state of the law as to this matter, when a subject intimately connected with it, and of great public importance, was brought under the immediate notice of the Government. By far the greater number of the licensed Colombo carts were constantly employed between that place and Kandy in conveying goods for hire, their owners or those to whom the owners let them were, in fact, the only carriers in the island.

The whole carrying trade between these important places was in their hands; the owner of an estate in the interior (Mr. Wright) had employed one of these licensed carts to convey for hire 12cwt. of coffee, valued at 75*l.*, to Colombo; on the road, the man in charge of the cart, and with whom he had made the contract, stole the whole of the coffee intrusted to him; he was criminally prosecuted and convicted. Mr. Wright then commenced a civil action against the owner of the cart, to recover the value of the coffee stolen; the defence set up was, that the defendant had given (or intrusted) his cart to the man who had stolen the coffee, on an agreement that he (the defendant) should receive half the proceeds which might be realised by the letting of the cart. The case came eventually before the Supreme Court, which held that the defendant was not liable for the acts of the man with whom Mr. Wright had contracted, merely because the cart employed under that contract had been lent out by the defendant to the man who made the contract, on an agreement that the defendant was to receive half the proceeds realized thereby.

Nor was this a solitary instance; the carrying trade became not only every day more important, but well-founded complaints of the gross carelessness of the cart drivers, and of their dishonesty, multiplied continually. Meanwhile the carriage of valuable property by the coaches on the Kandy and Galle roads increased in importance; regular carriers likewise established themselves for the conveyance of goods and parcels between Kandy and Colombo, and the navigable rivers and canals in the island were becoming extensively used as means of internal traffic. It was evident, in short, that the existing law required amendment, that the public stood in need of protection against the carelessness and fraud of carriers, and that the latter were entitled to some protection against the loss of or injury to parcels or packages delivered to them for conveyance, the value and contents of which had not been declared to them by the owners.

The concurrence of these circumstances led me to draw up the Ordinance which was passed at the last sessions, “for the registration of carriages and boats used for the conveyance of goods and passengers for hire, and for declaring the rights and liabilities of the owners thereof,” one of the chief objects had in view was to render the owners of carriages which were commonly used for the conveyance of goods for hire, liable as common carriers.

In order to carry this object into effect, the Ordinance required the owner of every carriage or boat “used for the conveyance or hire, as a public business, of the goods of any persons, or for the like conveyance of any passengers,” to register and obtain a licence for the same, which was not to be granted until after a declaration of ownership had been made by him. Provisions relative to the affixing of plates containing the numbers of the carriages, the registration of the licences, the penalties for letting unlicensed carriages, for making false declarations, for forging licences, and the like, followed. The Ordinance then proceeded to enact (section 8) “that the owner of every such licensed carriage or boat used for the conveyance of goods for hire, should be held and accounted to be and should incur all the duties and liabilities of a common carrier.” Clauses followed adopted from the English Carriers’ Act, limiting the liability of the owners of such licensed carriages or boats. And finally, regulations were inserted touching the delivery of parcels brought by coaches, and of goods sent by carts and boats.

The Ordinance thus set at rest the question as to whether all carts were to be licensed, or those only which, according to the words of the former law, were let out for common hire, or in the more precise and technical language of the new law were “used for the conveyance for hire, as a public business of the goods of any person.” Words were thus employed which confined the provisions of the Ordinance to those who were or chose to become common carriers, and there was therefore no impropriety in point of legal principle in declaring, as the Ordinance did declare, that every person taking out a licence for his cart thereunder, and using it for the conveyance of goods for hire, should be deemed to be engaged in carrying goods, as his public business, and be held liable as a common carrier.

Shortly, however, after the Ordinance had come into operation, a prosecution was instituted, at the instance, I believe, of the acting Government agent for the western province, against the owner of a cart used without a licence, for removing rubbish from the fort of Colombo, under a special contract with the government. The court held, and as it seems to me properly held, that the Ordinance did not apply to a case of this nature, in which the owner had not used his cart as a public business, but under a contract and for a special occasion. The judgment having been brought to the notice of the government by the acting Government agent, who feared that the decision (the correctness of which was not disputed) might affect the revenue at present derived from cart licences, instructions were given to me “to prepare the draft of an Ordinance requiring the owners of all carts used for the conveyance of goods for hire, on any occasion, to take out a licence for the same,” as I have already mentioned.

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Appendix, No. 2.

In compliance with these instructions such alterations have therefore been made in the Ordinance passed at the last sessions as whilst giving effect to the views of the Government will, I trust, be found at the same time not to have deprived the public of that protection which is desirable, and which in view of those instructions could be afforded.

The Hon. The Colonial Secretary.

I have, &c.
(signed) *H. C. Selby,*
Queen's Advocate.

(A true copy.)

(signed) *J. Em. Tennent.*

(No. 13.)

Queen's House, Colombo, 12 January 1849.
(Received 28 February 1849.)

My Lord,

Answered
6 March, 1849,
page 409.

It will be no less satisfactory to your Lordship, than it has been gratifying to myself, to be furnished with the most convincing proof of the general good feeling towards the government which at present prevails amongst the Singhalese inhabitants of Colombo and the adjacent districts, and of the total extinction of that temporary excitement and unsettled state of mind, which, stimulated by the agency of misguided individuals, had led to the meeting at Borella in the month of July last, and rendered it necessary for the government to adopt the precautionary measures which have been already detailed in my former despatches upon this subject.

No. 1.

2. The document of which I have now the honour to forward a translation, was delivered to me at Queen's House on the 5th instant by a numerous body of respectable Singhalese natives, who might be regarded less as a deputation than as a voluntary assemblage of persons who came to witness the presentation to me of an address signed by not less than 5,212 Singhalese inhabitants of Colombo and its neighbourhood. It was first read to me in Singhalese, and then the translation of it was repeated to me; and I may venture to state to your Lordship, that the preparation of this address was kept so entirely private, that the government only became aware of its intended presentation two days beforehand.

3. Your Lordship will not fail to be struck with the fact, that while they thank the government for the modifications which have been made with regard to some of the Ordinances, they disconnect altogether the insurrection in the Kandyan country from the excitement which had begun to be raised in some parts of the low country, and they express themselves grateful for the vigorous measures which were adopted for the speedy and effectual suppression of the insurrection, which, if suffered to continue, could only have been productive of injury to all classes of the inhabitants, whether of the high or of the low country.

No. 2.

4. In my reply to this address (which is enclosed), I took the opportunity of reminding them of the great amount of relief which had been afforded to the industry of the country by the removal of the export duties on its produce, and I impressed upon them the importance of remembering that the Ordinances, to which they made allusion, were not introduced for the purpose of exacting new taxes from the people, but rather for purposes of general public convenience and police regulation. In other respects the general tone of my reply was directed to reassure the public mind with regard to the benevolent intentions and protecting character of the government, and to convince the people at the same time alike of its power and of its determination to uphold the authority of the law, and under all circumstances, to preserve the public peace.

5. I have reason to feel convinced that the effect of my reply has been very advantageous, and that the general tone of feeling, with regard both to the measures and the disposition of the government, is daily becoming, in every sense of the expression, such as is most to be desired both for the advantage of the people and the credit of the government.

I am, &c.
(signed) *Torrington.*

To the Right Hon. the Earl Grey,
&c. &c. &c.

Enclosure No. 1, of Despatch No. 13, of 12 January 1849.

(Translation.)

The humble Address of the undersigned Singhalese Inhabitants of Colombo, and the neighbouring Corles and Pattoos, presented to His Excellency, the Right Honourable Viscount *Torrington*, the Governor of *Ceylon* and its Dependencies, who is of the most noble descent, who inspires the hearts and eyes of men with universal delight.

May it please your Lordship,

WE, the inhabitants of Ceylon, feel the provisions of the Fire-arms Ordinance as a serious inconvenience, because the conveyance of fire-arms to the cutcherries annually, the pay-
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ment for the licences, the necessity there was for the people to be detained for days together on the roads in proceeding to the cutcherries, were sources of great difficulty and annoyance to us.

We therefore regard with infinite satisfaction the recent modification of the law, by which a single registry has been substituted for one recurring annually, as also the highly beneficent provision which requires the registry to be made in the respective corles and pattoos of the people, instead of as before at the cutcherries.

2d. We likewise felt it a great inconvenience to comply with the requirements of the Ordinance No. 9, of 1848, which required the taking of a licence for every dog annually. At the repeal of this tax also we greatly rejoice, and we beg to express our satisfaction.

3d. The Ordinance No. 5, of 1848, on shops and boutiques, would have pressed hardly upon us all, but more especially upon the inhabitants of Colombo. Had that tax been continued to operate, the increase of price on the different articles of merchandise would have been felt both by the inhabitants of Colombo and by those in the country. At the repeal of this tax also, we rejoice accordingly, and we beg to acknowledge it.

4th. We also consider it our duty to avail ourselves of this opportunity to notice another recent event, viz. the prompt suppression of the Kandian rebellion, which was recently got up by some ignorant men; had this been suffered to continue without being promptly suppressed, as was the case on a former occasion, it would have undoubtedly produced a ruinous effect on the low country. Singhalese settled in those parts as well as in these here, in a more or less degree, but at the very commencement of this rebellion, your Lordship having proclaimed martial law and having immediately adopted other vigorous measures, the rebellion was nipped in the bud. These judicious measures of your Excellency have afforded security to many thousands of people located in the Kandian provinces, as well as to their property, and we who are settled in the low country have found ourselves secured from the ruinous consequences that would have otherwise ensued.

When we consider all these things, we feel that we cannot too deeply express our sense of gratitude to your Lordship.

We therefore beg to offer respectful and heartfelt generosity and goodwill to the people of Ceylon, which was displayed in granting relief from the above-mentioned taxes, as also for the prompt and effectual protection of the country from the awful consequences of rebellion by your Lordship's own wisdom and power. We beg to express our deep-felt wish that your Lordship may be blessed with health and bodily strength from the All-Supreme God, and that your Lordship may be enabled to continue long to govern this island with equity, so as to promote the welfare and prosperity of the colony.

Here follow 5,212 signatures.

(A true copy.)

(signed) *J. E. Tennent.*

Enclosure No. 2, of Despatch No. 13, of 12 January 1849.

Reply of his Excellency Viscount *Torrington* to an Address from the Singhalese Inhabitants of *Colombo* and the neighbouring Corles and Pattoos, presented at Queen's House, 8 Jan. 1849.

Gentlemen,

I THANK you for the gratifying address which you have now presented to me on behalf of the Singhalese inhabitants of Colombo and its neighbourhood.

It is highly satisfactory to me to find that you have rightly understood and justly appreciated the benevolent intentions of the government towards all classes of the people.

In making those recent changes with regard to some of the Ordinances to which you have alluded, it was my sincere wish to relieve the inhabitants as much as possible from all practical inconveniences in the details of measures which at the same time had failed to afford any adequate benefit to the government.

You already know that by the recent abolition of the duties which have at all times been payable on exports from this island, the government gave you the strongest proof of its desire to encourage to the utmost the agriculture and the productive industry of the country. The Ordinances which you have mentioned were not designed so much to make up in part for the great loss which the revenue sustained by the relaxation of the duties, as for purposes of police regulation and general public convenience.

It is well that you should always bear in mind that the government is in reality the protector and the benefactor of all classes of the people; I rejoice therefore to learn that you are fully sensible of the advantages which are to be secured by the maintenance of the public peace and the protection of the well disposed against the evil designs of the unprincipled and lawless.

Appendix, No. 2.

It is gratifying to me that you have fully appreciated the value of the prompt and vigorous measures which were recently adopted for the suppression of the insurrection at Kandy, which, like similar attempts on former occasions, could only have been productive of serious misfortunes to the inhabitants.

You may rely upon my firm determination at all times, and under all circumstances, to uphold the authority of the law and to maintain the public peace. I trust that the mildness and justice of the government will always be acknowledged, no less than its irresistible power to repress disorder.

It is the sincere desire of Her Majesty's Government that all classes of the people should be securely protected in their industrious and peaceful pursuits, and I can have no higher satisfaction than that to be derived from the successful endeavour to contribute to the prosperity of this island, and to promote the happiness of its inhabitants.

I again thank you for your kind and generous sentiments, and I shall at all times feel pleasure in giving my best consideration to the calm and reasonable representations which you may desire to address to me.

(A true copy.)

(signed) *J. Em. Tennent*

 DESPATCHES FROM THE RIGHT HON. EARL GREY.

(No. 301.)

Sir,

Downing-street, 21 October 1848.

I ENCLOSE a petition which has been addressed to me by 550 Buddhist priests, residing in the district of Galle.

They allege that they are not possessed of property in that sense which would enable them to pay taxes in money, and also that they cannot take a share in labour required for public services without violating the rights and principles of their religion.

The information I possess is quite insufficient to enable me to form a judgment on a question of so much delicacy as the propriety of exempting the priests from the burthens of the remainder of the population. I must therefore leave this matter exclusively to the decision of your Lordship, with such aid and information as you have at your command in Ceylon. You will have the goodness to acquaint the petitioners that I have received their memorial, but that it ought, in conformity with established usage, to have been transmitted through the Governor, and that I have felt unable to do more than refer it to the local authorities, having entire confidence in the justice and deliberation with which they will decide on all representations which they may receive from any class of Her Majesty's subjects in Ceylon.

Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) *Grey*.

(No. 312.)

My Lord,

Downing-street, 14 November 1848.

I HAVE received your Lordship's despatch of 13 September last, No. 161, forwarding a petition from about 550 Buddhist priests, of the Southern Province of Ceylon, praying to be exempted from the liability to work, or to pay a commutation in lieu thereof, under the provisions of the Road Ordinance, No. 8, of 1848.

You will apprise the memorialists that I have received this petition, but that the subject of it is one which, for the reasons stated in my despatch of the 21st ultimo, No. 301, I must leave to the exclusive consideration of the local government.

Viscount Torrington,
&c. &c. &c.I am, &c.
(signed) *Grey*.

For Petition referred to, vide Papers relative to Ceylon, presented by Command, Feb. 1849; p. 212.

Vide Papers presented by Command, 1849, page 212.

439

Appendix, No. 2.

(No. 318.)

My Lord,

Downing-street, 16 November 1848.

I HAVE to acknowledge the receipt of your Lordship's despatches enumerated in the margin, reporting the result of the measures which had been adopted for the suppression of the riots at Kandy, and transmitting copies of various addresses which have been made to you by the inhabitants of the disturbed localities, together with copies of two reports by Mr. Buller and a priest of some influence, relative to the causes which led to these outbreaks, and of a proclamation which your Lordship had issued with a view to restore confidence to those who had fled from their villages under the apprehension of punishment, without having been participators in the rebellion.

I approve of the energetic steps which were taken by your Lordship for guarding against a repetition of these disturbances, and for restoring the country to its ordinary state of tranquillity; and it is with much satisfaction that I gather from your despatches and the documents which accompany them, that the natives are not generally disaffected to the local authorities, but that they were chiefly instigated to their late rebellious conduct by the misrepresentations of parties interested in so misleading them.

As your Lordship has expressed an intention of supplying further information on the subject of the grievances alluded to in Mr. Buller's memorandum, it is not necessary for me on the present occasion to enter more fully into the consideration of them.

Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

162, Sept. 13, 1848.
164, Sept. 14, "
165, Sept. 15, "
Vide Papers presented by Command, 1849, pp. 213-217. 226.

(No. 323.)

My Lord,

Downing-street, 1 December 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of 16th October, No. 187, forwarding copy of a letter addressed to you by certain merchants of Colombo, enclosing for my consideration a copy of a petition intended to be presented to the House of Commons, relative to the taxation of Ceylon, and several other subjects connected with the administration of the colonial government.

The Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

Vide App. No. 2, p. 411.

(No. 329.)

My Lord,

Downing-street, 16 December 1848.

I HAVE to acknowledge the receipt of your Lordship's despatches enumerated in the margin, containing returns of the trials of the Kandian rioters, and reporting the measures which your Lordship had adopted for the preservation of order, and for meeting the immediate demands which might be made on the colonial treasury, in consequence of the expense which had been incurred in suppressing the recent disturbances.

Your proceedings in this matter appear to me to have been conducted with discretion and judgment, and I have to convey to your Lordship my sanction for raising the proposed loan from the Oriental Bank in Ceylon, to the extent of 50,000*l.*, as submitted in your despatch of 16th October last, No. 186.

Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

184, Oct. 14, 1848.
185, Oct. 14, "
186, Oct. 16, "
Vide Papers presented by Command, Feb. 1849, pp. 236. 241. 262.

(No. 338.)

My Lord,

Downing-street, 16 January 1849.

I HAVE to acknowledge your Lordship's despatch, No. 203, of the 14th November last, explaining at length your reasons for the introduction of some financial measures, and the proposed abandonment of others, on farther examination of their policy and experience of their effects. You report in particular that you have recommended to your Council the amendment of the Gun Registration Ordinance of 1849, by substituting a single registration for an annual, and the repeal of the Ordinances of the same year, establishing a tax on dogs and annual shop licences.

2. I will not disguise from you that I have received with some regret the intelligence of this abandonment of measures proposed by yourself, and which had received the sanction of Her Majesty's Government at your own strong recommendation, even before that sanction had reached you. Such sudden variations in policy are objectionable for obvious reasons; but frequent changes of taxation are attended moreover with many special inconveniences of their own. New taxes should therefore only be imposed after cautious inquiry and deliberation; but, when imposed, it requires very strong reasons to justify their removal, until the revenue which they were intended to secure is no longer needed.

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Vide Papers presented by H. M.'s Command, Feb. 1849, p. 290.

Appendix, No. 2.

3. At the same time I am fully aware, that even the greatest previous care will not prevent defects of detail from becoming manifest, in the practical operation of the measures by which such new taxes are imposed. While therefore it is, as I have said, important that their principle should be maintained when it has once been recognised, there is no serious objection to such changes as are only amendments calculated to improve their deficiency, or diminish their pressure.

4. I am compelled to say, that on comparing your present despatch with your original explanation of the grounds upon which the taxes now abandoned were adopted, I cannot reconcile the decision you have now come to with the supposition of your having well weighed beforehand the advantages and disadvantages of these taxes, since the objections which you report as having induced you to repeal them are in great measure such as preliminary investigation would have elicited. Nor do I find in the objections themselves reasons enough to satisfy me that the correction of details would not have been a better course than total abandonment. The Dog Ordinance may perhaps be considered rather as a measure of police than of taxation, and therefore scarcely falls within the scope of these remarks. But with regard to the tax on shop licences, apparently in itself an equitable and not an oppressive impost, it is by no means clear, notwithstanding all the consideration which is due to the statements of parties interested, that the absolute loss of this source of revenue might not have been averted by some alterations which would have effected a different adjustment of the burden.

5. Although I have felt it my duty thus freely to communicate to you the opinions which your despatch has induced me to form, I am sensible that the reimposition of the taxes which I conclude you have by this time removed might in the present state of the colony be attended with serious inconvenience. I shall not therefore advise Her Majesty to withhold Her sanction from such Ordinances as you may transmit to me for the various purposes mentioned in that despatch.

Viscount Torrington,
&c. &c. &c.

I have, &c. •
(signed) Grey.

(No. 339.)

My Lord,

Downing-street, 16 January 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 264.

I HAVE received and laid before the Queen your Lordship's despatch of the 6th of November last, No. 195, enclosing an Ordinance, No. 11. of 1848, passed by yourself, with the advice and consent of the Legislative Council of Ceylon, entitled "An Ordinance to indemnify the Governor, and all persons acting under his authority, for certain acts done during the existence of martial law in certain parts of this island."

I have received the Queen's commands to acquaint you that Her Majesty has been pleased to confirm and allow this Ordinance, and your Lordship will communicate Her Majesty's decision to the inhabitants of Ceylon by a proclamation, to be issued in the usual and most authentic manner.

At the same time, I must direct your notice to some provisions of this Ordinance which cannot pass without remark, although under the peculiar circumstances of your government I have not thought fit to advise Her Majesty to delay confirmation of the Ordinance on account of them. With regard to the clause empowering the governor to declare what acts have been done in conformity with his orders, and thereby to bring them within the purview of the indemnity, it follows, as you state, the precedent of the Act for suppressing the rebellion of 1798, in Ireland, and under all the circumstances of the case I am not prepared to question its propriety. But I have felt more serious difficulty with respect to the enactment in the same section, that "no act done in pursuance of any order," &c., "for the seizure, sequestration, or sale of the property of any such persons as last aforesaid," that is, of "persons engaged in such insurrection, or suspected thereof," shall be questioned in any of Her Majesty's civil courts. On reference to your despatch the object of this provision becomes apparent. It seems that you found it advisable to direct the sequestration of the property of persons suspected of being concerned in the insurrection, most of whom had fled; that it became necessary that sales of perishable articles of such property should take place, that the property, or the proceeds of it, after deducting incidental expenses, had been restored to the parties where they returned to claim them, or to their representatives in cases where the owners had suffered death by sentences of court martial, and I fully understand that so much as had not been then applied was, at the date of your despatch, only held in trust for a similar future application. Although measures such as these do not appear to fall within the ordinary course of martial law, yet they are such as may very probably have been necessary, and which it was fully competent to the Legislature to place under the safeguard of indemnity. But the clause which I have quoted goes, probably through inadvertence in the framers, much farther than this, and much farther than necessity or justice could warrant.

If the property of persons sentenced by courts martial for insurrection, but who had in no legal way incurred forfeiture, had been seized and sold for the benefit of government; nay, if persons only suspected of rebellion had been thus despoiled, the words of the law seem sufficiently large to cover such arbitrary proceedings.

It is therefore only by interpreting the words of the Ordinance by the accompanying despatch, and trusting that although powers are thus taken of an extremely large description, it is intended to apply them only to the legitimate objects of a government compelled

441

elled to adopt the ordinary course of martial law for its protection, that I have been able to advise its confirmation.

I am not insensible to the inconvenience of allowing a law to remain in force which might even possibly give protection to acts from which it ought to be withheld; but on the other hand, it has appeared to me that still greater evil might be done by refusing to sanction this enactment, thereby incurring the danger of disturbing by fresh questions a tranquillity just restored. The objections I should otherwise have had to advising Her Majesty to confirm this Ordinance, have further been diminished by the consideration that the law is one so entirely of a special and temporary character that it will give no sanction to acts hereafter to be done; and no report has reached me of any abuse having been committed, or of the extraordinary powers assumed by the local government, for which it will thus be indemnified, having been exercised for any other than the very proper objects mentioned in your despatch.

The Right Honourable Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

(No. 341.)

My Lord,

Downing-street, 20 January 1849.

I HAVE received your Lordship's despatch, No. 206, of the 15th November, transmitting a letter addressed to me by the Bishop of Colombo, stating his objections to the exemption of Buddhist priests from the obligations imposed by the Road Ordinance, from which they have been relieved by the insertion of a clause to that effect in the Ordinance, No. 14, and praying that the new Ordinance may not be confirmed.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 293.

2. I have to request that your Lordship will inform the Bishop that I cannot advise Her Majesty to disallow the Ordinance on the grounds he has urged; I do not consider the exemption of the Buddhist priests as a measure implying any favour or respect for their religion, but as an exclusively political character; and I concur in the reasons urged by your Lordship against the expediency of extending the same exemption to the priests and ministers of all denominations in the colony.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 345.)

My Lord,

Downing-street, 24 January 1849.

I HAVE received your Lordship's despatch, No. 202, of the 13th November last, enclosing an Ordinance, (No. 14 of 1848), passed by yourself, with the advice and consent of the Legislative Council of Ceylon, and entitled "An Ordinance to alter in certain respects the Ordinance No. 8 of the year 1848, and to extend its operation to the maintenance of public tanks and other means of irrigation."

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 268.

I perceive from the report of the proceedings of the Legislative Council, to which your Lordship refers me, that the provisions of this Ordinance for the repair or restoration of tanks out of the contributions leviable under the Road Ordinance, were advocated on the ground that they were identical in principle with the original provisions for the formation and maintenance of by-roads and cross-roads out of the same fund; but to me it appears that there is an essential dissimilarity between the two cases, and in the character of the legislation which should properly be applied to each.

By-roads and cross-roads, no less than the great military and commercial thoroughfares, may be esteemed a fit subject for a general and uniform contribution, like that dealt with in these Ordinances, if this burthen be imposed and appropriated with proper discrimination in the different districts, inasmuch as these minor works within the minor sphere of the district concerned, equally with those larger works in the larger sphere of the colony, taken as a whole, would, if well and impartially selected, be made for the benefit of all, might be used by all, and would confer on the contributors generally a real equivalent for their contributions.

But works of irrigation, however carefully chosen, would by no means conform to this condition of an equably and universally diffused utility; these, on the contrary, being undertakings from which, as from by-roads of too partial a character to be properly assigned a share in the proceeds of the Road Ordinance, particular estates and individuals would derive an important, direct, and pecuniary advantage, whilst that derived from them by the rest of the community would be remote and scarcely appreciable.

In like manner as the limitations in respect to the amount and distribution of the cess, which are laid down in the Road Ordinance, could not be preserved in an assessment for purposes of irrigation, so also the authority for declaring, administering, and appropriating an irrigation rate could not with propriety be exercised in committees constituted like those of the Road Ordinance. A compulsory award of liabilities and claims, which would vary so much, and require so much local knowledge to adjust, could hardly be entrusted to an authority in which the representative element should be so imperfectly developed as in the

1442

Appendix, No. 2.

committees in question, composed as these are entirely of government officers or their nominees.

I am not prepared to say that in particular cases an irrigation rate might not be properly made compulsory on the order of an officer of government, but as a general rule it would be necessary that the consent of the parties interested should first be obtained in one shape or another.

Moreover no legislative enactment in its nature general to the whole colony would seem to me to afford an appropriate occasion for introducing provisions respecting irrigation. Cross-roads and by-roads, to revert to the original parallel, are wanted in every district, without exception; but in many districts tanks are not only not wanted, but would be totally inapplicable.

The inference from these considerations would be, that works of irrigation should not be carried on out of the produce of a general uniform and compulsory contribution, like that imposed by the Road Ordinance, and under the directions of committees like those thereby constituted, but rather by means of an assessment to be laid on the lands watered upon terms to be settled by private negotiation and arrangement amongst the different parties interested.

At the same time I fully concede that the object is one of sufficient public importance to warrant the particular interference of government to promote it. It could be no disputable province of a government anywhere to combine and direct the efforts of the different parties whom in the nature of the case it would be necessary to bring to a common understanding, and who of themselves might fail altogether to effect an arrangement in the absence of any municipal organization, or of any national habit for acting in concert, or any organization sanctioned by law to enable them to do so.

It would in addition be perfectly warrantable for the government in Ceylon to come forward with contributions of money in aid of such works from the general revenue. For the share of the produce of all rice lands, except those attached to temples, which is by the law and custom of Ceylon vested in the government, makes the governor a party directly interested in the improvement of such lands, and rice land and irrigable land may, I believe, be considered nearly synonymous terms in Ceylon. I would deprecate in this instance too strict a compliance with the maxim, in general undoubtedly sound, that government should abstain from undertakings of a commercial character.

If, therefore, measures for the promotion of irrigation founded upon these views, and subject to such conditions as the above, should be adopted by the Legislature of Ceylon, they would meet with my entire concurrence, and if framed with due care, I think it probable that they might lead to practical results of great value. For instruction and encouragement in this respect I would particularly refer your Lordship to the experience of India, where the public money is habitually contributed, upon the principles I have explained, to extensive works of irrigation, and very rarely without a most ample return in direct augmentation of the land revenue, independent of those still more important indirect advantages which follow from the success of such works in diffusing general prosperity, of which the government is eventually sure to share the benefit, financially as well as generally. The extract from Major Dixon's report upon irrigation in Mhairwarra, which is annexed to the enclosure of my despatch, dated 18 June 1847, and which I see has already attracted the attention of the Legislative Council, may be cited as striking evidence upon this point.

The success, where most signal, of the works of irrigation which have thus been undertaken in India under the auspices of government, has been without doubt due, first, to the efficiency and discretion of the European functionaries employed to direct the proceedings; and, secondly, to the existence of municipal institutions, by means of which the European functionary has been enabled to ascertain the sentiments of the whole community, to adapt his measures to their feelings, habits, and interests, and to organize an effectual and cheap co-operation of all classes for carrying the work into execution. It has also much conduced to their result in the instances to which I allude, that too much was not attempted at first, that no general system was all at once prescribed, that no compulsory enactments were suddenly applied. The arrangements would be begun on the footing of a perfectly free negotiation between the government officer and the representatives of the inhabitants of the district for the well understood benefit of both parties; such a contract, when once closed ought to be strictly enforced; but no sort of compulsion ought to be contemplated or employed to conclude it. In districts new to such works, particular care should be taken to select the most promising project, and the most enterprising village community, for a preliminary experiment, as the success of the movement would much depend upon the fortune of the first example.

Now I see nothing in the character of these measures and precautions which is not applicable to Ceylon as well as India. The European agency of Government, it is true does not exist in Ceylon in equal efficiency. The native municipal agency as yet cannot be said to exist there at all. But it appears to me quite possible that your Lordship should select a well-qualified officer of the Government to conduct a preliminary inquiry with a view to a practical trial of the plan; that he should address himself to some instance in which the cultivators might be most anxious for the restoration of their tank, and this the most likely to be profitable upon a moderate outlay; that he should assemble the inhabitants interested, discuss the project, define by regular agreement the respective contributions of the Government and of the inhabitants to the undertaking, and the proportions in which these two parties were also to share the profits; stipulate for money, materials, and labour, according to the necessities of the case, and organize some description of local committee

mittee as the medium of communication between himself and the inhabitants, if nobody of an elective or corporate character, or proper for the purpose, existed in the place at the time. If a properly-qualified corporate body were already in existence, the Government officer might work through them from the commencement. The test of such a body being properly qualified would be their representing fairly, or possessing the confidence of the proprietors of the irrigable land. The assessment of the gross stipulated contributions upon the different properties and individuals interested would be necessarily left in great measure to such a committee or body corporate, subject, however, to certain rules, which in the nature of the case would speedily grow up and come to be recognised as binding by the community, if not laid down and declared by authority in the first instance.

I am disposed to believe that a native irrigation committee, actively combined as they would be in the pursuit of a common object of great interest to the whole of their constituents, would be much better adapted for becoming the nucleus of future municipal institutions, where none existed before, than the committees of the Road Ordinance.

Measures for the promotion of irrigation, such as I have now described to your Lordship, would in my opinion be much sounder in principle, much more just, much more likely to be popular and successful, than those which to that end are contemplated by the provisions of the Ordinance now submitted to me; and a single experiment of the kind I have suggested, if followed, in evidence of its success, by the visible signs of increased production and prosperity, will, I am convinced, do more than any series of compulsory enactments, however carefully elaborated and sedulously enforced, to imbue the population under your Lordship's government with a spirit of industry and enterprize, and to develop the capacity of the territory they inhabit for improvement by those processes of irrigation which are observed to confer so much wealth elsewhere, and which there is reason to believe were in ancient times so extensively and remuneratively employed in Ceylon itself.

The state of the law or custom in Ceylon may render legislation an indispensable preliminary to the adoption of such a procedure as I have here advised. But any Ordinance on the subject should be kept entirely separate from the enactments requiring contributions towards the construction and repair of roads.

As the present Ordinance embraces other amendments of the Road Ordinance, independent of those to which I have stated my objections, its disallowance might be productive of inconvenience, and will therefore not be proposed by me to Her Majesty; but I cannot recommend its being continued in operation longer than may be necessary for the legislative removal of its objectionable parts, nor that those parts should be at all acted upon; and I shall postpone obtaining Her Majesty's final pleasure upon it till it shall be seen from experience whether further changes in the original Road Ordinance may not be required.

Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 346.)

My Lord,

Downing-street, 24 January 1849.

I HAVE received your Lordship's despatch of the 15th ultimo, marked confidential, apprising me that rumours had been received at the seat of the Government of Ceylon of the apprehension of a renewal of disturbances in the neighbourhood of Kandy, and at the same time expressing your Lordship's impression that no disturbance would really take place.

It is with regret that I learn the recurrence of reasons for apprehending an interruption of the tranquillity of the island, and I trust that the confidence which you have expressed will prove to have been well founded.

Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(Confidential.)

My Lord,

Downing-street, 26 January 1849.

WITH reference to the passages in your despatch, No. 195, of the 6th November last, (acknowledged by mine, No. 339, of 16th* January 1849,) in which you mention the employment of Her Majesty's troops in sequestrating the property of individuals suspected of participation in the rebellion, I wish to inform you that representations have been made to me by the military authorities in this country, pointing out the dangers to military discipline attending such a practice, and the inconvenient responsibility thrown on the officers of the troops when they, who are probably strangers to the country, are called on thus to ascertain and deal with the properties of individuals without the direction of civil functionaries. I have felt it my duty to notice these representations to you; at the same time I collect, from the general language of your despatches, that you felt that this unusual step was a matter of necessity, and that you had not at your disposal civil functionaries on whom you could depend in sufficient number to employ for the purpose. In point of fact, you appear to have found it advisable rather to place the natives employed in inferior civil departments

(92.)

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Vide Papers presented by H. M.'s Command, Feb. 1849, p. 318.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 264.

* Page 404.

444

Appendix, No. 2. under the direction of the military. The better course would undoubtedly be, that when soldiers are employed on such a service, it should be in assistance of the magistrate, and in obedience to his directions. But I have no reason to suppose that you departed from this practice in the present instance without sufficient cause.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 347.)

My Lord,

Downing-street, 30 January 1849.

*Vide Papers presented by H. M.'s Command, Feb. 1849, p. 298. * Page 405.*

I HAVE received your Lordship's despatch of the 8th ultimo, No. 219, forwarding a further communication from the Bishop of Colombo, relative to the exemption of the Buddhist priests from the labour required of them under the Road Ordinance; your Lordship will inform the Bishop of Colombo that, for the reasons contained in my despatch of the 20th instant,* No. 341, I am not prepared to interfere with the decision of the local legislature on the subject.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 348.)

My Lord,

Downing-street, 31 January 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 296.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 217, of the 5th December last, reporting the capture, and subsequent trial before the Supreme Court, of the pretended King of Kandy; and I have to convey to you my approval of your having commuted the sentence of death pronounced against the prisoner by that tribunal to transportation for life.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 349.)

My Lord,

Downing-street, 31 January 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 301.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 221, of the 11th December last, containing a review of the general policy of your Lordship's administration of the Government of Ceylon, and entering fully into the financial arrangements adopted since your assuming the government of that island.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

(No. 350.)

My Lord,

Downing-street, 31 January 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 300.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 11th of December last, No. 222, transmitting an address presented by the native merchants and shopkeepers, expressing their satisfaction and gratitude for the repeal of the shop tax, together with your Lordship's reply.

The Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

(No. 353.)

My Lord,

Downing-street, 3 February 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 307.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 13th December last, No. 224, covering a report of a tour made by Mr. Wodehouse through a portion of the western province of Ceylon, with a view to explain to the people the general measures of government, and especially the nature of the Road Ordinance, and calling my attention to the present high upset price of land.

Upon the latter question I shall probably have occasion to address to your Lordship a further despatch.

The Viscount Torrington, &c. &c. &c.

I have, &c.
(signed) Grey.

445

(No. 356.)

Appendix, No. 2.

My Lord,

Downing-street, 8 February 1849.

I HAVE received your Lordship's despatch of the 15th of December last, No. 227, enclosing statements of the revenue and expenditure of Ceylon for the first nine months of 1848, together with an estimate for 1849.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 312.

I approve of the general arrangements which you contemplate for equalizing the revenue and expenditure of the island during the present year, and, pending the deliberations of the Council, for a general revision of the public establishments; but I must state to your Lordship at the same time, that I can hold out no expectation that the usual contribution towards the military expenditure of Ceylon can be remitted.

I have, &c.
(signed) Grey.

The Viscount Torrington,
&c. &c. &c.

(No. 357.)

My Lord,

Downing-street, 9 February 1849.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 15th of December last, No. 226, forwarding a memorial, signed by the chairman and secretary of the Chamber of Commerce of Ceylon on behalf of its members, in reply to the remarks contained in my despatch of the 24th of October last, No. 304, on the subject of the former memorials transmitted by your Lordship, complaining of the imposition of certain taxes, and soliciting the appointment of a commission of inquiry to report upon the administration of the affairs of Ceylon.

Vide Papers presented by H. M.'s Command, Feb. 1849, p. 309.

I have, &c.
(signed) Grey.

Viscount Torrington,
&c. &c. &c.

(No. 361.)

My Lord,

Downing-street, 6 March 1849.

I HAVE received your despatch of 12th January last, No. 13, forwarding an address which had been presented to you by the native inhabitants of Colombo and the adjoining districts, expressing gratitude for the modification of the Fire Arms Ordinance, and the repeal of the Ordinance imposing a tax upon dogs and shops; and I congratulate your Lordship upon the assurance of the good feeling which subsists among the Singhalese inhabitants of the island towards the local government.

Vide p. 400.

I have, &c.
(signed) Grey.

The Viscount Torrington,
&c. &c. &c.

(No. 362.)

My Lord,

Downing-street, 8 March 1849.

I HAVE received and laid before the Queen your Lordship's despatches of the dates and numbers noted in the margin, enclosing four Ordinances passed by the Legislature of Ceylon in the month of December last, the numbers and titles of which are to be found in the accompanying Schedule.

*No. 6, Jan. 8, 1849.
No. 7, Jan. 8, "
No. 9, Jan. 9, "
Vide p. 387, 388,
and 392.*

I have received the Queen's commands to acquaint your Lordship that Her Majesty has been pleased to confirm and allow these Ordinances,

*Nos. 19, 20, 21,
and 23.*

You will communicate Her Majesty's decision on these Ordinances to the inhabitants of the island of Ceylon by a proclamation, to be issued in the usual and most authentic manner.

I have, &c.
(signed) Grey.

The Viscount Torrington,
&c. &c. &c.

SCHEDULE.

- No. 19. To repeal the regulations No. 11 of 1806, and No. 2 of 1807.
- No. 20. To repeal the Ordinance No. 5 of 1848.
- No. 21. To repeal the Ordinance No. 9 of the year 1848.
- No. 23. To amend the Ordinance No. 3 of the year 1848, entitled "For the registration of carriages and boats used for the conveyance of goods and passengers for hire, and for declaring the rights and liabilities of the owners thereof."

446

Appendix, No. 2.

(No. 366.)

My Lord,

Downing-street, 17 March 1849.

Vide p. 389.

I HAVE received and laid before the Queen your Lordship's despatch of the 9th of January last, No. 8, enclosing an Ordinance, No. 22 of 1848, passed by the Legislature of Ceylon, intituled, "An Ordinance to amend in certain respects the Ordinance, No. 13 of 1847, intituled, 'To regulate the possession of Fire Arms.'"

I have received the Queen's commands to acquaint your Lordship that Her Majesty has been pleased to allow and confirm this Ordinance.

You will communicate Her Majesty's decision on this Ordinance to the inhabitants of the island of Ceylon by a proclamation, to be published in the usual and most authentic manner.

The Viscount Torrington,
&c. &c. &c.

I have, &c.
(signed) Grey.

APPENDIX.

Appendix, No. 1.

PETITION from the Merchants, Planters, Traders, and other Inhabitants of Ceylon, to The House of Commons.

To the Honourable the Commons of Great Britain in Parliament assembled.

The Petition of the undersigned Merchants, Planters, Traders, and other Inhabitants of the Island of Ceylon,

Respectfully sheweth,

THAT your petitioners are deeply interested in the welfare of this island, in which their property is invested or their means of living procured, and now address your Honourable House under a sense of suffering no ordinary hardship and injustice. Your petitioners are labouring under a burden of excessive taxation, disproportionate to their means of payment, and consider that the revenues of the island are diverted to many objects with which they should not properly be burdened.

That the administration of the law is tortuous and uncertain; the delays unavoidable in civil suits amount in many cases to a denial of justice, and the appointment of judges at the principal towns who have never studied or practised the law, from other branches of the public service to seats in our first courts of civil jurisdiction, though often complained of by your petitioners, still continues.

That the constitution of the council of this island does not lead your petitioners to hope for any amelioration through their means. The unpaid unofficial members, who are the nominees of the Governor, are powerless to originate any measure; and judging from the past, your petitioners have no hope in them for the future, as they do not enjoy the confidence of the community.

That many of your petitioners have invested large sums in the cultivation of coffee, and the purchase of real property, and they now find their attempts to develop the resources of the island have turned out most disastrously; more than one-third of the estates in the island have lately changed owners by forced sales, at in most instances not a tithe of their cost. The best household properties in the Fort of Colombo and other large towns have been depreciated 40 or 50 per cent., and rents have fallen in proportion.

Whilst these circumstances have caused great loss and suffering to your petitioners, they observe with deep regret an increase in the expenditure of the colony, the maintenance of useless sinecure offices and the institution of new offices, whilst many already in existence have no adequate duties to perform.

To bring the expenditure within the income, public works of the first necessity, such as repair of roads, have been entirely suspended, expenditure being nearly confined to the payment of salaries.

That the price of ordinary Ceylon coffee in the London market has fallen from 100s. per cwt., in 1839 and 1840, to 28s. per cwt., at the date of the last advices which your petitioners have received; that the great bulk of the plantation kinds have experienced nearly a similar depreciation, and plantations are consequently being maintained at a loss which cannot long be borne by their owners, and is resulting in their total abandonment. Whilst this is the case, the duty levied in Great Britain, of 37s. 4d. per cwt., is over 200 per cent. on the present market value in this place, and about 130 per cent. on the sale value in London, which enormous rate of duties prevents your petitioners from receiving those benefits of increased demand for their produce which low prices would otherwise inevitably secure

447

secure to them; and should your Honourable House relieve your petitioners by a reduction of the import duty on coffee, the undersigned believe that the Imperial revenue would scarcely suffer any loss, as increased consumption of coffee, and consequently of sugar, would in all probability compensate for the difference.

A Committee of your Honourable House devoted a portion of its attention, during the past Session, to the subject of coffee planting in Ceylon, and the state of its revenue. With much other valuable information, it was stated by P. Anstruther, Esq., for fifteen years the immediate predecessor of the present Colonial Secretary, that "he does not know that the colony would be worse administered at half the cost," and your petitioners wish to impress on Your Honourable House their firm and deliberate conviction that the colony might be better administered at half the present charges.

Your petitioners would respectfully call the attention of your Honourable House to the large amount of the gross revenue of the colony, so enormously disproportionate to its trade and resources, which is necessarily a clog on its advancement; and even with this enormous revenue, no public works of any moment are being carried on, whilst the whole civil establishments in the public offices are not diminished.

It has come to the knowledge of your petitioners that the local government contemplate raising a loan, which your petitioners can only anticipate will be consumed as the present revenue is, in the payment of the salaries of officials, many of whom render no equivalent service to the island, the energies of which will be thus cramped for the future by a load of debt.

That your petitioners have learnt with great satisfaction that the fixed expenditure of the island is in future to be submitted to a vote of the Legislative Council; whilst grateful for the boon thus conferred on them, they trust they may be allowed to consider it as the precursor of a further increase in the powers and usefulness of that body.

Your petitioners therefore pray your Honourable House to direct inquiry into the state of this colony, with a view to enforce retrenchment in all branches of the public service; to cause the immediate abolition of all useless offices; to reduce the present duties levied on the importation of coffee for home consumption in Great Britain; to increase the numbers of the un-official members of the Legislative Council, and extend their powers, by permitting them to originate measures; and to make such alterations in the administration of justice as may meet the urgent requirements of the colony.

And your petitioners, as in duty bound, will ever pray,

(signed) Fred. Lamb.	C. Elliott.	J. J. Read.
D. Wilson.	James S. Clarke.	D.W. Lindesay.
H. Ritchie.	Wm. Mackwood.	F. Daniel.
John L. Vanderspar.	F. Mackwood.	W. C. Brodie.
R. Nicol.	A. M. Ferguson.	J. B. Daniel.
D. H. E. Dalrymple, by his	W. Ferguson.	J. C. Fernando.
Attorney, H. Ritchie.	Alfred Wise.	A. T. Walker.
J. J. Vanderspar, by his At-	Raikhussoo Hormusjee.	W. King.
torney, J. L. Vanderspar.	Cowasjee Eduljee.	R. C. Clark.
H. L. Layard.	Henry Hill.	David S. Cargill.
Robt. L. Phillips.	George Wright.	John Kydd.
John P. Simpson, by his	D. Fairweather.	R. A. McGown.
Attorney, S. Butler.	J. H. Moore.	J. J. Strachan.
Robert Dawson.	Henry W. Reed.	H. Rudd.
C. Shand.	James Tait.	C. F. Fernando.
Saml. Butler.	Robt. Forbes.	Coorjee Canjee.
Emanuel S. Spyer.	R. E. Lewis.	P. L. Dunn.
Thomas K. Ritchie.	H. Bessell.	W. Fisher.
Wm. Thompson.	J. E. Middleton.	J. Britoe.
J. O'Halloran.	Jas. Smith.	Alex. Allen.
N. E. Blackall.	Alex. Brown.	M. C. Lambe.

Appendix, No. 2.

Copy of a DESPATCH from Viscount Torrington to Earl Grey.

(No. 187.)

My Lord,

I HAVE the honour to transmit to your Lordship a letter addressed to you by certain merchants resident in Colombo, inclosing for your Lordship's consideration a copy of a petition to be presented to the House of Commons in the next Session of Parliament, signed by certain merchants, planters, traders, and other inhabitants of Ceylon, and to which your Lordship's attention is particularly directed. I have felt it my duty to give the petition my fullest consideration, and to place before your Lordship the opinion I entertain on all the points to which your attention is directed.

1. In the first place, I beg most distinctly to deny the first allegation contained in the petition that the petitioners are labouring under the burden of excessive taxation, disproportionate

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Queen's House, Colombo, 16 October 1848.
(Received 24 November 1848.)

Answered 1 Dec.
1848, page 403.

For Petition to the
House of Commons,
vide Appendix,
No. 1, page
410.

Appendix, No. 2. — portionate to their means, and am quite at a loss to imagine how they would attempt to make out their case. I doubt if any one of the gentlemen who signed this petition pays direct taxation to the amount of 30s. per head; and if the population of the island is taken into account on the one hand, and the revenue on the other, the sum paid by each individual would appear exceedingly small, and go distinctly to prove that the taxation levied on the people of this island is by no means burdensome.

2. I am far from denying the second statement contained in the petition, namely, that the law is tortuous and uncertain, and in some cases may amount to a denial of justice. Your Lordship will doubtless recollect that on more than one occasion I have stated that I considered a revision of the whole law of the island most desirable; and I am of opinion that the refinements of English law have been too hastily introduced amongst a native race, already too prone to a gambling and vexatious litigation, and who, encouraged and led on by the proctors, enter into endless law-suits on the most trivial points. Another extreme difficulty is the disregard of truth on the part of the people, making it almost impossible to arrive at the real facts of a case. The judicial expenditure is certainly very high, and by your Lordship's orders I am taking active steps to reduce the expenditure, without destroying the efficiency of this as well as other branches of the service. The assertion that unfit persons, as a general practice, have been made district judges, I wholly deny; and I cannot too strongly impress upon your Lordship my sincere conviction that at this very moment the district courts are presided over by able, honest, and upright men, and having carefully looked over the records of these courts, I am satisfied they have efficiently performed the duties intrusted to them.

3. Your Lordship has so lately and so fully considered the question of the constitution and functions of the Legislative Council, that I shall refrain from giving any opinion on the points raised on that head by the petitioners.

4. The petitioners complain that they have invested large sums in the cultivation of coffee, which has turned out most disastrously, and that property of all sorts has fallen in value. It does not appear, even from the statement of those gentlemen themselves, why the Home or the Colonial Government is to be held responsible for the unsuccessful results of individual speculation, or by what interference of Government those results could have been prevented. I cannot withhold the distinct expression of my own deliberate opinion, that causes wholly independent of Government or legislation, and especially reckless extravagance of every sort by the proprietors of estates, and the enormous charges made by the merchants, as agents, have in a great degree led to these losses, and to the difficulties of all parties.

5. The petitioners go on to state, that they see with regret an increase in the expenditure of the colony. This statement, if it refers to the period of my administration, is directly contrary to the fact. Since my arrival in the island every endeavour has been made by me to reduce the expenditure; and the statements transmitted by this mail will show your Lordship the extent of the reduction which has been effected. I am well aware that further reductions have yet to be made, that superfluous offices may be consolidated or suppressed, and expenditure sensibly diminished. Your lordship's instructions on this subject, embodied in your despatch, No. 252, of the 17th July last, I am now carefully and diligently endeavouring to carry out; but I cannot but express the difficulty I labour under, in consequence of Lord Stanley, when Secretary of State for the Colonies, by the advice of Mr. Anstruther, the then colonial secretary, having remodelled (at least so it was called) the civil service of Ceylon, by which means the fixed expenditure of the colony was increased some 40,000/. Your Lordship's attention was called to these facts by my despatch, No. 148, of the 15th August last. I am now reaping the harvest of this extraordinary measure. The increased expenditure has swept away the surplus of years. The temporary demand for land raised the amount of money carried into the treasury, which was calculated as ordinary revenue, whilst it ought not to have been brought to account under that head.

In a former despatch I called your Lordship's attention to the inconvenience which might arise from a pensioned servant of the colony giving evidence in the House of Commons, which the slightest attention of any one acquainted with the colony must know to be incorrect. Mr. Anstruther stated he did not know how the colony could be worse administered for half the cost. This statement is embodied in the petition; and the petitioners state their firm conviction that it might be administered better for half the amount. On this point I will merely invite your Lordship's attention to the fact, that when in office, not only did Mr. Anstruther make none of these recommendations, but that he acted in a totally contrary spirit; and I would further observe, that the petitioners point out no practical way in which their economical suggestions could be carried out.

6. The petitioners go on to state, that the repair of roads has been actually suspended. This statement is grossly incorrect, and I state unhesitatingly to your Lordship, that at this time I know the roads of the island to be in better order than they have ever been before.

7. The petitioners complain of the large amount of the revenue collected, disproportionate to its trade, and a clog on its resources. With regard to the first point, it is so entirely a new view of colonial policy this complaint of an overplus of revenue, that I refrain from any comment, leaving it to your Lordship's better judgment to decide on so important a question; but I must confess I cannot in any way see that the revenue derived is in the least degree a clog on its resources.

8. With

Vide Papers relative to the Affairs of Ceylon, presented by Command, February 1849 page 331.

8. With regard to the salaries allowed to public officers, I feel it a duty to record my opinion, that taking the general question raised by the petitioners on this head, the public servants are not over-paid; and that the real way to make efficient reductions of expenditure, is not to cut down salaries, but to diminish and consolidate offices and ensure good work being done for good pay.

9. In thus submitting to your Lordship the remarks I have felt it my duty to make in forwarding the enclosed petition, I have been induced to enter into detail from having observed the practice which has latterly prevailed, of laying upon the shoulders of the local government everything that goes wrong, whether it is justly entitled to bear any portion of the blame or not.

10. The financial difficulties of the colony must be dated back from the year 1845, and were brought about by the fixed charges placed upon it by the then Secretary of State, who was in some degree misled by the erroneous statements sent home regarding the real revenue and the balance in the treasury.

11. I must further remark, that I doubt much any single individual agreeing in the whole of the contents embodied in this petition, but am inclined to suspect that each one of these gentlemen may have had some favourite crotchet which induced him to sign it.

12. Your Lordship will not fail to remark, that all that has been done with a view of relieving the colony of burdens complained of, and the endeavours to open out its resources since my arrival, is passed without a single acknowledgment: the reduction on the export of cinnamon; the doing away with the other export duty altogether, relieving these very parties from payments which must have amounted at least to 25,000*l.* per annum; all these things are forgotten or suppressed. Disappointment and misfortune, the result of their own imprudence, have caused these gentlemen to see everything in a gloomy light; and ready and anxious as I am to fulfil the duties intrusted to me, and alike desirous of the well-being and prosperity of all, there is a point at which it becomes necessary to state plainly the facts as they really are, without regard to persons, and I have therefore given these opinions in justice to myself and those with whom I act.

13. In conclusion, I can only assure your Lordship that I am determined to carry out to the fullest extent your directions, with all due regard at the same time to justice and the efficiency of the public service. Taking an opposite view from the petitioners as regards the revenue, which they consider too much, I have every hope of seeing it increase without any fresh taxation; and I again take this opportunity of recording my opinion, that there are no clogs on the industry of the people, but that they are lightly taxed, and when not interfered with by the designing and dangerous agitators, are a happy and contented population

The Right Honourable Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *Torrington.*

Enclosure No. 1 of Despatch No. 187, of 16 October 1848.

TO the Right Honourable the Earl *Grey*, Her Majesty's Principal Secretary of State
for the Colonies.

My Lord,

Colombo, 12 October 1848.

WE have the honour to wait on your Lordship with a copy of a petition to the House of Commons, signed by ourselves and many other inhabitants of this place.

We take leave earnestly to solicit your Lordship's attention to the contents of this petition, which sets forth some of the causes of distress now unfortunately too prevalent in this island, and we beg your Lordship's assistance to any means of relief that may be suggested.

*See Appendix,
No. 1, page 410.*

We have, &c.
(signed) *F. Lambe.*
H. Ritchie.
J. L. Vanderspar.
W. Shand.
R. Dawson.

(A true copy.)

(signed) *J. E. Tennent.*

Appendix, No. 3.

(Confidential.)

COPY of a DESPATCH from Viscount Torrington to Earl Grey.

Queen's House Colombo, 9 February 1849.
(Received 30 March 1849.)

My Lord,

Appendix, No. 3.

UNDER ordinary circumstances I should be very unwilling to step out of the strict line of my official duties, so far as to take any especial notice of the exaggerated statements and gross perversion of facts which have been laid before the public in England, with reference to recent occurrences in Ceylon, through some of the ordinary channels of information. But the misrepresentations to which I allude have latterly assumed so determined a character, and the attacks directed against my administration of this government have taken so personal and so virulent a form, that I can no longer withhold the expression of my extreme surprise at the bitterness of spirit which has marked them, while I proceed briefly to demonstrate their absolute incorrectness.

* The Chronicle and Herald.

2. In a portion of the public press* of the 21st December last, statements like the following have been made, which from their being entirely contrary to the fact, are calculated grievously to mislead the public mind. The only apology however which I can offer for bringing them to your Lordship's notice on the present occasion is, that arguments of a similar kind and errors of equal magnitude may possibly be brought forward with greater solemnity elsewhere, on an occasion or under circumstances which may appear to demand for them the attention of Her Majesty's Government.

3. Before noticing in detail some of the most prominent of these mis-statements, I would beg to refer to my former despatches noticed in the margin (a), in which the fullest explanations have already been furnished to your Lordship of all the circumstances to which allusion has been made.

† Herald.

4. It has been boldly said † that "more intolerable grievances were never sustained by a loyal people than those inflicted upon the Kandians at the time of their revolt;" that these "grievances urged to disaffection a people but half subdued to British rule;" that "obnoxious and oppressive taxes had been levied in place of the export duties which had been taken off," and that the "additional pressure thus laid upon the people had led to inevitable explosion and rebellion." Elsewhere it is said ‡ that "to quell a storm of my own raising blood had been unnecessarily shed;" that unfortunate men had been shot by my orders (and that too long after the suppression of the rebellion), who would if tried by the ordinary courts have scarcely obtained the punishment of a month on the treadmill." It is further stated, that in order to screen the authorities from the consequences of my acts, I had "forced a Bill of Indemnity through the Council, by my casting vote, in the absence of the Colonial Secretary, who is stated to have significantly abstained from voting on it;" and finally that a "total disregard of justice and of mercy had characterized the whole of my proceedings."

‡ Chronicle.

5. Mis-statements such as these, my Lord, require to be met in the first instance, as I conscientiously and deliberately can meet them, with my most emphatic and unreserved denial.

6. I am totally at a loss to discover the "intolerable grievances" under which the Kandians are said to have laboured. If any such really existed, it would have been my duty as well as my most anxious desire to have sought them out, and to have applied the proper remedy. The people who are said to be only "half subdued to British rule," in 1848, must have remained only in that dubious condition of dependence which would argue rather the mistaken leniency and forbearance of the Government, than its harshness or its

(a) Despatches to Earl Grey:

- No. 185, 14 October 1848.—Returns of Trials by Courts Martial, and of Sentences by the Supreme Court. *Vide* Ceylon Papers presented by Command, 1849, page 241.
No. 195, 6 November 1848.—Transmitting and explaining the Indemnity Ordinance. *Vide* ditto, page 264.
No. 203, 14 November 1848.—On the Modification of the Ordinances. *Vide* ditto, page 290.
No. 221, 11 December 1848.—General Financial Policy and the Ordinances. *Vide* ditto, page 301.
No. 222, 11 December 1848.—Address of 5,000 Natives, showing their improved tone of feeling. *Vide* ditto, page 300.
No. 7, 8 January 1849.—Ordinance repealing the Tax on Shops and Dogs. *Vide* Ceylon and Guiana Committee Papers, No. 3 of 1849, page 3.
No. 8, 9 January 1849.—Fire-arms Amendment Ordinance. *Vide* ditto, page 4.

its disposition to inflict "grievances." If the Government have erred towards the Kandians as any time, it has been rather on the side of leniency than of oppression; and that very leniency has failed to impress their minds with an adequate sense of our indulgences, or with the conviction of the stability of British power; as the successive rebellions of 1818, 1823, 1835, and 1843, can testify, apart from consideration of the recent outbreak of 1848.

7. The sudden surrender on the part of the Crown in 1833 of its inherent right to the occasional gratuitous services of the people, without demanding any equivalent for the concession; the extreme lightness of the land-tax in the Kandian districts, amounting under the commutation, even for paddy lands, only to about 1s. 6d. per acre; and the absence of any other system of direct taxation—were certainly no proofs of the intolerable grievances under which the people laboured.

8. The recent act for compelling them to register their fire arms could scarcely have had more to do with the rebellion of 1848, than it had with the incipient insurrection of 1843 or of 1835. And with regard to the so-called shop-tax, it is a remarkable fact that not a Kandian is to be found who keeps a shop; the small dealers residing within the town of Kandy are invariably Moormen or Malabars, and a few low-country Singhalese.

9. So striking has been the misrepresentation of facts in many of the public prints, that it was not without a smile at the ingenuity of the invention, that I observed it gravely stated that "the transfer of Buddho's tooth from Lord Torrington's private museum to Kandy had caused the rebellion."

10. Upon the subject of martial law and the Indemnity Bill, it becomes my duty to make a few remarks, in correction of the many errors which have gone abroad respecting them. The thanks of all classes of the community have been publicly conveyed to me on several occasions for the prompt measures adopted for the suppression of the insurrection, and above all for the early proclamation of martial law. Much as it must have been a source of pain and regret to me, to find myself compelled to suspend for a time the process of administering justice through the ordinary courts of law, and to leave for a short period in the hands of the military authorities the entire administration of the affairs of an extensive province, I can conceive no source of vexation and self reproach so great as would have arisen to me, had the pillage, the intimidation, and the bloodshed, which commenced at Matelle and at Kurnegalle, been suffered to spread to other and equally populous parts of the Kandian country; and yet such probably would have been the consequence of the absence of that efficient and summary control over the masses of the people (stirred up by adventurers and depredators), which the operation of martial law alone could furnish. The numerous and scattered coffee estates, demanding protection throughout all parts of the upper country, the many European families isolated and exposed to every danger and insult, the large migratory population of Malabar Coolies, all stood in need of the most anxious provision for their safety, and the utmost encouragement on the part of the Government. It was not a moment for doubt or hesitation, nor was it a fitting occasion for discussing with philosophic minuteness the legal difficulties or more abstract objections to martial law when within a few weeks or even days the reckless destruction of property and the sacrifice of life might have been appalling. The ruin of a large portion of the European community would have been inevitable. In looking back now upon the insurrection as it was, we are also bound to reflect on what it might have become had not the most determined measures been adopted at the outset.

11. It is painful to me to have to allude to the exaggerated statements which have gone abroad respecting the supposed severities exercised under martial law. Your Lordship is already in full possession of the whole facts of the case. The military authorities had a most anxious and painful duty to perform; I have reason to know that they were painfully impressed with the vast responsibility which devolved upon them. For party purposes, and for the sake of popular clamour, their forbearance under trying circumstances has been converted into severity, and the conscientious performance of a necessary but most unwelcome duty, has been represented as unwonted cruelty in the exercise of authority. On the other hand, I have the best possible means of knowing that the mass of the Kandians, fully conscious of the dangers and difficulties to which their own plans, if successful, might have led, were astonished at nothing so much as the leniency and the forbearance of the Government.

12. Of the many hundred people who were captured in open rebellion, or in the actual commission of crime, comparatively few were even put upon their trial. The rest were set at large as soon as circumstances rendered it safe to do so; and out of 17 individuals who were convicted at the special sessions of the Supreme Court, not one was executed. Even the pretended king himself, although captured at last in open and armed resistance to authority and condemned to death as a traitor by the Supreme Court, has had his sentence commuted to transportation for life.

13. The capture of the pretended king was immediately followed by the abolition of martial law. Had it been discontinued sooner, I had the positive assurance of gentlemen best acquainted with the country and its inhabitants, that his capture would have been impracticable; and that even if the same individual did not again appear in arms, some other ambitious person would at no distant time start up again in defiance of our authority.

Appendix, No. 3.

14. I enclose to your Lordships an extract from one of the local newspapers, "The Examiner," which complains of the misrepresentations which have been made of the tenor of some of its articles respecting the rebellion.

1.

15. But the most important subject which yet remains for me to touch upon, is the reported disagreement or division in the Legislative Council respecting the Indemnity Bill. On the contrary, so far was this from being the case, that there was not even one dissentient voice upon the merits of the Ordinance, or upon the question of granting the fullest indemnity for all *bonâ fide* acts done by the military authorities. The Ordinance was unanimously passed; and the only question upon which a division took place, was not that of granting the most complete indemnity, but whether the power of defining what were really *bonâ fide* acts should be vested in the "Governor or officer commanding the forces," as proposed in the Bill, or in the Governor and Executive Council; which latter could not possibly have the means of knowing what were *bonâ fide* acts done by the military authorities.

2.

3.

16. I enclose for your Lordship's satisfaction a note of the proceedings which took place upon the Indemnity Bill, in the Legislative Council, as recorded officially by the clerk of the Council. I also beg to forward a copy of the newspaper report of the debate, as given in "The Observer," which is invariably the opponent of Government. In this instance the account of it entirely coincides with the official record.

4.

17. The absence of Sir Emerson Tennent from the debate, so far from being occasioned by any reluctance to support the Bill originated solely in the confidence which was felt in unanimity of feeling with which the Council regarded it, and which induced me to give my permission for him to accompany his son to Galle, on his embarkation for England. I enclose a note from Sir Emerson Tennent upon the subject.

5.

6.

18. In my former despatches upon the subject of the Ordinances which have occasioned so many and such irrelevant discussions I have already explained in detail the various reasons for their enactment, and likewise the grounds upon which I thought it right to repeal two of them, and slightly to modify another.

19. On the present occasion it will scarcely be necessary for me to touch upon them further. But as much misrepresentation appears to have arisen, and statements are reported to have been made by me which are entirely at variance with the sentiments to which I really gave utterance in the Legislative Council, I think it my duty to forward to your Lordship the accompanying extracts from the newspaper reports of what I said upon the subject, which I find to be substantially correct.

20. In conclusion, my Lord, I would only venture to add, that I have most anxiously endeavoured to exercise the authority which Her Majesty has intrusted to me to the utmost of my ability for the welfare of all classes of the inhabitants of this island, whose multifarious and complicated interests required that peace and tranquillity should, above all things be maintained. I am deeply sensible of the responsibility and the difficulty of attempting either social or administrative improvements among an Eastern population, burthened with prejudices, and accustomed to abuses of their own creation. But guided by your Lordship's instructions, and supported by your confidence, I look forward, not without sanguine hope, to the ultimate success of my exertions.

I have, &c.
(signed) Torrington.

7.

P.S.—Since the above despatch was written I have received a memorandum from Mr. Wodehouse, copy of which I have the honour to enclose, in which he enters cautiously and fully into the whole question of the modifications which have been made in some of the Ordinances. I would beg to invite your Lordship's attention to Mr. Wodehouse's views, the more particularly as he has for some time past been making extensive tours throughout the Western Proviuce, and has had opportunities of judging of the feelings of the inhabitants.

Enclosure, No. 1.

EXTRACT from a Colombo Newspaper, the "Examiner," of the 20th January 1849, complaining of the Misrepresentations made of the tenor of some of its Articles respecting the Rebellion.

FAIR PLAY.

A contemporary gives an extract from the "Spectator," in which the merciless condemnation of Lord Torrington's government is continued according to the present most approved fashion of London journalism. The extract in question carries with it, to our minds, a conviction of the factious motives of the writers. The "Examiner" appears to have furnished the theme by remarks we made on the subject of martial law as executed

in

in the rebellious districts. Our readers will remember that we saw occasion to modify the opinions expressed, in a subsequent issue, and both articles went home by the same mail. Yet our first remarks are most unfairly seized upon as the ground for vituperating Lord Torrington's administration, whilst the second are passed over without notice. This is one instance out of many, showing the extent to which the English press has been misled by *exparte* statements, or has seized upon any fact which would bear magnifying, to add one more count to the indictment against the present Cabinet and its adherents.

Enclosure, No. 2.

ABSTRACT of the Proceedings of the Legislative Council upon the Bill "to indemnify the Governor, and all Persons acting under his authority, for certain acts done during the existence of Martial Law in certain parts of this Island."

On the 4th October 1848 the Queen's Advocate moved, and the Colonial Secretary seconded, the first reading of the Bill "to indemnify the Governor, and all persons acting under his authority, for certain acts done during the existence of Martial Law in certain parts of this Island;" which passed without observation.

On the 17th October the Queen's Advocate again moved, and the Major-general seconded, the second reading of the Bill, which was unopposed, and on the motion of the President it went into committee. The Queen's Advocate then moved the addition of the words "and their successors in office" in the first clause; but after some observations from Mr. Wodehouse, Mr. Armitage, and Mr. Dias, the Queen's Advocate withdrew the amendment, not deeming it a matter of any great importance. It was then moved by Mr. Dias, and seconded, that the words "Governor and Executive Council," in the first clause, should be substituted for the words "Governor or officer commanding Her Majesty's forces in the said provinces."

Mr. Dias remarked, that he thought it would be a great improvement to the Ordinance if the power of defining *boná fide* acts were vested in the Governor and Executive Council. The adoption of such a course would allay a great deal of apprehension that was abroad amongst the people; not that he supposed for one moment the powers vested in the military authorities had been or would be abused, but to re-assure the public mind he thought the Ordinance ought to be altered as suggested.

Mr. Selby replied that he was not aware how the alarm as connected with the power of granting the certificate required by the Ordinance came to arise, or by whom it was felt; and that the Executive Council could never have the means of knowing so well whether acts done were in pursuance of orders given, as the officer under whose authority they had been committed.

Mr. Armitage remarked that all the evidence that could be procured from Kandy or elsewhere would be at the disposal of the Governor and Executive Council.

Mr. Smith, by whom the amendment had been seconded, remarked that Government had shut up the courts of law, so that persons wronged had no means of redress.

Before putting the amendment the Governor made some remarks respecting the restoration of property which it had been found necessary temporarily to sequester, in cases where the parties to whom it belonged were not put upon their trial, or were acquitted. In a few instances it had been requisite to take possession of the properties of persons who had abandoned them, and this was really necessary for their protection. In a few cases perishable articles, such as grain or marketable produce, had been sold, and the value which it realized would be paid back to the parties who were the rightful claimants of it. After a few further remarks, the President proceeded to put Mr. Dias's amendment, but some little confusion took place among the members present in giving their votes. The amendment was negatived by a majority of one (the Governor not using his casting vote) in the absence of the Colonial Secretary, whose vote would otherwise have been added to the majority against the amendment.

The blanks being filled up, the Bill passed through the committee. On the 23d the Colonial Secretary brought up the Bill, and on the motion of the President it was read a third time and carried unanimously.

Colombo, 5 February 1849.

(signed)

William Thos. Gibson,

Clerk to the Legislative Council.

EXTRACT from the "Colombo Observer" of the 19th October 1848, containing a Report of the Debate in the Legislative Council on the 17th October, on the Indemnity Bill.

Mr. SELBY then moved the second reading of the "Indemnity Bill," observing that he did not feel called on to add to the observations made by him when introducing the Bill. Papers relative to the matter had been laid on the table.

Major-general Smelt seconded the motion, and the Council resolved itself into committee on the Bill. When the first clause had been read as far as the words "Governor or officer commanding Her Majesty's forces," Mr. Selby moved the insertion of the words "and their successors in office."

Mr. Wodehouse, Government Agent, Western Province, wished to know how the successors of the commandant of Kandy could certify that certain acts were done *bonâ fide*? He supposed the meaning of the provision to be, that if any person should happen to be prosecuted for acts done under martial law, the prosecution should be arrested by the production of a certificate. But in the absence, say of a record of the orders given and deeds done, how could acts be proved *bonâ fide*? how could the officer succeeding the commandant of Kandy grant a certificate?

Mr. Selby replied that the difficulty raised was not one to lead the Council to object to the introduction of the words proposed by him. The Indemnity Bill supposes that orders have been given by the commandant of Kandy for the suppression of the rebellion, and obeyed by subordinate officers, and that doubts may hereafter arise whether any particular act was performed in pursuance of such orders. But suppose the Governor or Commandant who issued the original orders dead or removed, and an action brought against an officer for acts done by him, in pursuance of such orders? Then if there was any doubt as to whether such officer had acted in the *bonâ fide* execution of his orders, a certificate from the person who gave the order, or his successor in office, that the act had been done in pursuance of such order, would set any such doubt at rest. If there was nothing on record to show that such an order had been given, and no means of ascertaining the nature of the acts, then it could not be supposed that such a certificate would be granted by the successor in office either of the Governor or Commandant. It was only when fully satisfied of the fact that we could suppose any Governor or commanding officer would grant such a certificate. It was equally competent, surely, for the Governor's successor to grant such a writing as for the Governor himself, if he were cognizant of the facts. It was to be presumed that in all cases where orders had been issued a record of them had been kept; but if not, and no satisfactory evidence existed as to what the orders were, and what had been done in pursuance of them, then no such certificate could be given.

Mr. Armitage thought it would be better to leave the matter to the Governor and Executive Council. There was no other way of getting rid of the difficulty.

Mr. Dias thought it would be a great improvement of the Ordinance if the power of defining *bonâ fide* acts were vested in the Governor and Council. The adoption of such a course would allay a great deal of alarm that was abroad amongst the people; not that he supposed for one moment the powers vested in the officers had been or would be abused, but to re-assure the public mind he thought the Ordinance ought to be altered as suggested.

Mr. Wodehouse objected to the amendment proposed by Mr. Selby, on the ground that it would be narrowing the protection afforded to officers acting under orders. The first part of the clause held persons harmless for all acts performed under orders. But supposing an officer came to Colonel Drought's successor, and was by him thrown overboard, such officer would be left to the mercy of the court. He thought the clause had better be left as it stood.

Mr. Smith wished to know what remedy was left to parties whose property had been improperly confiscated?

Mr. Selby remarked that it was difficult for him to answer the objections raised, as the honourable gentlemen did not seem to be agreed amongst themselves. The Government agent for the Western Province simply objected to the alteration proposed by him, Mr. Selby, of extending to the successors of certain officers the power of certifying that acts had been done in pursuance of orders given. Messrs. Armitage and Dias, on the other hands, were for an entire alteration of the Bill; for confining the power of granting a certificate to the Governor and Executive Council. Mr. Dias had also spoken of alarm which he said was felt by some persons. But he, Mr. Selby, did not catch how the alarm, as connected with the power of granting this certificate, came to arise, or by whom it was felt. But he wished to dispose of the question before the Council, and he differed from the views expressed both by Mr. Wodehouse, and Messrs. Armitage and Dias. He did not believe the Governor and Executive Council could ever be in a position to say whether any given act had been done in pursuance of a particular order given by the military authorities, so well as the commandant of Kandy, under whose immediate orders the act had been done. For instance, how could the Governor and Executive Council decide in the case of sequestration of property, say at Kornegalle, whether the officer who sequestered the property had acted in pursuance of his orders, so well as the commandant of Kandy who gave and must have a record of the order, or his successor? The objection of the Government agent, however, was, that the proposed alteration would decrease the fulness of the indemnity, would render it contingent on a certificate. Now this appeared to Mr. Selby a misapprehension. The Ordinance was one of absolute indemnity for all *bonâ fide* acts; but as doubts might arise in particular

particular instances whether an act done had been in conformity to an order given, the officer who gave the order was to grant the officer who executed it a certificate to set any such question at rest. If the Council was inclined to grant to the Governor and commandant of Kandy the power of certifying what acts had been done in pursuance of their orders, then he, Mr. Selby, saw no reason why, in the event of the Governor or commandant being removed by death or otherwise, the same power should not be extended to their successors in office, supposing that they were enabled from records or otherwise to grant similar certificates. The question of Mr. Smith did not arise under this Ordinance. Passing by that it supposed that "property has been confiscated" under martial law, of which he, Mr. Selby, was ignorant, he must observe, that the object of the Ordinance was to indemnify persons against the consequence of illegal acts; the meaning of an Indemnity Act is to hold harmless persons who have acted illegally but *bond fide*. It does not follow that property improperly confiscated or sequestered is not to be given back to its owners; it only says to the agent in the transaction, "You, sir, shall be held harmless for the acts performed by you under orders and in good faith. You shall not pay in damages for your *bond fide* obedience to illegal orders." He, Mr. Selby, still submitted that nothing had been advanced to show that the words proposed by him should not be inserted.

Mr. Fairholme thought the Ordinance as it stood placed the commandant of Kandy in an invidious position; he might be unable to answer for many acts to which he might feel called on to certify as done under his orders. He, Mr. F., thought the commandant should not be left in this position.

Mr. Selby seeing that the opinions of several of the members were against him, and not deeming the matter of any great importance, would not press his amendment, and he accordingly withdrew it.

Mr. Dias then proceeded formally to move an amendment, substituting in the 28th line of the first clause, "Governor and Executive Council," for "Governor or officer commanding Her Majesty's forces in the said province."

Mr. Armitage remarked that this would necessitate a change in the phraseology of the 23d line.

Mr. Selby insisted that the Executive Council could never know so well whether acts done were in pursuance of orders given, as the officer under whose authority they had been committed.

Mr. Armitage was surprised to hear the Queen's Advocate so pertinaciously adhering to this view of the case. Surely all the evidence that could be procured from Kandy or elsewhere was at the disposal of the Governor and Executive Council.

Mr. Smith said that Government had shut up the courts of law, so that persons wronged had no means of redress. He begged to second Mr. Dias's amendment.

Mr. Wodehouse rose, and said, that as the discussion which had arisen upon the several amendments proposed had taken a somewhat irregular turn, and had extended more or less to many parts of the Bill, perhaps he might be excused for offering a few observations on the whole of the Ordinance and its objects. The subject was so important, and in this island so novel, that he thought a full discussion would be satisfactory. He had no wish to oppose the Ordinance, but to suggest such modifications, or rather additions, as would make it more likely to meet with confirmation at the hands of Her Majesty's Government, and to conciliate the approval of the public here and elsewhere. Now that Government had put down the recent insurrection with a strong hand—

Lord Torrington here made some remark, to the effect, we believe, that Mr. Wodehouse was out of order in thus discussing the whole Ordinance.

Mr. Wodehouse replied that it was impossible to discuss separate portions of a Bill which might be said to consist of one clause only, without bearing in mind the whole of its provisions. He only wished to enable the Government to give such explanations as might justify the Council in passing it without opposition. The Queen's Advocate, on introducing the Bill, had quoted precedents of Bills passed in other parts of the globe; and he, Mr. Wodehouse, was not aware whether the honourable Gentleman meant that those precedents applied to the whole, or only parts of the Bill. The title and preamble were definite enough, and in the preamble, from the 30th to the 35th line, it was stated, that "during the time that martial law was in force in the said districts respectively, it was and became necessary for the Governor and the persons acting under his orders or by his authority, or under the authority of such proclamations of martial law, to direct, authorize, do, and perform certain acts, matters, and things within the said districts which may not have been in conformity with the ordinary course of law therein, but which were necessary for the public safety."

This was a fair position to occupy, and the Council having in its reply to the Governor's address approved of the means taken to suppress the rebellion, was bound in honour to grant the indemnity sought for the agents employed, who had simply discharged their duty. But the Ordinance went to say, "That no act done in pursuance of any order issued by the said Governor, or by the officer commanding Her Majesty's forces in the Kandyan Provinces, for suppressing the said insurrection, or for the safety and protection of the persons and properties of Her Majesty's peaceable and loyal subjects, or for the trial and punishment of treasons and other crimes and offences committed within the said districts, or for the arrest and detention in custody of persons engaged in such insurrection, or suspected thereof, or for the seizure, sequestration, or sale of the property of any such persons as last aforesaid, shall be questioned in any of Her Majesty's courts of civil or criminal jurisdiction in this island."

Now, so far as the arrest of suspected persons, the punishment of treasons and other acts of the same nature were concerned, there was no question they were necessary for the public safety. But the public safety was in no way subserved by the sale of property. The papers laid on the table showed that property to the value of 10,000*l.* had been sequestered, and it did not appear in whose possessions this property now was, nor whether any or how much had been sold, although it was generally reported that sales to a certain extent had taken place. And he noticed the remarkable fact that a portion of the property seized to the value of between 2,000*l.* and 3,000*l.* belonged to temples. Now treason, if proved, on the parts of the priests, did not, and could not, as he understood the law of the land, involve the confiscation of temple property. Such property would vest in their successors for temple purposes. It would therefore be a source of great satisfaction to the country at large, were Government, with this ordinance, to send forth a statement of the mode in which it was intended to compensate persons seized, but not convicted, for property which had been sold. Another very important question was the mode in which Government meant to dispose of the lands of persons convicted of treason when such lands were held in the undivided tenure so common in this country. How were the shares of convicted traitors to be divided? If explanations on these points were offered, great satisfaction would be afforded to the public.

Mr. Selby said he must be allowed to say a few words in reply, as the honourable gentleman had alluded to the statements made by him (Mr. Selby) on the first reading of the Bill, as regarded precedents, and had pointedly put the question whether those precedents applied to every part of this Bill. Now, he had no hesitation in admitting that the precedents had been followed so far as they were applicable to the circumstances of the case. At the Cape there was no sequestration of property. The inhabitants had not risen in insurrection, but were engaged in defending their territory from the invasion of a foreign foe. Then there was nothing in the Irish Act about sale or sequestration of property, because such powers had not been thereby granted. The confiscation of property was properly left to be contingent on conviction. The Council was however aware from the papers laid on the table, of the fact, that in the recent insurrection, sequestration of property to a great extent and the sale thereof to some extent had occurred, and such being the fact, the words referred to had been inserted in this Ordinance, though not to be found in either of the precedents mentioned, to meet the case of persons acting thus *bonâ fide*. He admitted that the act was illegal, so also was the trial and punishment of offenders by martial law; the illegality of the acts must indeed be assumed to render an indemnity necessary. Legal acts stand in need of no indemnity. The simple question therefore was, whether the Council would or would not indemnify persons who had acted *bonâ fide*, even in the illegal sequestration and sale of property. He (Mr. Selby) must confess, that whatever might be the circumstances of hardship as affecting particular individuals, he could not see that there was any good reason why they should hesitate to indemnify an officer acting under orders for sequestrating or selling property in order to the suppression of the rebellion, any more than for taking part in courts martial held for the same purpose. But this, it might be said, was begging the entire question. His honourable friend on the left contended that it was not necessary to sequester property in order to suppress the rebellion. But that was not his (Mr. Selby's) way of looking at the question. Of the necessity of an order, the officer executing it was surely not the proper judge. It was his part to obey; and the question was whether he ought to be indemnified. With regard to the property of persons convicted by the Supreme Court, that was *ipso facto* confiscated. The question as regarded undivided tenure did not arise. Of course only the undivided interest of the attainted traitor became vested in the Crown, which would come in as tenant in common with the other owners. This was all he (Mr. Selby) felt called on to say, but perhaps as the Council might desire further information upon facts connected with sequestration and sale of property, and as much discussion might arise thereon, it would be better to defer the further consideration of the subject until the Colonial Secretary could be present, to give such information.

Mr. Wodehouse begged simply to state in explanation, that he had never for a moment contemplated opposing the indemnity, which he was sure the Council were quite prepared to grant. His sole object had been, before declaring that no act done by order of the Governor should be questioned by the courts of law, to elicit from the Government some explanation of the course which they intended to pursue in respect to the sequestered property of innocent parties.

Mr. Armitage could not see the objection to a statement on the part of Government of the mode in which they meant to re-instate parties in property of which they had been unfairly deprived. It was highly desirable that with the Indemnity Act should go forth a declaration of the mode in which the innocent were to be redressed. The Queen's Advocate had entirely failed to notice the question raised respecting temple land. He (Mr. A.) was not aware that either at the Cape or in Ireland had church property been seized.

The Queen's Advocate was about to rise, when he was stopped by Lord Torrington, who with much animation spoke as follows:—

Gentlemen,

It was not my intention to address the Council on this important question; on the contrary, I was simply desirous to preside over its deliberations. But I think it is in my power to place before the Council some facts and information which will clear up the question which has been raised, and satisfy the public as to the intentions of the Government. First, with regard to the point raised by the gentleman opposite, Mr. Armitage, I can assure that gentleman that no lands have been confiscated under martial law; lands have

457

have been merely sequestered, and in every instance correct lists have been made of all lands sequestered, and the property found upon them. All property that has been sold on the sequestered land has been perishable property, such as grain and other marketable produce, the proceeds of the sale of which have been strictly kept, and will be accounted for. The question having been raised by the Council, how far lands have been sequestered of parties who have since proved to be innocent, I am enabled to state that orders have been given that all parties who are entitled to receive back their lands or properties should receive them as soon as those entrusted with the power are enabled to give them back to them. Those lands were sequestered where parties were found absent and supposed to be in rebellion; and it was utterly impossible at the time to be always certain who were the exact parties implicated or not. But the Council may be assured that all parties who were found innocent, or in no way implicated, will have their property restored to them as soon as the right and proper parties are ascertained; and, in fact, directions have been already given for the restoration of all the property sequestered, with one exception, of that belonging to a few of those persons principally concerned in the late insurrection who have fled from justice, and of those who have been convicted by the Supreme Court, or are now waiting their trial.

With regard to the temple lands at Dambool that were sequestered, the Queen's Advocate has stated very justly that they must be given back: but from the king having been crowned in the Dambool Temple, it was compulsory at the time to take steps to seize upon the temple and its property at the moment of the rebellion; and though the priests tried by the civil courts were acquitted, it was from the incompleteness of the evidence, and not from any doubt of their guilt, as they had confessed their criminality.

I can only assure you, gentlemen, that during a period of great anxiety, and much responsibility, I have endeavoured to protect the lives and property of well-disposed people; and that it is with a view of affording proper protection to those officers who administered martial law, that I have felt it my duty to bring this bill before the Council. Feeling assured, as I do, that the Council will concur with me as to the zeal and ability with which those officers fulfilled their duty, and that they are rightly entitled to this protection, I place myself confidently in the hands of the Council to afford them the protection which they are justly entitled to.

Mr. Selby must be allowed to say one word on the temple land question, and he would state unequivocally that even if the Dambool priests had been convicted, the temple lands would not, in his opinion, have been forfeited by their attainder. It was trust property, which did not escheat to the Crown by reason of the treason of the incumbent. But the priests had been acquitted, and were innocent in the eye of the law. The property, he believed, had been already given up, and the Council had just heard the Governor's declaration, that all the property sequestered was in the course of restoration to all persons not convicted by the Supreme Court. The property of persons convicted by the Supreme Court had been of course confiscated. One or two persons still lay for trial; if found guilty, their property likewise escheated to the Crown; if innocent, it must be restored.

Here the division took place on Mr. Dias's motion, the Governor choosing to put the question in this shape:—

“That the words moved to be omitted do stand part of the Ordinance.”

The following is a fac-simile of the Division Paper, by aid of which the clerk of the Council takes the votes, beginning, as is the practice in courts martial, with the member junior in position, and so ascending.

DIVISION on the Question, “Whether the power of defining *bona fide* acts should be vested in the Governor or Officer commanding the Forces, or in the Governor and Executive Council.”

	AYES.	NOES.
J. Swan, Esq.	-	1
W. Fairholme, Esq.	-	1
J. Smith, Esq.	-	1
J. Armitage, Esq.	-	1
J. C. Dias, Esq.	-	1
J. F. Giffening, Esq.	-	1
The Collector of Customs for the Western Province	-	1
The Surveyor-general	1	
The Government Agent for the Central Province	1	
The Government Agent for the Western Province	1	
The Treasurer	1	
The Auditor-general	1	
The Queen's Advocate	1	
The Colonial Secretary (absent).		
The Major-general	1	
The Governor	1	
	8	7

Appendix, No. 3. The Bill then passed through committee, the Council resumed, and the Ordinance was read a second time, the blanks in the preamble being, on the motion of Mr. Selby, filled up with the words—

- 1st. "4th day of October."
- 2d. "10th day of the same month of October."
- 3d. "The said districts of Kandy and Kornegalle."

Enclosure, No. 4.

Dear Lord Torrington,

Elie House, Colombo, 3 February 1849.

I HAVE been much annoyed by observing in the "Morning Chronicle" of the 21st December, the construction put upon the accident of my absence from Colombo, on the occasion of the Indemnity Ordinance passing through Committee of the Legislative Council in October last. The Council, according to the writer, were equally divided for and against that Ordinance. Your Excellency was driven to use your casting vote to carry it. I significantly absented myself from the discussions it gave rise to, and I abstained from voting in the discussion.

Now the real facts are, as your Lordship well knows, that I heartily approved of the measure, and recorded that opinion in my speech, on seconding the motion of the Queen's advocate for the introduction of the Bill; that the members of the Council, so far from being divided in opinion, were unanimous in its support; that it was unopposed in any stage; and that I, conscious that it was so, availed myself of the facility afforded by that very circumstance to accompany my little son to Galle; and with your Excellency's entire concurrence, I went there to place him on board the steamer for England. During my short absence, an amendment was moved in committee on a matter of detail, in reference to which the Council, judging from their votes, appear to have had no strong opinion one way or the other; and in an unexpected division, your Excellency voted with the majority for the retention of the words as they stood in the Bill. Had I been present I should certainly have taken precisely the same course. The Ordinance was afterwards read a third time and passed, without a dissentient voice or vote.

I regret to see the extreme opinions expressed by a portion of the London press, on the military executions which accompanied the suppression of the riots at Kandy, because they are neither consistent with the actual occurrences nor warranted by the spirit and forbearance with which the insurrection was quelled, and all the sentences on those convicted by the ordinary tribunals commuted into milder forms of punishment.

It is curious that this idea of your Lordship's supposed severity should have been occupying the minds of some at home, at the very moment when our own secret intelligence here all tended to impress on the Government that if there were any latent truth in the rumours then afloat of an apprehended renewal of disturbances in Kandy, such a disposition could only have been engendered by the unconcealed surprise of the people at the unlooked-for leniency exhibited by your Excellency to the numerous individuals detected and convicted of treasonable practices.

His Excellency Viscount Torrington,
&c. &c. &c.

Ever faithfully, &c.
(signed) *J. Emerson Tennent.*

(A true copy.)

William Thos. Gibson.

Enclosure, No. 5.

EXTRACT from the "Colombo Observer" of the 7th November 1848, containing the Governor's Speech in the Legislative Council, on the 6th November, on the subject of the Ordinances respecting Taxes.

HE would also take this opportunity of making a few observations upon the policy of his government with regard to some other Ordinances upon which misapprehension had prevailed.

It had been his anxious wish that the Government should do its duty towards all classes of the people with equity and forbearance; but charges had been raised and observations made upon some of the recent Ordinances, which, though in many respects erroneous, tended to place them in an unfavourable light. It was his earnest desire that in carrying out the measures which might be deemed expedient, they should be rendered as satisfactory as possible to the inhabitants.

He wished it to be borne in mind, that whatever the measures of the Government might be, they were designed not so much for the advantage of the Government itself, as for the good of the people generally.

At

At the present moment, the tranquil state of the country and the peaceable disposition of the people, afforded a favourable opportunity for making such modifications in the Ordinances as would render them more easy in their operation, and more acceptable. The Government had yielded nothing whatever to clamour and violence.

He would first draw attention to the Dog Ordinance, the object of which had been much misunderstood; it was never designed for purposes of revenue, but for abating what had become an intolerable nuisance, the annoying increase of dogs, and also for putting an end to those cruel scenes of dog-killing which had previously taken place at intervals. But it had been found in a great degree ineffectual for the latter purpose; and upon the whole he thought it might be as well not to continue its operation. He should therefore have to propose to the Council to repeal the Act of last year, and not to proceed further with the amended Ordinance already before them.

Next with regard to the so-called shop tax. It appeared to him that as a matter of revenue, its amount would be inconsiderable, and he was aware that representations had been made against it, to which he was disposed to give due consideration.

He had not forgotten that a respectable deputation had waited upon him upon this subject; and he had declined to yield to their representations at the time, because they appeared to have been brought forward under the influence of popular excitement and tumult, but he thought that the time was now come when he might properly recommend to the Council that the Ordinance in question should be repealed.

There was another Ordinance also, the Gun or Fire-arms Ordinance, which he thought might now be advantageously modified. He believed no one would question the propriety of registering fire-arms, so as to prove who were the possessors of weapons of that description in this country; but he should recommend to the Council that one registration should be deemed sufficient. The same amount of stamp duty might be continued on the single registration as was at present required, but the registration once effected it should be done with altogether, so far as regarded the actual possessor; it should not be continued as an annual charge. The provisions of the Ordinance might be modified so as to meet this object, and he trusted the Council would concur with him in thinking that the operation of it would be improved and rendered more acceptable by the amendment which he had suggested.

There was likewise another subject also to which he would briefly allude, namely, the steps to be taken for the settlement of the affairs relating to the Buddhist temples; the whole question was now undergoing the careful consideration of Government, and he hoped shortly to be able to propose to the Council a method by which some of its greatest difficulties might be overcome.

His Excellency remarked that he had taken this early opportunity of stating his views upon matters which would shortly be again brought under their notice, and he would only add that it was his desire at all times to attend to the wants and wishes of the people when properly represented to him. He trusted that every effort would be made to point out to the people the importance of the Road Ordinance for the general interests of the colony, and, by impressing upon them the true object of its provisions, to facilitate its early and efficient operation in those parts of the colony where its benefits will soon be most felt by all classes of the inhabitants.

Enclosure, No. 6.

EXTRACT from the "Colombo Observer," of the 10th November 1848, containing the Governor's Speech in the Legislative Council, on the 8th November, on the subject of the Ordinances respecting Taxes.

The Governor's further Remarks on the Ordinances.

BEFORE proceeding to the order of the day, his Excellency observed that he thought it right to make a few remarks in explanation of what fell from him at their last meeting, with respect to some of the Ordinances to which he had then alluded. He wished it to be understood that although the Government were prepared to repeal the recent Dog Ordinance, because it had been found in a great degree to have been ineffectual for the objects for which it was designed; still it would be necessary to keep down the increase of dogs as much as possible, and for that purpose to retain the power of killing them at stated periods, but without holding out the premium which had hitherto been given for their destruction, and had led to the actual breeding of dogs for the sake of the reward to be obtained by killing them.

With respect to the Gun Ordinance, it should be clearly understood that the Government were determined rigidly to enforce its provisions, without the least delay, so far as regarded the single registration; and every new purchaser of fire-arms, or every new possessor of fire-arms already registered, would of course be required to take out a fresh licence for the new registration.

460

Appendix, No.3.

It was quite possible that the views of the Government might be misunderstood with regard to the causes which induced him to recommend to the Council the modifications before alluded to. It might probably be said out of doors, that he had been forced into these changes by orders from Home. But he desired to assure the Council, that if he had received any such communications, he should have felt it his duty instantly to put the Council in possession of them. He was not disposed to use any unnecessary reserve. The question of these Ordinances had been brought fully under the consideration of the Executive Council, entirely on his own responsibility, and if he had received any new instructions whatever from the Secretary of State, he should have regarded it as a positive duty to make them known.

But such was not the case, and indeed he was happy to be able to say, that on no occasion since he had been in the island, had the Secretary of State shown any inclination to act otherwise than in support of the recommendations made by the Council after mature deliberation. He could have little doubt, therefore, that although the Ordinances, as passed in the last Session, had received the entire approbation of the Secretary of State, any alterations which might be made concerning them would meet with attention and approval.

For his own part, he was desirous to follow a straightforward course, and to show that he was at all times prepared to listen to reasonable representations properly made to him.

Enclosure, No. 7.

MEMORANDUM by Mr. Wodehouse on the Subject of the Repeal and Modification of certain Ordinances passed in the last Session of the Legislative Council.

A FEW months having now elapsed since the Right honourable the Governor proposed to the Legislative Council the repeal of two of the Ordinances passed last Session, and the modification of two others, and as his Excellency permitted me previously to give an opinion in favour of those alterations of policy, I am anxious to place before the Government the consequences of them, as far as a tour through the principal part of the Western Province has enabled me to form an opinion. This appears the more desirable as the alterations alluded to have exposed the Government to the charge of inconsistency and pusillanimity, and of encouraging the population to open and violent resistance of the law.

The Ordinances passed last Session, or those which have attracted most attention, were of three kinds: 1st, Purely Fiscal; 2d, Purely Police; and the third kind embraced provisions of an important political character, combined with the preceding.

The Ordinance imposing Licences upon Shops was of the first kind. That for the Licensing of Dogs was of the second. The Stamp Ordinance, that for the Registration of Fire-arms, and the Road Ordinance, were of the last and most important kind.

It appeared to me that the Government were imperatively called upon, after having suppressed the disturbances in the country, and punished the authors of them, to make diligent inquiry whether any of their late measures were either wholly or in part objectionable, or whether it would not be sound policy to abandon some, if by so doing they could be enabled to carry out with ease and success those more important and more essential to the welfare of the colony; and I conceive that Lord Grey's Despatch No. 303 of the 24th October last, in its 7th paragraph, pointed plainly to such a course of policy. It may be well to consider what was abandoned, and what was retained. 1st. The Shop Tax was abolished entirely. This, although it might have afforded useful assistance in prosperous times in aiding in the improvement of the towns, was not of sufficient value to be retained in opposition to any general feeling at such a time. It would never have yielded much more than 1,000*l.* a year.

2d. The Dog Tax was abandoned. Some parties entertained an opinion that it might have been instrumental in preventing the unlimited breeding of dogs, and rendering unnecessary the periodical slaughter of them by order of Government. Others were indisposed to look for any good results from it, and it became clearly impolitic to adhere to so unimportant a measure when the rural population had been led to regard it with dislike.

Such, and such alone, were the Ordinances that have been abandoned. The Ordinance for the Registration of Fire-arms has been modified to the extent that the licenses have been permanent instead of annual. The main object of its enactment was to procure a complete register of all the arms in the colony, and it was found that the annual payment was likely to defeat that object, by inducing the owners to destroy or conceal their guns. I think the alteration may fairly be said to have succeeded. The guns are now freely brought forward for registration. The owners of more than one gun may possibly be induced to postpone payment from want of ready money, but they have been generally informed that the Government is determined to enforce the registration, and to punish all parties concerned in the concealment of any.

The Stamp Ordinance, the most important in a revenue point of view, remains altogether unaltered.

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Vide Papers relative to Ceylon, presented by Her Majesty's Command, 1849, p. 33.

The Road Ordinance has been amended only in details, and with a view to facilitating its operation. In principle it remains untouched; and I believe few if any Acts of the British Parliament of a general nature are brought into operation without speedy proof of the necessity for amendment of their details. The Legislative Council of Ceylon may well be content to find themselves in no worse position.

It would perhaps be wrong to hazard an opinion as to the success of the measure before it has been fairly and practically tested. I can, however, state, that I have had frequent opportunities of announcing to large assemblies that the Government was engaged in active preparations for a speedy commencement, and of explaining in what manner they would be affected by it. And in no case has any real spirit of opposition or aversion been exhibited; although in numerous instances the people have pointed out in what respects it might be worked oppressively and unfairly, if not duly watched by the controlling authorities.

It is unnecessary here to enter upon any general defence of the Ordinance; but it has in my estimation great value from the fact, that for the first time for many years the native of Ceylon is fairly told, that he must do what he is ordered. We have too easily contented ourselves with telling him what he shall not do, and taking perhaps little pains even to enforce that practically. Prior to 1832, all the social institutions of the country were more or less dependent upon the machinery of compulsory labour; and it was by the aid of that machinery and the authority which it conferred upon the officers of Government, that they were able to keep a control over the population. Abuses there undoubtedly were, but they might have been remedied. In 1832 the Home Government, carrying out the policy which led to the abolition of slavery in the West Indies, abolished by Order in Council compulsory labour in Ceylon; and here again, as in the West Indies, they substituted nothing, or at least nothing in any way suited to the nature and habits of the people, or the wants of the country. A people wholly unfit to be placed in such a situation, were at once enabled to do exactly as they pleased. Each man consulted what he thought his own interests, taking a very short-sighted view even of them, without the smallest regard to those of his neighbour. Everything was in favour of the idle and disorderly, and opposed to the respectable man. The same has continued up to the present moment, to the great injury of all the best interests of the people. Want of time prevents me on the present occasion from pointing out how the Road Ordinance is calculated to bring about an improved state of things; but any person possessed of a real acquaintance with the people will, with an attentive examination of the Ordinance, easily discover that such will be its effect. It is the first step in the right direction; and I only hope that no hostile influences will prevent the Government from carrying further measures so absolutely essential to the welfare of this colony.

(signed) *P. E. Wodehouse.*

Hangwell,
14 February 1849.

(A true copy).

William Thos. Gibson.

OULLIAM TAX.

MEMORANDUM, 29 June 1848.

I UNDERSTAND that complaints exist among certain of the native community, owing to a belief which is entertained that the principle of taxation adopted in the recent Road Ordinance implies want of respect; being one used in former times to stigmatize a race of despised aliens, men of Moorish descent, who had been permitted from remote antiquity to reside in the island.

The erroneusness of this view may be shown from the early records of Government.

Governor Maitland, who had investigated thoroughly the Dutch records, and whose correspondence bears testimony to the diligence with which he collected information on the ancient state of the settlement, writes to the Secretary of State on the Oulliam, or Capitation Tax of the Moors, as follows:

Despatch, dated 28th February 1806.—“As general wealth gets disseminated, and as industry is increased, the service due to Government becomes an insufferable burthen to the people; and the natural consequence of this state of society is, that as the service gets burthensome, by a mutual understanding between the subject and the sovereign, in lieu of the service an agreement is made to pay a sum of money, which generally ends in a species of capitation tax, which actually exists in the richest part of this island now, in the instance of the Moormen, the most industrious class of men here, who were originally bound in service, but who have commuted that service by a capitation tax.”

Thus, although the Moor inhabitants in the time of Sir Thomas Maitland were, no doubt, quite as obnoxious to their Singhalese neighbours as they are now, the Capitation Tax was no badge of disgrace, but the stipulated price of exemption from personal service.

Upwards of two years previous to the above period, on the 1st of January 1804, Governor North had reported to Lord Hobart (by whom the seals of the Colonial Department were then held) that the Oulliam Tax in 1802 and 1803 had necessarily been abandoned, because the Moors were summoned for service in the exigency created by the Kandian war.

There is another passage in the records anterior to the last, and bearing equally on the point;

462

Appendix, No. 3. point; the reference to it I have at this moment mislaid, but the substance of the paper is an official communication from Mr. North to some recusants, that they might either pay the Oulliam, or perform service as coolies.

It is to be remembered that at the time of the Ouilliam, every acre of land was held on service tenure; every inhabitant in the island, almost without exception, was bound in some service to Government; every trade,—jewellers, carpenters, blacksmiths, potters,—had to contribute labour; and to illustrate the extent to which the principle was carried, it is mentioned that in Colombo there were 300 or 400 persons exempted from all other service, on the tenure of catching hares in nets for the governor.

To the redemption of these services, when the island could be brought to a state to call for it, the Dutch looked forward as their great permanent source of revenue. They uniformly claimed the service; their attention to keep it up is described as most astonishing; and in the memoirs of Falck and Van der Graaf, their governors, the increase of revenue to be attained, not suddenly but by degrees, by the substitution of money payments in lieu of service, is estimated at no less than 200,000*l.* or 300,000*l.* a year.

Jas. Fraser,
Keeper of the Records.

Appendix, No. 4.

Appendix, No. 4.

SCHEDULE.

- I.—The Power of the Governor of Ceylon to proclaim Martial Law with and without the Sanction of the Council - - - - - p. 427
- II.—The Power and Authority by which the Commanding Officer (Colonel Drought) of the Forces in Kandy, issued his Proclamation to Sequester and Confiscate the Property of the Inhabitants - - - - - p. 427
- III.—Dr. Elliott's Letter to the Governor of Ceylon, in answer to, and explanatory of, the Governor's Letter of 27 July to Mr. Elliott (28 July 1848) - - - - - p. 427
- IV.—The Government Notice in the Singhalese Language, prohibiting Persons from Assembling to Petition (28 July 1848) - - - - - p. 427
- V.—Colonel Drought's Proclamation to Confiscate all Lands, Houses, and Property of certain Inhabitants of Ceylon (8 August 1848) - - - - - p. 427
- VI.—Copy of Proclamation of 31 July, proclaiming Martial Law - - - - - p. 427
- VII.—Copy of the Revenue and Expenditure of the Island of Ceylon, in the year 1847, specifying the Sources of Revenue and the Amount of each Tax - - - - - p. 428
- VIII.—A Statement of the several old Taxes repealed in whole or in part, after the arrival of Lord Torrington, and the expected Loss of Revenue by such Repeal or Modification - - - - - p. 428
- IX.—A List of the several New Taxes imposed since the arrival of Lord Torrington stating the Date on which each Tax was passed, and Estimate of the Amount of Revenue expected from the same; stating also the Date of subsequent Repeal or Modification of any of these new Taxes - - - - - p. 429
- X.—Copies of any Remonstrances, Memorials, or Petitions from the European or Native Inhabitants of Ceylon, against the new Taxes imposed by Lord Torrington's Government, and of any Answers to the same by the Ceylon Government, and not already laid before Parliament - - - - - p. 429
- XI.—Copy of the Government Circular of the 8th August, announcing that Courts Martial were then being held at Kandy and Kornegalle - - - - - p. 433
- XII.—A List of the Names, Stations, Addresses, or Places of Residence of all Persons whose Property has been Sequestered or Confiscated, and distinguishing how many or how much of the same has been sold, stating the Nature and Value of that Property, and distinguishing all Persons whose Property was sequestered before Trial and after Trial, and whether found Guilty, and by what Tribunal tried; stating also the names of those Persons whose Property has been seized, and the Proprietors not brought to Trial p. 433
- XIII.—A List of the Number of Persons killed in the different Conflicts, and also the number wounded at each place, and the Dates of such Conflicts - - - - - p. 433
- XIV.—A List of all Persons taken Prisoners since the 6th July 1848, stating whether tried or not, and by what Tribunal; the Result of such Trial, and whether the Sentences have been carried into effect - - - - - p. 433
- XV.—Copy of the Instructions given to Sir Emerson Tennent, when he visited Kandy, and on his subsequent Tour to Galle and other parts of the Island, to explain the Nature of the New Taxes and the Object of the Government in enacting them - - - - - p. 433
- XVI.—Copy of the Proceedings in the Council on the several stages, whilst the Indemnity Ordinance was in progress and passed - - - - - p. 434
- XVII.—Copy of the Circular of the 16th November, announcing the intention of the Government to modify - - - - - p. 434
- XVIII.—Copy of the Commission to Lord Torrington, as Governor, &c. of Ceylon - - - - - p. 434
- XIX.—Copy of the Public and Private Instructions given to Lord Torrington as Governor of Ceylon - - - - - p. 435

463

I.

A COPY of the Powers of the Governor of *Ceylon* to proclaim MARTIAL LAW with and without the Sanction of the Council.

Appendix, No. 4.

No instructions are given relating to the proclamation of martial law. The power is inherent in the office.

II.

COPY of the Power and Authority by which the Commanding Officer (Colonel *Drought*) of the Forces in Kandy issued his PROCLAMATION to Sequestrate and Confiscate the Property of the Inhabitants.

No such document has been transmitted.

III.

COPY of Dr. *Elliott's* LETTER to the Governor of *Ceylon*, in answer to, and explanatory of, the Governor's Letter of 27th July to Mr. *Elliott* (28th July 1848).

No copy of this letter has been transmitted.

IV.

COPY of the GOVERNMENT NOTICE, in the Singhalese Language, prohibiting Persons from Assembling to Petition (28th July 1848).

ANNEXED No. 4, extracted from the Government Gazette.

(No. 4.)

NOTICE.

INFORMATION having been received that the inhabitants of the interior, and of some of the Korles in the neighbourhood of Colombo, are, under the advice and encouragement of ill-disposed persons, assembling in large numbers under pretence of presenting petitions to the Governor, Notice is hereby given that his Excellency the Governor, although willing at all times to receive and consider petitions from any of the inhabitants if presented in a proper manner, will not allow large assemblages of the people for this purpose, and he will take strong measures to prevent meetings of this nature, which can tend only to cause breaches of the peace.

By his Excellency's Command.

Colonial Secretary's Office, Colombo, } (signed) *W. Morris*,
28 July 1848. } Acting Assistant Colonial Secretary.

V.

COPY of Colonel *Drought's* PROCLAMATION to Confiscate all Lands, Houses, and Property of certain Inhabitants of *Ceylon* (8th August 1848).

No such proclamation has been transmitted.

VI.

COPY of PROCLAMATION of 31st July, proclaiming Martial Law.

ANNEXED No. 6, extracted from Government Gazette.

464

Appendix, No. 4.

(No. 6.)

Monday, 31 July 1848.

IN the name of Her Majesty VICTORIA, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

PROCLAMATION.

By his Excellency the Right honourable Viscount Torrington, Knight Grand Cross of the Order of Ernestine of Saxony, Governor and Commander-in-Chief in and over the British settlements and territories in the island of Ceylon, with the dependencies thereof.

TORRINGTON.

Whereas information has been received that a body of disaffected Kandyans, armed with guns, spears, and other offensive weapons, have entered the town of Kurnegalle, and have attacked Her Majesty's troops; and that they have proclaimed some person unknown to us to be King of Kandy, calling upon the people to obey the orders of the said pretended king. And whereas it is necessary that the said rebellion should be promptly suppressed, and that the most energetic measures should be resorted to for the protection of Her Majesty's loyal subjects, and the restoration of the public peace; now, therefore, by virtue of the powers and authority in Us vested, We do hereby proclaim and declare the district of Kurnegalle to be in a disturbed state, and that from and after the publication therein of this Our Proclamation, Martial Law shall be in force within the said district until further orders. And We do hereby call upon all Her Majesty's loyal subjects to remain peaceably in their respective homes, and on no account to join themselves to the said rebels, but to aid and assist Her Majesty's armed force in the suppression of the said rebellion. And We do hereby further proclaim and make known to all the well-disposed inhabitants of this island, that We shall at all times be anxious to give the fullest consideration to any representations made by them to Us in a quiet and orderly manner for the redress of any real or supposed grievance, and to make known to Her Majesty the wishes and feelings of her loyal subjects in respect thereof.

Given at the Queen's House at Colombo, this 31st day of July 1848.

By his Excellency's Command.

(signed) J. Emerson Tennent,
Colonial Secretary.

God save the Queen.

VII.

COPY of the REVENUE and EXPENDITURE of the Island of Ceylon in the Year 1847, specifying the Sources of Revenue, and the Amount of each Tax.

Vide Reports on the Colonies, laid by Command before Parliament, 1848, pp. 289 et seq.

VIII.

A STATEMENT of the several Old TAXES Repealed in whole or in part after the Arrival of Lord Torrington, and the expected Loss of Revenue by such Repeal or Modification.

	OLD TAXES REPEALED OR MODIFIED.	ESTIMATED LOSS OF REVENUE.
Ordinance 9 of 1847; vide pp. 33 et seq., New Parliamentary Papers.	Export Duty on Cinnamon, reduced from 1s. to 4d. per lb.	15,000L.; p. 303, New Parliamentary Papers, par. 13.
	Export Duties on all other Articles (including Coffee), abolished.	Coffee, 12,000L.; ditto, par. 14. Miscellaneous, 3,000L.; ditto, par. 15.
	Import Duties modified or reduced.	No estimate.
Ordinance 4 of 1848; vide p. 303, New Parliamentary Papers, par. 15.	Port Dues modified - -	No estimate.

IX.

A LIST of the several New TAXES imposed since the Arrival of Lord *Torrington*, stating the Date on which each Tax was Passed, and Estimate of the Amount of Revenue expected from the same; stating also the Dates of subsequent Repeal or Modification of any of these New Taxes.

New Taxes Imposed.	Date of Enactment.	Date of Modification or Repeal.	Estimate of Amount of Revenue expected previous to Modification or Repeal.								
Licence to Possess Fire Arms, Ordinance 13 of 1847; New Parliamentary Papers, pp. 40. <i>et seq.</i>	14 Dec. 1847	Modified 23 December 1848, Ordinance 22 of 1848.	10,712 <i>l.</i> 10 <i>s.</i> ; <i>vide</i> Detailed Estimates for 1849, received with Supply Ordinance, No. 26 of 1848.								
Revision and Augmentation of Stamp Duties, Ordinance 2 of 1848; New Parliamentary Papers, pp. 69 <i>et seq.</i>	31 Jan. 1848	- - - -	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Estimate for 1849 - - -</td> <td style="width: 20%; text-align: right;">£.</td> </tr> <tr> <td>Stamp Revenue in 1847 - -</td> <td style="text-align: right;">36,000</td> </tr> <tr> <td>(Blue Book, 1847.)</td> <td style="text-align: right;">25,152</td> </tr> <tr> <td>Increase of Stamps' Revenue expected - - -</td> <td style="text-align: right;">} £. 10,848</td> </tr> </table>	Estimate for 1849 - - -	£.	Stamp Revenue in 1847 - -	36,000	(Blue Book, 1847.)	25,152	Increase of Stamps' Revenue expected - - -	} £. 10,848
Estimate for 1849 - - -	£.										
Stamp Revenue in 1847 - -	36,000										
(Blue Book, 1847.)	25,152										
Increase of Stamps' Revenue expected - - -	} £. 10,848										
Licensing of Carriages and Boats used for Hire, Ordinance 3 of 1848; New Parliamentary Papers, pp. 94 <i>et seq.</i>	31 Jan. 1848	Modified 23 December 1848, Ordinance 23 of 1848.	2,260 <i>l.</i> ; <i>vide</i> Detailed Estimates for 1849.								
Licensing of Palanquin and other Carriages used for Hire, Ordinance 7 of 1848; New Parliamentary Papers, pp. 111 <i>et seq.</i>	10 April 1848	- - - -	98 <i>l.</i> ; <i>vide</i> Detailed Estimates for 1849.								
Registration and Licensing of Retail Traders, Ordinance 5 of 1848; New Parliamentary Papers, pp. 107. <i>et seq.</i>	10 April 1848	Repealed 18 December 1848, Ordinance 20 of 1848.	3,060 <i>l.</i> ; <i>vide</i> Detailed Estimates for 1849.								
Levy of Contributions in Labour or Money for Roads, Ordinance 8 of 1848; New Parliamentary Papers, pp. 113 <i>et seq.</i>	13 April 1848	Modified 13 November 1848, Ordinance 14 of 1848; New Parliamentary Papers, pp. 268 <i>et seq.</i>	No Return.								
Licences to keep Dogs, Ordinance 9 of 1848; New Parliamentary Papers, pp. 133, 134.	13 April 1848	Repealed 18 December 1848, Ordinance 21 of 1848.	2,635 <i>l.</i> ; <i>vide</i> Detailed Estimates for 1849.								

X.

COPIES of any REMONSTRANCES, MEMORIALS or PETITIONS from the European or Native Inhabitants of *Ceylon* against the New Taxes imposed by Lord *Torrington*'s Government, and of any Answers to the same by the Ceylon Government, and not already laid before Parliament.

ANNEXED, No. 10.

(No. 10.)

(No. 150.—Miscellaneous.)

My Lord,

Queen's House, Colombo, 15 August 1848.

At the last moment I have received the accompanying letter from Mr. Christopher Elliott, the editor of the "Observer," with a request that I would forward it to your Lordship, to whom it is addressed.

It is quite impossible for me even to peruse its contents: I much regret, therefore, that it is out of my power to make any comment upon its statements, even if it merited any particular notice from me.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(signed) *Torrington.*

466

TO the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c., London.

My Lord,

Colombo, 15 August 1848.

I TRUST the present position of Ceylon will plead an apology for so humble an individual intruding himself upon your Lordship's notice.

I have reason to believe that my name has before now been mentioned in despatches to Downing-street, and have little doubt but my Lord Torrington is about to honour me in a similar manner by the outgoing overland mail. Doubtless, then, your Lordship will do me the justice to allow me to say a few words on my own behalf.

In order to give any weight to the opinions I may express, it is necessary to premise that I am one of the oldest unofficial European residents in the island, having been 14 years in Ceylon; for 13 years of that time I have been editor, and, for the greater part of the period, proprietor of the "Colombo Observer," the oldest newspaper, with the largest circulation, in the colony; your Lordship may therefore imagine that I am tolerably conversant with local affairs, and certainly no man in the island has had such opportunities as myself of ascertaining the feelings, prejudices, habits, and circumstances of all classes in the community. The gratuitous practice of the medical profession amongst a dense native population has given rise to considerable attachment on their part towards me; but the influence which I possess with the people around Colombo arises mainly from the circumstances of my long advocacy of what are called liberal opinions, which often places me in strenuous opposition to Government measures. I may, however, add, that during the administration of Stewart Mackenzie I found it both a pleasure and a duty to be a supporter to Government.

My principal reason for trespassing upon your Lordship's precious time, which will doubtless be considerably occupied with the present state of Ceylon, is a conviction that Lord Torrington wishes to throw some of the blame of the present commotion here upon me. His Lordship has, on two public occasions, at least made insinuation to this effect, as every body on the spot understands, independently of private occasions which I am not at liberty to mention. The idea appears almost too ridiculous to entertain seriously; but the absurdity has assumed a substantial form in the replies of Lord Torrington to two deputations that waited upon him with expressions of loyalty, when his Lordship was pleased to allude to me as the sower of discontent amongst the natives, and make other charges equally unfounded. Being, therefore, unwilling to be under such unwarrantable accusations, I must trouble your Lordship, 1st, with an outline of my own conduct in connexion with recent events; and 2dly, with my views as to the real cause of the dissatisfaction universally prevailing in the maritime provinces, and the rebellion in the central.

First, then, with reference to my own conduct:

So far back as 1842, when a direct money tax was recommended by a committee of the Legislative Council, I warned the Government on two occasions in my paper against attempting such a measure, especially amongst the Kandyans. Happily the Government of that day did not adopt the committee's recommendation. When the ordinances that have given rise to this rebellion were first proposed at the beginning of this year, I again raised my voice against them, though perhaps not in the urgent manner that I ought to have done. My experience of the perfect indifference with which the local government treated all suggestions upon matters on which they have already made up their minds must be my apology for comparative silence.

As the time approached for the ordinances or taxes to be enforced, the mind of the community became agitated. The injustice of the laws and the inability or unwillingness of the people to pay the taxes, formed a fertile theme for private conversation and newspaper discussion. In the course of this discussion a well-written temperate letter, signed "An Englishman," written by a personal friend of mine (not by myself, as has been most erroneously asserted), appeared in my paper of the 3d July (your Lordship will please bear the date in mind). At the suggestion of the writer I had it translated into Singhalese, as likely to prove useful to the natives, by showing them the legitimate means of making their wants known, and of obtaining redress. With confidence I refer your Lordship, as an Englishman, to that letter, convinced as I am that your Lordship will agree in reprobating any who would censure the sentiments therein expressed as unsuited to any people having the smallest pretensions to constitutional liberties, much more to British subjects.

If I were not aware that Lord Torrington attaches great importance to that letter, and attributes I know not what disastrous effects to it, I should not insult your Lordship's judgment by seriously referring to the communication. The importance of it has been enhanced by a translation or version which I understand the Governor has had made, and which differs slightly from the original English as it appeared in my paper. This, however, is a disadvantage which all Englishmen who wish to communicate with the natives have to contend with, the idiom of the two languages being so dissimilar, and native translators, whom we employ, being so imperfectly acquainted with the English language. I believe this re-translation into English for the Governor has been made by a missionary, whose knowledge of the Singhalese is undoubted. The same reverend gentleman, I may add, was found equally convenient on a former occasion when it was desirable to visit me with the private displeasure of the members of Government. From the idiomatic differences of the languages, as above explained, a literal translation or re-translation is impossible, so that

that nothing is more easy than for a re-translator to give a very different meaning from that intended, and to suit his version to his employer's wishes.

Well, my Lord, this letter published on the 3d, reached Kandy at earliest on the evening of the 4th, and the first assemblage of natives in Kandy, as previously arranged from distant villages (and in imitation of the meeting that took place in Badula long before), took place on the 6th; your Lordship may therefore perceive that this letter could not, as has been affirmed, have been the cause of discontent all over the Kandyan country; especially as I have but one native Kandyan subscriber, and he too, in consequence of education and habits, not in great favour with his countrymen. I may add that some four or five days after the publication of the letter in the *Observer* newspaper, the native types were used to print 80 separate copies of it, which were circulated in and around Colombo, not one having been posted to the interior: I leave it, therefore, for your Lordship to determine what effect the letter in question could have had in bringing about the disturbances in the Kandyan country. The idea, my Lord, is too preposterous to entertain for a moment, and I should apologise for alluding to it, were it not for the conduct of Lord Torrington. Even in the maritime provinces, my paper is known to the mass of the people only by name, as some imaginary arbiter between them and Government, very few indeed of the natives being able to read it, and fewer still being subscribers to it.

Finding that an improper use was made of that letter, by what I may call Lord Torrington's newspaper (*The Ceylon Times*) and his Lordship's party (your Lordship can form no idea of the length to which such party questions are carried in a colony), and knowing that my opinions would have considerable weight with the natives of the maritime provinces if fairly laid before them, I published an address to the Singalese in my own name. That address will be found in my "*Overland Observer*," and by that, both in the native language (as I paid particular attention to the translation) and in English, I am content to be judged. Your Lordship will there find the advantages of British rule fully explained to the people, whilst at the same time the injustice and inapplicability of the new taxes are as uncompromisingly set forth. The folly of rebellion is exhibited by the inexhaustible power of the British Government, and the wickedness of it by the precepts both of christianity and heathenism. Assassination and all violence are equally deprecated by the certainty of punishment (death and transportation) and the principles of all religions. The system of revenue and expenditure is explained, and finally, the mode of redress for all grievances is shown to be petition to the Queen.

I am not aware of Lord Torrington's opinion of this document; but judging from his Lordship's expressions to the deputations, he appears to think the address calculated to mislead the people, and to regret that I had "kept within the letter of the law."

Unfortunately that address was not circulated before the disturbances in the Kandyan country, and since then I have not sent it there, lest my motives should be misinterpreted. I say "unfortunately" it was not circulated in the interior, for if it had been I have no doubt it would, by the information it conveys, have prevented many deluded ignorant men from joining in the revolt.

The next portion of my conduct to which I would refer, is the part I took at the Borella meeting, near Colombo. I beg to refer your Lordship to the statement in my own name of that affair, as it appears in the "*Overland Observer*." It will be seen that I acted the part, successfully too, of a pacificator. I am prepared to prove that the police behaved most improperly, unwarrantably, and illegally, by obstructing the highway and beating the people who attempted to pass, though upwards of three miles from the fort, whither they were proceeding peaceably and unarmed to present a petition to the Governor.

It may be necessary to explain, as Lord Torrington appears to be ignorant of the custom, that when a body of natives desire to represent a grievance, they write it down upon paper or a leaf, and present it in person. They are not acquainted with our English custom of signing a petition, and hence the gatherings of the people in different towns, of which doubtless your Lordship will be told, when the natives wished to remonstrate against the taxes. These were all peaceable meetings, until the peace was broken by the improper interference of the police, whilst the call for the protection of the military was quite unnecessary.

Well, what was the return to me for my successful endeavours to save the police after my arrival at Borella, and keeping the people quiet whilst surrounded by the military, at some personal risk? Every attempt was made to fix upon me the criminality of a certain expression in the native language which that petition was said to contain, but which it was well known I was as ignorant of as Lord Torrington himself.

Such treatment was not calculated to induce one to exercise his acknowledged influence on behalf of Government; but feeling as a citizen that I had a duty to perform, it will now be seen in what manner I used that influence. The people were greatly exasperated at the illegal interference of the police and military at Borella, and it was therefore determined to put the constitutional right of petitioning Her Majesty to the test, by an open air meeting within the gravets or suburbs of Colombo. The disturbances in the interior having broken out, both by personal exertion and the publication of a brief notice in the native language, I, with the assistance of others, induced the people to remain quiet for the present. As soon, however, as tranquillity is restored, your Lordship may expect to hear a most unmistakable expression of the people's sentiments on the affairs of the island. Again, but for my influence, probably 100 criminal prosecutions against the superintendent of police, and every policeman for illegal obstruction and assault at Borella, would have been inundating the courts, and must have led to as many convictions. In ordinary times I should not certainly

Appendix, No. 4.

tainly have interfered, but I felt that at this juncture such proceedings would only tend to weaken the hands of Government.

And yet, my lord, I am the man who is singled out as a scape-goat to bear part at least of the odium which ought exclusively to attach to Lord Torrington's administration. On a future occasion I may have to trouble your Lordship with the measures to which Lord Torrington has resorted, in order to lessen the circulation of my paper, and to prevent the publication of advertisements in it, as well as other means, equally honourable and high-minded, to injure me in a pecuniary way; but for the present I forbear, as I wish to confine myself in the present communication as much as possible to public affairs.

I now come to the second, and far most important part of my subject, the cause of rebellion and universal dissatisfaction, and on this I speak with confidence owing to my long experience in the country.

I never could join the general outcry of my own countrymen, including many officials, against what they considered the injudicious abolition of "compulsory labour." They, taking a very narrow view of the question, could perceive only the throwing away the easiest means of making roads and opening up the country. But the measure was fraught with wisdom, for at one stroke it severed the improper influence of the headmen and Buddhist priests over the mass of the people, who in proportion as they felt relieved from their ancient oppressors, attached themselves the more to the power that relieved them. Before then rebellions were being hatched continually, and the people were easily misled and induced to co-operate, but afterwards the various attempts that were made proved utter failures, because the masses could not be induced to join. The chiefs and headmen made no secret of this state of things, of which they would at any time freely converse with a person whom they knew would not make an improper use of their confidence. The country was thus tranquil, the people contented, the chiefs and Buddhist priests powerless for evil, when, in an unhappy hour, men who knew nothing of native character or circumstances counselled direct money taxation upon an unrepresented people, which instantly created universal discontent, and re-united the hitherto discordant elements on whose permanent separation the tranquillity of the country depended.

Your Lordship will find that from the moment these taxes were proposed, the headmen and priests began to plot, and that open disaffection or rebellion was manifested, when the attempt was made to collect the obnoxious imposts.

The interests of the people were thus made to appear identical with those of the priests and headmen, and the feeling of animosity to the British rule that existed in olden time, and ceased on the abolition of "forced labour," revived. Short-sighted indeed was the policy, culpable truly was the ignorance that induced the adoption of measures so eminently calculated to lead to the most disastrous consequences.

But ought the people to be so much dissatisfied, perhaps your Lordship will inquire; have they not the means to pay these taxes? My own opinion is that the people generally have not money to pay the imposts; many, no doubt, have, but the masses certainly have not; such at least is my conviction, and it is borne out by all those whom I consider judges of the matter, such as ministers and missionaries, European and native, of all denominations, and native headmen, when expressing, as they do to me, their sincere convictions unawed by the presence of official superiors. But their ability or inability to pay is a very minor question, the graver inquiry being their willingness or unwillingness. I must, then, plainly tell your Lordship my conviction, founded on long experience and careful inquiry, that the people will not pay; a native would as soon, ay sooner, (for most of them are Buddhistical atheists) part with their heart's blood than with money.

They will give a bunch of plantains or cocoa-nuts worth 6d., but they will on no account part with a penny piece. Let any of their more crafty countrymen tell them he will abolish these money taxes, and he will forthwith command any number of men he pleases, and may lead the poor creatures to certain destruction, as is now taking place in the interior. They will let Government take one tenth of their grain without a murmur, and 450,000*l.* a year may be extracted from them principally, as it is, by indirect taxation, but my Lord Torrington will never, as a system, carry out these taxes, though he were to make a military post of every village in the country.

I could use many arguments against the principles of these new taxes, and exhibit their injustice, were I not satisfied your Lordship will perceive them with greater perspicacity than I can lay them down. My duty is simply therefore to endeavour humbly to supply your Lordship's want of local experience, and this I do in the confident assurance that when I say the people will not, I only give utterance to their universal feeling. These taxes therefore are the cause of the present discontent in the maritime provinces, and led in the manner above explained to the insurrection in the interior, and will continue the fruitful source of disaffection and bloodshed as long as they are persisted in.

The immediate subject of this communication having been disposed of, I beg leave to add a few general remarks upon the state of the colony. The people have for once made themselves heard; and greatly as the disastrous position of the island is to be deplored, it is to be hoped its affairs will receive greater consideration than they have hitherto obtained. Of this your Lordship may be assured, that the new taxes are but an example of the misgovernment under which the country suffers. The people do not so directly feel other evils, and therefore they may not be supposed to exist; but I can inform your Lordship, that laws upon laws are being enacted here, which are just as unsuited to the circumstances and feelings of the population. It seems to be assumed that the black man should suffer for the benefit of the white. All colonies supply instances of the influence of this evil principle in their

469

their government and legislation; and most certainly Ceylon does not furnish an exception to the general rule. And how can it be otherwise, so long as we have an Executive Council composed of men almost entirely ignorant of the country, and a so-called Legislative Council, most of the members of which have no feeling in common with the people for whom they legislate, and whose interests are generally opposed to those of the masses?—For years, my Lord, have I been a witness to this state of things; for years have I mourned over the injustice inflicted upon the people of this country under the sacred names of government and law; and if, as a public writer, my language has been occasionally severe, Heaven knows it has not often been without sufficient reason. I could write volumes on the imperfections of our institutions and laws, and the lamentable state of the administration of justice, but will now conclude with the expression of a conviction, that if your Lordship desire to restore immediate tranquillity, and ensure future contentment, your Lordship will advise Her Majesty the Queen to call to Her local Councils here, men who are acquainted with the native character, who can sympathize with native feelings, and who enjoy native confidence; men in fact of the people's own choice.

I have, &c.

(signed) C. Elliott,

Proprietor of the "Colombo Observer," and 14 years a resident in Ceylon.

(A true copy.)

(signed) J. Em. Tennent.

XI.

COPY of the GOVERNMENT CIRCULAR of the 8th August, announcing that Courts Martial were then being held at *Kandy* and *Kornegalle*.

No such circular has been transmitted.

XII.

A LIST of the NAMES, STATIONS, ADDRESSES or PLACE of RESIDENCE of all Persons whose Property has been SEQUESTERED or CONFISCATED, and distinguishing how many or how much of the same has been Sold, stating the Nature and Value of that Property, and distinguishing all Persons whose Property was Sequestered before Trial, and whether Found Guilty, and by what Tribunal Tried; stating also, the Names of those Persons whose Property has been Seized, and the Proprietors not brought to Trial.

BEYOND the statements in the Papers recently printed for Parliament (*vide* pp. 264 *et seq.*; also 218 *et seq.*) no information has been received.

XIII.

A LIST of the Number of Persons KILLED in the different CONFLICTS, and also the Number WOUNDED at each place, and the Dates of such Conflicts.

No Lists have been received. Information on this subject is contained in the Papers recently printed for Parliament (*vide* pp. 168 *et seq.*)

XIV.

A LIST of all Persons taken since the 6th July 1848, stating whether Tried or not, and by what Tribunal; the Result of such Trials, and whether the Sentences have been carried into effect.

A LIST of all the trials before courts martial, and their results, is given at page 258 of the recently printed Papers. Lists of persons committed for trial before the courts of law will be found at pages 223, 224. A general report of the trials before the Supreme Court, and their results, up to the 14th October 1848, is given at pages 241 *et seq.* Result of the trial of the pretended King is given at page 296.

XV.

A COPY of the INSTRUCTIONS given to Sir *Emerson Tennent*, when he visited *Kandy*, and on his subsequent Tour to *Galle*, and other parts of the Island, to explain the nature of the New Taxes, and the object of the Government in enacting them.

No such instructions have been transmitted.

XVI.

COPY of the PROCEEDINGS in the COUNCIL on the several stages whilst the Indemnity Ordinance was in progress and passed.

Vide Enclosures No. 2 and No. 3 to Despatch, Lord Torrington to Lord Grey, 9 February 1849, now to be laid before Committee.

XVII.

COPY of the CIRCULAR of the 16th November, announcing the intention of the Government to modify.

No such Circular has been transmitted.

XVIII.

COPY of the COMMISSION to Lord Torrington as Governor, &c. of Ceylon.

ANNEXED, No. 18.

(No. 18.)

LETTERS PATENT appointing Viscount Torrington to be Governor and Commander-in-Chief in and over the Island of Ceylon, dated 27 March 1847.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to Our right trusty and well beloved cousin George Viscount Torrington, greeting:—Whereas We did by certain letters patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 15th day of January 1841, in the fourth year of Our reign, constitute and appoint Our trusty and well-beloved Sir Colin Campbell, Knight Commander of the most honourable Military Order of the Bath, Lieutenant-general of Our forces, to be Governor and Commander-in-Chief in and over the settlements in Our Island of Ceylon, in the Indian Seas, with the territories and dependencies thereof, during Our Royal will and pleasure, as by the said recited letters patent, relation being thereunto had, may more fully and at large appear. Now know you that we have revoked and determined, and by these presents do revoke and determine, the said recited letters patent, and every clause, article, and thing therein contained; and further know you that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you the said George Viscount Torrington, of Our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and do by these presents constitute and appoint, you the said George Viscount Torrington to be during Our will and pleasure Our Governor and Commander-in-Chief in and over Our said Island of Ceylon, in the Indian Seas, with the territories and dependencies thereof, and of all forts and garrisons erected and established, or which may be erected and established within the same.

And We do hereby require and command you, Our said Governor, to do and execute all things in due manner that shall belong to your said command and the trust we have reposed in you, according to the several powers and directions granted to or appointed you by this present Commission, and the instructions herewith given to you, or according to such further powers, instructions, and authorities as shall at any future time be granted to or appointed for you, under Our sign manual and signet, or by Our order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State.

And whereas his late Majesty King William the Fourth did by certain other letters patent under the great seal of the said United Kingdom of Great Britain and Ireland, bearing date at Westminster the 19th day of March 1833, in the third year of his reign, grant, ordain, and appoint that there should be within the said Island of Ceylon two separate Councils, that is to say, one Council to be called the Legislative Council, and one other Council to be called the Executive Council: Now We do hereby declare Our pleasure to be, and We do grant, ordain, and appoint that the said Councils shall be respectively constituted in such manner as may be in that behalf directed by the said accompanying instructions, or according to such further powers, instructions, and authorities as shall at any future time be granted to or appointed for you, under Our sign manual and signet, or by Our order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State. And We do hereby give and grant unto you, the said George Viscount Torrington, full power and authority, with the advice and consent of the said Legislative Council of Our said Island, to make, enact, ordain, and establish laws for the order, peace, and good government of Our said Island, subject nevertheless to all such rules and regulations as We may by Our general instructions think fit to prescribe in that behalf. Provided nevertheless, and We do hereby reserve to Ourselves, Our heirs and successors, Our and their undoubted right and authority to disallow any such laws, and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of Our or their Privy Council,

Council, all such laws as may to Us or them appear necessary for the order, peace, and good government of Our said Island and its dependencies, as fully as if these presents had not been made. And We do hereby grant to you, the said George Viscount Torrington, the custody of the public seal appointed for the sealing of all things whatsoever that shall pass the seal of Our said Island. And We do hereby give and grant unto you, the said George Viscount Torrington, full power and authority, in Our name and on Our behalf, but subject nevertheless to such provisions as may be in that respect contained in the said accompanying instructions, or in any further instructions which may be issued by Us in that behalf, to make and execute in Our name, and under the public seal of Our said Island, grants of waste land to Us belonging within the said Island, to private persons, for their own use and benefit, or to any persons, bodies politic or corporate, in trust for the public uses of Our subjects there resident, or any of them. And We do hereby give and grant unto you full power and authority, as you shall see occasion, in Our name and on Our behalf, to remit any fines, penalties, or forfeitures which may accrue or become payable to Us, so as the same do not exceed the sum of 50*l.* sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture, exceeding the said sum of 50*l.*, until Our pleasure thereon shall be known and signified unto you. And We do hereby give and grant unto you full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any court, or before any judge, justice, or magistrate within Our said Island, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance in force in the said Island, may be thereunto annexed, or any respite of the execution of the sentence of any such offender, for such period as to you may seem fit. And We do hereby give and grant unto you the said George Viscount Torrington, as such Governor as aforesaid, full power and authority, upon sufficient cause to you appearing, to suspend from the exercise of his Office within Our said Island, any person exercising any such office under or by virtue of any commission or warrant granted or to be granted by Us, or in Our name or under Our authority, which suspension shall continue and have effect only until Our pleasure therein shall be signified to you. And We do hereby strictly require and enjoin you, in proceeding to any such suspension, to observe the directions in that behalf given to you in and by the said accompanying instructions; and in the case of your death or absence from the said Island of Ceylon and its dependencies, Our will and pleasure is that this Our Commission, and the several powers hereby vested in you, shall be exercised by such person as may by Us be appointed to be Our Lieutenant-governor, or by such person as may be appointed by Us, under Our sign manual and signet, to administer the said government; but if at the time of such your death or absence there shall be no person within the said Island commissioned to be such Lieutenant-governor or administrator of the government as aforesaid, then Our pleasure is, and We do hereby direct, that the senior officer for the time being in the command of Our land forces within Our said Island shall take upon himself the administration of the Government thereof, and shall execute this Our Commission, and the several powers herein and in the aforesaid instructions contained; and if any such officer shall during his administration of the government be superseded in the command of Our said forces by any senior officer, then Our pleasure is that such senior officer shall assume the administration of the said government, and the execution of this Our Commission and of the several powers aforesaid, and so from time to time as often as any such case shall arise. And We do hereby require and command all officers, civil and military, and all other Our subjects and persons inhabiting Our said Island of Ceylon and its dependencies, to be obedient, aiding and assisting unto you, or to the officer administering the said government for the time being, in the execution of this Our Commission, and of the powers and authorities herein contained.

And We do hereby declare, ordain, and appoint that you the said George Viscount Torrington shall and may hold, execute, and enjoy the office and place of Our Governor and Commander-in-chief in and over Our said Island of Ceylon and its dependencies, together with all and singular the powers and authorities hereby granted unto you, for and during Our will and pleasure. In witness whereof We have caused these Our letters to be made patent. Witness Ourselves at Westminster, the 27th day of March, in the 10th year of Our reign.

(By Writ of Privy Seal.)

XIX.

COPY of the Public and Private INSTRUCTIONS given to Lord *Torrington*, as Governor of Ceylon.

ROYAL Instructions annexed, No. 19. For Financial Instructions, *vide* "Reports on the Finance and Commerce of the Island of Ceylon," presented to Parliament by Command of Her Majesty, 1848, page 5.

VICTORIA R.

INSTRUCTIONS to Our right trusty and well beloved cousin George Viscount Torrington, Our Governor and Commander-in-chief in and over Our Island of Ceylon and its dependencies, or, in his absence, to Our Lieutenant-governor or the officer administering the government of Our said Island and its dependencies for the time being. Given at Our Court at Buckingham Palace, this 27th day of March 1847, in the 10th year of Our reign.

1st. With these Our instructions you will receive Our Commission, under the great seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Governor and Commander-in-chief in and over Our Island of Ceylon, in the Indian Sea, with its dependencies. You are therefore, with all convenient speed, to assume and enter upon the administration of the government of the said Island.

2d. You will with all due solemnity cause Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid to be read and published in the presence of the Chief Judge and the members of the Executive Council, and you shall then and there take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First, intituled, "An Act for the better security of His Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the sixth year of the reign of his Majesty King George the Third, intituled, "An Act for altering the Oath of Abjuration and Assurance, and for amending so much of an Act of the seventh year of her late Majesty Queen Anne, intituled 'An Act for the improvement of the Union of the two Kingdoms' as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason," or in lieu thereof, the oath required to be taken by an Act passed in the tenth year of the reign of his Majesty King George the Fourth, intituled "An Act for the relief of his Majesty's Roman-catholic subjects," according as the said former Acts or the said last-mentioned Act shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office of Our Governor and Commander-in-chief in and over Our said Island, and for the due and impartial administration of justice; which said oaths the Chief Judge of Our said Island for the time being shall, and he is hereby required to tender and administer to you.

3d. And We do hereby give and grant unto you full power and authority from time to time and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give to all and every such person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Island, or be resident or abiding therein, the oath commonly called the Oath of Allegiance, save only in cases wherein any other oath or oaths is or are prescribed by the statutes in that behalf made, or by any statutes; in which cases it is Our pleasure that you do administer to such persons such other oath or oaths as aforesaid.

4th. And whereas his late Majesty King William the Fourth did, by a certain Commission under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 19th day of March 1833, in the third year of his reign, grant, ordain, and appoint that there should be within the said Island of Ceylon two separate Councils, that is to say, one Council to be called the Legislative Council, and one other Council to be called the Executive Council, to be constituted in such manner as should be from time to time directed in that behalf. And whereas by Our Commission appointing you Our Governor and Commander-in-chief as aforesaid, We have signified Our will and pleasure that the said Councils should respectively be constituted in such manner as should be in that behalf directed by these Our general instructions, or according to such further powers, instructions and authorities, as should at any future time be granted to or appointed for you under Our sign manual and signet, or by Our order in Our Privy Council, or by Us through one of Our principal Secretaries of State. Now We do hereby declare Our pleasure to be that the said Legislative Council of Our said Island of Ceylon shall, as heretofore, consist of 15 persons, of whom nine shall at all times be persons holding offices within the said Island at Our pleasure, and the remaining six shall at all times be persons not holding any such office.

5th. And it is Our will and pleasure that the senior officer for the time being in command of Our land forces in the said Island, and not being in the administration of the government thereof, the colonial secretary for the time being, the Queen's advocate for the time being, the auditor-general for the time being, the colonial treasurer for the time being, the government agent for the Western Province for the time being, the government agent for the Central Province for the time being, the surveyor-general for the time being, and the collector of customs at Our port of Colombo for the time being, shall continue to be such nine official members as aforesaid. Provided always, that when the senior officer for the time being in command of Our land forces in the said island shall be in the administration of the government thereof, his place in the said Council shall be filled by the next senior officer in command of Our land forces therein. And We do further declare Our pleasure to be that any persons lawfully executing the duties of the said several offices, or any of them, during the absence or suspension or incapacity, or upon the death or resignation of any such officers, shall, during their performance of any such duties, be the official members

members of the said Legislative Council, as fully and effectually as though they had been by Us appointed to such their offices.

6th. And We do further declare Our pleasure to be that the six unofficial members who shall have been appointed under the public seal of the said Island of Ceylon shall continue to be the unofficial members for and during Our will and pleasure.

7th. And upon the death, incapacity, absence from the said Island, suspension, or resignation of any of the said unofficial members of the said Legislative Council, We do authorize and empower you to nominate and appoint, by a commission to be for that purpose issued under the public seal of Our said Island, any fit and proper person or persons to fill such vacancy or vacancies in the said Legislative Council, who shall be so appointed only until Our pleasure shall be known.

8th. And We do require you immediately to signify to Us any such appointment as aforesaid, to the intent that the same may by Us be confirmed or disallowed as We shall see occasion.

9th. And We do further declare Our pleasure to be that the said Legislative Council shall not be competent to act in any case, unless six members at the least of such Council, in addition to yourself or the member who may preside therein in your absence, shall be present at and throughout any such meeting of the said Council.

10th. And We do further declare that in the said Legislative Council the official members shall take precedence of the unofficial members, and that the official members shall, between themselves, take precedence according to the order in which their respective offices are herein-before enumerated, and that the said unofficial members shall among themselves take precedence according to the priorities of their respective appointments.

11th. And We do authorize and require you to preside in the said Legislative Council, except when you may be prevented by some insuperable impediment, and at any meetings of Our said Council which may be holden during your absence We do authorize and require the senior member present to preside; and We do further declare Our will to be that all questions proposed for debate in the said Legislative Council shall be decided by the majority of votes, it being Our pleasure that you, or the member presiding in your absence, shall have an original vote in common with other members of the said Council, as also a casting vote, if upon any question the votes shall be equally divided.

12th. And for ensuring punctuality of attendance of the members of the said Legislative Council, and for the prevention of meetings of the said Council being holden without convenient notice to the several members thereof, it is Our pleasure, and We do hereby direct, that you do frame and propose to the said Legislative Council for their adoption such standing rules and orders as may be necessary for those purposes, with such other standing rules and orders as may be best adapted for maintaining order and method in the despatch of business, and in the conduct of all debates in the said Legislative Council, which rules and orders (not being repugnant to the before-mentioned Commission of the 19th day of March 1833, appointing the said Legislative Council as aforesaid, and Our said Commission appointing you Our Governor and Commander-in-chief, or to these your general instructions, or to any other instructions which you may receive from Us) shall at all times be followed and observed, and shall be binding upon the said Legislative Council, unless the same, or any of them, shall be disallowed by Us.

13th. And whereas We have by Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, given and granted to you full power and authority, with the advice and consent of the said Legislative Council of Our said Island of Ceylon, to make, enact, ordain, and establish laws for the order, peace, and good government of Our said Island, subject nevertheless to all such rules and regulations as by Our general instructions We should think fit to prescribe in that behalf; now We do hereby declare the following to be the several rules and regulations so mentioned and referred to in Our said Commission.

14th. It is Our will and pleasure that all laws to be enacted by the said Legislative Council shall henceforth be styled "Ordinances enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof," and that no other style or form shall ever henceforth be observed in any such enactments, and that all such Ordinances be drawn in a simple and compendious form, avoiding prolixity and tautology.

15th. It is Our pleasure, and We do hereby direct that no Ordinance shall be made or enacted by the said Legislative Council, unless the same shall have been previously proposed by yourself, and that no question shall be debated at the said Legislative Council, unless the same shall first have been proposed for that purpose by you.

16th. Provided nevertheless, and it is Our pleasure, that if any member of the said Legislative Council shall deem any law fit to be enacted by the said Council, or any question fit to be there debated, and shall of such his opinion transmit a written statement to you, it shall be lawful for any such member of the said Legislative Council to enter upon the minutes thereof a copy of any such statement, together with the reason upon which such his opinion may be founded.

17th. And We do further direct that minutes be regularly kept of the said proceedings of the said Legislative Council by the clerk to the said Council, and that the said Legislative Council shall not proceed to the despatch of business until the minutes of the last preceding meeting have first been read over, confirmed, or corrected, as may be necessary.

18th. And We do further require and enjoin you twice in each year to transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of the minutes of the said Legislative Council for the last preceding half year, with an index to the subjects contained therein.

474

Appendix, No. 4.

19th. It is Our further pleasure that you do not propose or assent to any Ordinance whatever respecting the constitution, proceedings, numbers, or mode of appointing or electing any of the members of the said Legislative Council, or otherwise in relation to any of the matters mentioned or referred to in the said Commission of the 19th day of March 1833, appointing the said Legislative Council as aforesaid, or in Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, or in these Our instructions, which shall be in anywise repugnant to or inconsistent with such Commission or instructions, or repugnant to any Act of Parliament, or to any order made or to be made by Us in Our Privy Council, extending to or in force within Our said Island, but that any such Ordinance, or pretended Ordinance, shall be absolutely null and void to all intents and purposes.

20th. And you are expressly enjoined not to propose or assent to any Ordinance whatever whereby any Person may be impeded or hindered from celebrating or attending the worship of Almighty God in a peaceable and orderly manner, although such worship may not be conducted according to the rites and ceremonies of the Church of England.

21st. And We do further enjoin you not to propose or assent to any Ordinance whatever whereby any new rate or duty might be imposed or levied, or by which Our revenue might be lessened or impaired, or whereby Our prerogative might be diminished or in any respect infringed, or whereby any increase or diminution might be made in the number, allowances, or salary of any public officers, which have or shall have received Our sanction, without Our especial leave or command therein first received.

22d. And We do further direct that you do not propose or assent to any Ordinance whatever whereby bills of credit or debentures, or other negotiable securities of whatever nature, may be issued in lieu of money on the credit of the said Island, or whereby any Government paper currency may be established therein, or whereby any such bills, or any other paper currency, or any coin, save only the legal coin of the realm, may be made or declared to be a legal tender for the payment of money, without special permission from Us in that behalf first obtained.

23d. And We do further enjoin and command you not to propose or assent to any Ordinance whatever by which persons not being of European birth or descent might be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent would not be also subjected or made liable.

24th. And it is Our further will and pleasure that you do not propose or assent to any Ordinance whatever for raising money by the institution of any public or private lotteries.

25th. And it is Our will and pleasure that you do not propose or assent to any Ordinance for the naturalization of aliens without Our especial leave or command therein first received, unless there be a clause inserted therein suspending and deferring the operation of the same until Our pleasure shall be signified thereupon.

26th. And it is Our further will and pleasure that you do not propose or assent to any Ordinance whatever for the divorce of persons joined together in holy matrimony, or for establishing a title in any person to lands or other immoveable property acquired by any alien before his or her naturalization.

27th. And We do direct that you do not propose or assent to any Ordinance whatever by which any tax or duty might be imposed upon transient traders, or upon persons residing or carrying on business for a short time within Our said Island, from which other traders or persons carrying on the like business would be exempt.

28th. And We do further direct that you do not propose or assent to any Ordinance whatever whereby any grant of money or other donation or gratuity may be made by the said Legislative Council to you, or to any member of the said Council.

29th. And We do further order and direct that you do not propose or assent to any private Ordinance whatever whereby the property of any individual may be affected, in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies politic and corporate, and of all other persons excepting those at whose instance or for whose special benefit such Ordinance may be passed, and those claiming by, from, through, and under them.

30th. And it is Our will and pleasure that you do not propose or assent to any Ordinance whatever to which Our assent has once been refused, without express leave for that purpose first obtained from Us.

31st. And for the sake of orderly dispatch, and the prevention of all undue precipitation in the enactment of Ordinances intended to affect the property of individuals by the said Legislative Council, We do hereby authorize and require you, from time to time, as occasion may require, to frame and propose to the said Legislative Council for their adoption, such standing orders, rules, and forms of proceeding as may be best adapted for the purposes aforesaid, and for ensuring, previously to the passing of any Ordinance intended to affect or benefit private persons, that due notice may be given to all parties concerned of the provisions, with ample opportunity for opposing the same, and that a full and impartial examination may take place of the grounds upon which the same may be proposed or resisted. And We do authorize you, from time to time, with the consent of the said Legislative Council, to revoke, alter, or renew such rules, orders, and forms, as there may be occasion, and We do direct that the same when adopted by them shall be duly observed in all their proceedings.

32d. And We do further direct, that when any Ordinance shall have been passed by you with the advice of the Legislative Council, the same shall be forthwith laid before Us for Our final assent, disallowance or other direction thereupon, to be signified through you, for which purpose We do hereby require you with all convenient speed to transmit to Us through one

one of Our Principal Secretaries of State, a transcript in duplicate of every such Ordinance as aforesaid, duly authenticated under the public seal of the said Island, and by your own signature; and We do direct that every such transcript be transmitted by the earliest occasion next after the enactment of the said Ordinance, and that no such Ordinance be made to take effect until Our pleasure thereupon be first made known and signified to you, and by you to the inhabitants of the said Island, excepting only in the case of Ordinances for raising the annual supplies for the services of the said Island, and in any other cases in which the delay incident to a previous communication with Us would be productive of serious injury or inconvenience, in which several cases We do hereby authorize you, with the advice of the said Legislative Council, to determine the time at which any such Ordinance shall take effect and have its operation within the said Island, which proceeding, with the reasons thereof, you shall on the earliest occasion report to Us through one of Our Principal Secretaries of State. And We do hereby reserve to Us, Our heirs and successors, full power and authority to confirm and finally enact, or to disallow any Ordinance which may be passed by you, with the advice and consent of the said Legislative Council, either in whole or in part, such confirmation or disallowance being from time to time signified to you through one of Our Principal Secretaries of State. And We do further reserve to Ourselves, Our heirs and successors, with the advice of Our and their Privy Council, full power and authority to amend any such Ordinance as aforesaid, in such manner as may be necessary and expedient; and if on any occasion Our pleasure should not be signified to you upon any such Ordinance as aforesaid within three years next after the date thereof, then and in every such case it is Our pleasure that from and after the expiration of such term of three years, such Ordinance shall be deemed to be disallowed, and shall thenceforth cease to have any force or effect within Our said Island.

33d. And We do require and enjoin you to transmit to the Chief Judge of the Supreme Court of Judicature of the said Island, to be enrolled in the said court, a transcript, duly authenticated in the manner before mentioned, of every Ordinance passed by you with the advice and consent of the said Legislative Council; you are also from time to time to transmit to the Chief Judge of the said Supreme Court, to be enrolled in the said court, a certificate under your hand and seal of the effect of every order which you may have received from Us for confirming or disallowing in the whole or in part, or for amending the provisions of any such Ordinance, which certificates shall in like manner be enrolled in the said court, and there remain on record, to the intent that the Judges of the said court may without further or other proof take cognizance of all Ordinances to be made and promulgated for the peace, order, and good government of the said Island; provided always, and We do hereby declare that the Judges of the said court have not and shall not have any right or authority to prevent or delay the enrolment of any such Ordinance, and that the validity thereof doth not and shall not depend upon such enrolment.

34th. And We do further declare Our pleasure to be that in the month of January, or at the earliest practicable period at the commencement of each year, you do cause a complete collection to be published for general information of all Ordinances enrolled during the preceding year.

35th. And We do further direct, that all Ordinances made by you with the advice of the said Legislative Council be distinguished by numerical marks commencing in each successive year with number one, and proceeding in arithmetical progression to the number corresponding with the total number of Ordinances enacted during the year, and that every such Ordinance be divided into successive clauses or paragraphs, distinguished in like manner by numerical marks, and that to every such clause be annexed in the margin a short summary of its contents; and you are to observe that subjects which have no proper relation to each other be not comprised in one and the same Ordinance, and that no enactment be introduced in any such Ordinance which may be foreign to its professed scope and object; and that no perpetual clause be part of any temporary ordinance; and that no Ordinance be suspended, altered, continued, revived, or repealed by general words, but that the date and title of every such Ordinance be particularly mentioned and expressed in the Ordinance suspending, altering, continuing, revising, or repeating the same.

36th. And We do direct that no Ordinance shall by you be proposed to the said Legislative Council, or enacted by them, unless the draft of the same shall first have been published in the Gazette of Our said Island, or otherwise made publicly known for at least three weeks next before the enactment thereof.

37th. And whereas his said late Majesty William the Fourth did, by the before mentioned Commission, bearing date the 19th day of March 1833, in the third year of his reign as aforesaid, grant, ordain, and appoint that there should be within the said Island of Ceylon one other Council to be called the Executive Council thereof, and to be constituted in such manner as should be in that behalf directed by the instructions accompanying the said Commission, or according to such further powers, instructions, and authorities as should be at any time thereafter in that behalf made and provided under the Royal Sign Manual and Signet. Now We do direct and declare that the said Executive Council shall consist of the several persons following, that is to say: the senior officer in command of Our land forces in the said Island, the colonial secretary for the time being, the Queen's advocate for the time being, the colonial treasurer for the time being, and the auditor-general for the time being. Provided always, that when the senior officer for the time being in command of Our land forces in the said Island, shall be in the administration of the government thereof, his place in the said Council shall be filled by the next senior officer in command of Our land forces therein.

Appendix, No. 4.

38th. And We do hereby direct and require, that in the execution of the powers and authorities committed to you by Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, you do in all cases consult with the said Executive Council, excepting only when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of such advice being by the time within which it may become necessary for you to act in respect to any such matters; provided that in all urgent cases you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you have so adopted, with the reasons thereof.

39th. And We do authorize and require the said members of the said Executive Council to meet, in obedience to any summons which shall by you for that purpose be addressed to them, and to consult with and advise you upon any question connected with the Executive Government of Our said Island, which may by you be proposed for their consideration; provided always, that two of such members at the least be always present on any such occasion, and that distinct minutes be kept of their deliberations and proceedings, which minutes it shall be the duty of the said colonial secretary, or his assistant, to keep; and We do require you to transmit to Us, twice at least in each year, through one of Our Principal Secretaries of State, full and exact copies of all such minutes.

40th. And We do authorize you, in your discretion, and if it shall in any case appear right so to do, to act in the exercise of the power committed to you by Our Commission appointing you Our Governor and Commander-in-chief as aforesaid, in opposition to the advice which may in any such case be given to you by the members of the said Executive Council.

Provided nevertheless, that in any such case you do fully report to Us, by the first convenient opportunity, every such proceeding, with the grounds and reasons thereof.

41st. And whereas We have by Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, given to you full power and authority in Our name, and on Our behalf, but subject nevertheless to such provisions as are in that respect contained in your general instructions, to make and execute in Our name, and under the public seal of Our said Island, grants of waste land to Us belonging within the same, to private persons, and for the public uses of Our subjects there resident. Now We do hereby require and authorize you, from time to time as occasion may require, to cause all necessary surveys to be made of the vacant or waste lands to Us belonging in Our said Island, and to cause the persons making such surveys to report to you what particular lands it may be proper to reserve for public roads, or other internal communication by land or water, or as the sites of towns, villages, churches, schoolhouses, or parsonage houses, or as places for the burial of the dead, or as places for the future extension of any existing towns or villages, or as places fit to be set apart for the recreation or amusement of the inhabitants of any town or village, or for promoting the health of such inhabitants, or as the sites of quays, or landing places, or towing-paths, which it may at any future time be expedient to erect, form, or establish on the sea coast, or in the neighbourhood of navigable streams, or as places which it may be desirable to reserve for any other purpose of public convenience, utility, health, or enjoyment: and you are specially to require persons making such surveys, to specify in their reports, and to distinguish in the charts or maps to be thereunto annexed, such tracts, pieces, or parcels of land within Our said Island as may appear to them best adapted to answer and promote the several purposes before mentioned. And it is Our will, and We do strictly enjoin and require you, that you do not, under any pretence whatsoever, grant, convey, or demise, to any person or persons, any of the lands which may be specified as fit to be reserved as aforesaid, nor permit or suffer any such lands to be occupied by any private person for any private purpose.

42d. And We do further charge and require you not to make any grant of land to, or in trust for, or for the use of any private person, unless in consideration of payment in money for the same, after such land shall have been previously put up for sale by public auction, at such an upset price per acre as shall from time to time by Our authority be fixed for the same; and for this purpose you shall cause such lands as from time to time shall remain unoccupied and ungranted to be put up for sale by public auction, from time to time as you shall judge proper, and the highest bidding which shall at such public auction be made for any such lands shall be accepted; provided that such bidding shall at least amount to such upset price per acre as aforesaid: Provided nevertheless, that no such bidding shall be finally accepted until the person or persons making the same shall have actually paid a deposit of 10 per cent. on the amount thereof, and shall have signed a contract for the payment of the balance within one calendar month next thereafter.

And it is Our pleasure that all grants of land to be made by you in Our name to any person or persons, in consideration of the payment of money for the same, shall be made to such person or persons, and to his, her, or their heirs and assigns, to be by him, her, or them held in fee and common soccage, yielding and paying to Us, Our heirs and successors, a quit-rent of one pepper-corn by the year for the same; and every such grant shall pass in Our name, under the public seal of Our said Island of Ceylon, and shall be executed and delivered to the purchaser or purchasers at the office of the Surveyor-general of Our said Island on the payment of the purchase-money for the same, and not before; and then, and not before, the purchaser or purchasers shall be let in possession of the land so bought by them; and for the delivery of every such grant, and the preparing the same, the said purchaser or purchasers shall pay into the colonial treasury a fee amounting to 40s. sterling money and no more, or of such smaller amount as you, from time to time, with
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474

the advice of the Executive Council of Our said Island, shall appoint; and every such grant shall, previously to its being so delivered, be enrolled in the court of the district where such land may be situate, and for making every such enrolment, the registrar of such court shall be entitled to receive from such grantee or grantees a fee of 5s. sterling money, and no more.

43d. And whereas in and by Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, We have granted unto you power and authority in Our name and on Our behalf to grant to any person convicted of any crime in any of the tribunals in Our said Island an absolute or conditional pardon. Now We do enjoin and require you in every case where you shall be applied to for any such pardon, and in every case whatever in which sentence of death shall have been passed, to obtain from the judge who presided at the trial of any such offender, a report in writing of the proceedings upon any such trial, and of the evidence then adduced, and of the opinion of such judge, whether the conviction of any such offender was obtained in due course of law, and whether any reason exists for the total or partial remission or commutation of any such sentence. And We do strictly enjoin and command you that you do not, upon any occasion, permit any such kind of punishment to be inflicted, as can in no case be inflicted, by the law of England, and that you do not remit any fine or forfeiture above the value of 50*l.* sterling, without previously signifying to Us the nature of the offence committed, and the amount of the proposed remission, and receiving our directions thereupon; but in the meanwhile it shall be lawful for you to suspend the payment of such fine or forfeiture.

44th. It being Our intention that all persons inhabiting Our island under your government should have full liberty of conscience, and the free exercise of their respective modes of religious worship, We do hereby require you to permit all persons within Our said Island to have such liberty, and to exercise their respective modes of religious worship, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the government.

45th. And it is Our further will and pleasure that you recommend proper measures for erecting and maintaining schools, in order to the training up of youth to reading, and to a necessary knowledge of the principles of the Christian religion; you are however not to propose or assent to any Ordinance respecting religion without a clause suspending its operation until Our pleasure shall have been signified thereupon, unless a draft thereof shall have been previously transmitted by you for Our consideration and approval.

46th. And whereas We have, by Our said Commission appointing you Our Governor and Commander-in-chief as aforesaid, authorised you upon sufficient cause to you appearing to suspend from the exercise of his office within Our said Island, any person exercising the same under and by virtue of any commission or warrant granted or to be granted by Us, or in Our name, or under Our authority. And We have, by the said Commission appointing you Our Governor and Commander-in-chief as aforesaid, strictly required and enjoined you, in proceeding to any such suspension, to observe the directions in that behalf given to you in and by Our general instructions; now We do charge and require you that before proceeding to any such suspension, you do consult with the said Executive Council, and that you do signify by a statement in writing to the person so to be suspended the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing, a statement of the grounds on which he may be desirous to exculpate himself; and that you transmit both of the said statements to Us, through one of Our Principal Secretaries of State, by the earliest conveyance.

47th. And We do hereby direct and instruct you, that all commissions and instructions to be granted by you to any person or persons for exercising any office or employment in or concerning the said island, be granted during pleasure only, and that whenever you shall appoint to any vacant office or employment any person not by us especially directed to be appointed thereto, you shall at the same time expressly apprise such person that such appointment is to be considered only as temporary and provisional until Our allowance or disallowance thereof be signified.

48th. And whereas you will receive through one of Our Principal Secretaries of State a book of tables in blank, commonly called the Blue Book, to be annually filled up with certain returns relative to the revenue and expenditure, militia, public works, legislation, and civil establishment, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters, in the said Blue Book more particularly specified, with reference to the state and condition of Our said Island of Ceylon. Now We do hereby signify Our pleasure that all such returns be accurately prepared and punctually transmitted to Us from year to year, through one of Our Principal Secretaries of State, and that no officer in Our said Island within whose department it may lie to contribute any return or returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you any warrant for the payment of his official salary which may become due and payable to him, so long as such duty as aforesaid shall be in arrear or remain unperformed.

49th. And whereas great prejudice may happen to Our service and to the security of Our said Island by the absence of the Governor, you shall not upon any pretence whatever quit the said island, without having first obtained leave from us for so doing, under Our sign manual and signet, or through one of Our Principal Secretaries of State.

Viscount Torrington,
Ceylon.

470

Appendix, No. 5.

Appendix, No. 5.

RETURNS ordered by the COMMITTEE on 27 March 1849.

TERMS OF REQUISITION.

ANSWERS.

CEYLON.

I. Copy of the evidence which Major Layard states was being taken on the 4th August against the King of the district of Kornegalle, and which was to be forwarded to the Governor by the following post, but which is not given in the Return to Parliament. (*Vide* page 185, and paper marked N.)

I. Not in possession of the Colonial Department.

II. Copy of Lieutenant Annesley's Report of the engagement of the troops under his command with the people at Kornegalle, on the 29th July; and also of the list of killed and wounded on that occasion.

II. Lieutenant Annesley appears from the printed papers not to have been at Kornegalle on the occasion of the disturbance of the 29th, but his reports of August 1st are in the printed Papers, page 183. No other document answering this description is in the possession of the Colonial Office.

BRITISH GUIANA.

III. A Return of the amount of Crown Revenue actually received in the colonies of Demerara, Berbice, and Essequibo in each year from 1830 to 1848, both inclusive, stating the sources of such revenue, and the amount of such source in each year.

III. The information necessary for this Return is not in the possession of the Colonial Office.

Colonial Office,
Downing-street, 24 April 1849. }

B. HAWES.

RETURNS ordered by the COMMITTEE on 3 April 1849.

TERMS OF REQUISITION.

ANSWERS.

I. Copy of the humble petition of Kotmala Unanse, of the Malwete establishment, to Lord Torrington, respecting his property confiscated and sold, and also of the answer thereto by Lord Torrington.

I. Not in possession of the Colonial Department.

II. Copy of the petition of Ratdalgodde Unanse, of the Temple of Kolure, to the same purport, and the answer thereto.

II. Not in possession of the Colonial Department.

III. Returns of all property, lands, and goods sequestrated in the proclaimed districts of Ceylon, as laid before the Legislative Council in October 1848.

III. The information necessary for this Return is not in the possession of the Colonial Department.

IV. Copies of papers or extracts respecting the Indemnity Bill, laid before the Legislative Council, whilst the Bill was in progress.

IV. See page 264 of Ceylon Paper, presented in February last.

See also Lord Torrington's "Confidential" despatch, 9th February 1849. (Presented to Select Committee.)

V. Copies of any orders issued as to the mode in which the innocent persons in Ceylon, whose property had been confiscated, should be repaid. (See letter of Lord Torrington of 6th November, page 18, No. 266.)

V. The only information in the possession of the Colonial Office is that contained at pages 264, 5, and 6, of the "Ceylon" Papers, presented February last.

VI. Return of the names and rank of the officers who presided at each of the courts martial held at Kandy, Matelle, Kornegalle and Dumbool, in the Island of Ceylon, stating the names and rank of the officers that constituted each of the courts martial, and also whether on full or half pay; the name of

VI. The information necessary for this Return is not in the possession of the Colonial Department.

479

TERMS OF REQUISITION.

ANSWERS.

Appendix, No. 5

of the judge advocate who officiated at each court martial; stating also by whom the sentences were severally approved.

VII. Copies of the proceedings of the courts martial held at Kandy, Matelle, and Kornegalle, by sentence of which courts eighteen of Her Majesty's subjects were shot to death, stating the dates on which the courts respectively sat, the date of each sentence, and the time of each execution.

VII. The information necessary for this return is not in the possession of the Colonial Department.

Colonial Office,
Downing street, 24 April 1849. }

B. HAWES.

Appendix No. 6.

—No. 1.—

(No. 10.)

COPY of a DESPATCH from Viscount Torrington to Earl Grey.
Queen's House, Colombo, 10 January 1849.
(Received 26 February 1849.)

Appendix, No. 6.
Answered 23 Mar.
1849, page 448.

My Lord,

THE necessity for adopting more effectual means for preserving from profitless destruction the more valuable kinds of timber growing upon wild lands the property of the Crown, and for otherwise regulating the felling of it for purposes of trade, has for a long time been very apparent in this colony.

2. The Regulation of Government, No. 1, of 1833, which was the only enactment in force for the protection of the Crown forests, simply went to the extent of prohibiting the cutting of timber on Government land, without first obtaining a licence for that purpose; but the provisions for effecting the main object of the enactment, have been found exceedingly imperfect, if not altogether inoperative. Reckless destruction of valuable timber, such as ebony, calamander, satin wood, &c., has taken place in some parts of the colony, so much so, that except in places remote from the coast, and proportionally inaccessible, the more valuable kinds of timber are not readily found.

3. The Ordinance which I have now the honour to transmit, being No. 24, of 1848, has accordingly been enacted, "For regulating the felling and removal of timber grown on Crown lands in this Island." It is likewise designed to protect the revenue derived from that source, and for the preservation of Crown lands upon which the timber is grown from deterioration.

4. Much correspondence has taken place with the Government agents of the respective provinces upon the subject of this Ordinance, with the object of adapting its provisions as much as possible to the varying circumstances of different districts. I have every confidence that the results of these communications, as embodied in the general enactments of this Ordinance, will be found beneficial to the community at large, and greatly conducive to the maintenance of the just rights of the Crown.

5. The second class provides that no person shall fell or remove any timber from the Crown lands of the colony without having first obtained a licence from the agent or the assistant agent of the district, specifying the number and description of the trees to be felled, the place where and the time when, and the terms and conditions on which the same are to be felled or removed. The rates of payment for these licences are to be determined by the Governor, with the advice of the Executive Council, according to the circumstances of each province or district; and power is reserved to the Government agent or assistant agent to refuse a licence whenever he may deem it advisable so to do.

6. The machinery of the headmen is employed, under clear restrictions, for carrying out the general provisions of the Ordinance, nor would it be possible to bring them into operation without their direct assistance. Notice must be given to the specified headman in each locality before timber can be removed; and it will be his duty to inspect and grant a permit for the removal thereof.

7. But inasmuch as this part of a headman's duty would, if universally enforced, be productive of serious inconvenience in some parts of the island, where indeed there would not be found headmen enough within any reasonable distance to perform the task, power is given by the 7th clause to any Government agent or assistant agent, who may grant a licence, to state in writing, upon that licence, that the holder of it is specially exempted from complying with those provisions of the Ordinance which require the inspection and permit of the headman, before the removal of the timber can take place. This exemption will be found more particularly to apply to certain portions of the Northern Province.

8. With a view to obviate the frauds which would probably be committed by the removal, as if from private lands, of timber really the property of the Crown, and felled on Crown

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lands,

Appendix, No. 6. lands, it is provided in the eighth clause that it shall not be lawful for any person to remove timber from his own lands, or from the lands of any other private party, without having first obtained a permit so to do from some headman of the district, on the joint application of the owner of the timber and of the owner of the land, or on the application of the owner or occupier of the land, if he be also the proprietor of the timber. Power is, however, given to the Governor to exempt particular districts, by proclamation, from the operation of this provision.

9. With respect to the meaning attached to the word "timber," it is provided that the operation of the Ordinance shall not extend to cocoanut or arecanut trees, nor to brush wood, or wood commonly used for firewood, nor to wood commonly used for making agricultural implements, nor to stakes used for fencing lands, &c.

10. And, lastly, it is provided, that the Governor shall be empowered, with the advice of the Executive Council, to set apart and define particular tracts of land, from time to time, by public proclamation, as reserved forest land, within which it shall not be lawful to cut any timber whatever.

11. The remaining provisions of the Ordinance are simply designed the more effectually to attain the object for which it has been enacted; and as they have been framed after much consideration, and appear to be well calculated to maintain the just rights of the Crown, and conducive to the public advantage of the colony, I trust that your Lordship may be able to recommend the Ordinance for the confirmation of Her Majesty.

I have, &c.
(signed) Torrington.

Enclosure in No. 1.

ORDINANCE enacted by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof.

(No. 24.)

TORRINGTON.

To regulate the Felling and Removal of Timber grown on the Crown Lands in this Island.

Preamble.

WHEREAS, for the preservation of the Crown lands in this island, and the protection of the revenue derived from the timber grown thereon, it is expedient to make further provision relative to the felling and removal of such timber, and also relative to the removal of timber felled on the lands of private parties;

Repeal of Regulation No. 1, of 1833.

1. It is therefore hereby enacted by the Governor of *Ceylon*, with the advice and consent of the Legislative Council thereof, that from and after the time when this Ordinance shall come into operation, the Regulation No. 1, of the year 1833, entitled,—“ For repealing the Regulation No. 2 of the year 1822, and making other provisions in lieu thereof,” shall be and the same is hereby repealed; except as to the repeal thereby of any former regulation or law, and except as to any offences committed or any fines, penalties, or forfeitures incurred thereunder.

No person to cut timber on Crown land without a licence.

2. And it is further enacted, that from and after the time when this Ordinance shall come into operation no person shall fell or remove any timber on or from any land in this island belonging to Her Majesty without having previously obtained a licence from the Government agent, or some assistant Government agent, of the province in which such land is situated, specifying the name and residence of the holder of such licence, the number and description of the trees to be felled, the place where, and the time when, and the terms and conditions on which the same are to be felled and removed. And such licence shall be directed to such headman of the district or place where such land is situated as to the Government agent or assistant Government agent shall seem fit, and shall be as near as is material in the form in the Schedule hereunto annexed, marked (A.) And there shall be paid to such Government agent or assistant Government agent for the said licence, by the party to whom the same is granted, at and after such general rate, according to the description of timber, as shall be determined by the Governor, with the advice of the Executive Council, for and within each province of the island. Provided always, that it shall be lawful for such Government agent or assistant Government agent to refuse a licence to any person whomsoever, if he shall deem it advisable so to do.

Licence to be produced to the headman to whom it is addressed.

3. And it is further enacted, that any such licensed person shall by himself, or by his servant or agent, before felling any of the timber mentioned in such licence, produce the same to the headman to whom it is addressed, and furnish him with a list of the names of every individual whom he intends employing to fell and remove the timber specified in such licence. And it shall be the duty of such headman to write upon such licence the date of its production to him, and to sign his name thereto, and thereafter to return the same to the person from whom he received it.

Timber not to be removed without notice to headman; who shall inspect the same, and grant permit for its removal

4. And it is further enacted, that it shall not be lawful for any such licensed person to remove, or cause to be removed, any timber felled in virtue of such licence, unless notice of his intention to remove the same shall have been given to the said headman. And it shall be the duty of such headman to inspect such timber previously to its removal; and if he finds that it has been felled conformably with the licence, to grant a permit to the holder of such licence for its removal, which shall be as near as is material in the schedule hereunto

481

unto annexed, marked (B.) And the said headman shall forthwith deliver or transmit a duplicate of such permit to the Government agent or assistant Government agent by whom such licence was granted.

Appendix, No. 6.

5. And it is further enacted, that if any person shall fell or remove any timber on or from any Crown land in this island, without having obtained such licence, or contrary to the conditions on which a licence has been granted to him; or if any licensed person shall fell any timber on such land before producing his licence to the proper headman, and furnishing him with a list of the names of every individual whom he intends employing to fell or remove the same, or shall employ any person for any such purpose whose name is not mentioned in such list, or shall fell any timber on land belonging to the Crown at any place other than that specified in his licence, or any description or larger number of trees than such as shall be therein specified, or shall fell or remove the timber mentioned in such licence after the time specified therein shall have expired or before it shall have commenced, or shall remove any such timber without giving to the said headman the notice of his intention to remove the same herein-before required to be given, or without having obtained a permit for its removal from the said headman, or shall, when engaged in the removal of any such timber, refuse or neglect to produce such permit when thereunto required by such headman, or by any justice of the peace, constable, or police officer of the district or place where such removal is being effected; or if any person shall have in his possession any timber felled on or removed from any Crown land, knowing that the same has been felled or removed contrary to the provisions of this Ordinance, every such person shall in any of such cases be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding 5*l.*, and any such timber shall be confiscated; and the court before which such offence is tried shall, if the timber has been seized, determine and adjudge whether the said timber has been legally seized. Provided always, that nothing herein contained shall extend or be construed to apply to any person acting *bona fide* as the servant or agent of any person to whom a licence has been duly granted.

Penalty on felling timber on Crown land without a licence, or before production of licence, or not in conformity therewith, &c.

6. Provided always, and it is further enacted, that in the event of any licensed person being unable, from unforeseen accident or misfortune, to remove any timber lawfully felled by him within the time mentioned in his licence, it shall be lawful for him to leave the same in the forest or other place where it was felled, for removal at or within such time as shall be appointed for that purpose by the Government agent or assistant Government agent who granted the said licence, who shall, on the application of such person to that effect, note on the said licence the time so appointed by him. And if such timber shall be removed in conformity with such appointment, the person removing the same shall not incur the fine or forfeiture in the preceding section mentioned for having removed the same after the expiration of the time specified in his licence; provided always, that it shall be lawful for such Government agent or assistant Government agent to refuse any such application if he shall deem it advisable so to do.

In cases of emergency timber may be removed after the expiry of the time mentioned in the licence, and within such time as the Government agent shall appoint.

7. And whereas the provision contained in the 3d section of this Ordinance, requiring the holder of any such licence to furnish the headman to whom it is addressed with a list of the names of every individual whom he intends employing to fell and remove the timber specified therein; and the provisions contained in the 4th section of this Ordinance cannot be enforced in some of the remote districts of this island, without great and serious inconvenience; it is therefore hereby further enacted, that it shall be lawful for the Government agent, or assistant Government agent, granting any licence under the provisions of this Ordinance, in any case in which he shall deem it advisable so to do, to state in writing, in or upon the licence, that the holder thereof shall not be required to furnish the headman to whom the same is addressed with a list of the names of every individual whom he intends employing to fell and remove the timber specified therein, nor to give notice to such headman of his intention to remove any such timber, nor to obtain a permit from such headman for the removal thereof, as directed by the 3d and 4th sections of this Ordinance. And in any such case, the holder of such licence shall not incur the fine or forfeiture in the 5th section of this Ordinance mentioned, for not having furnished any such list, or for not having given such notice, or for not having obtained such permit, as the case may be, anything contained in the 3d, 4th, and 5th sections of this Ordinance to the contrary notwithstanding.

The provisions of the 3d and 4th sections may in certain cases be dispensed with.

8. And whereas much valuable timber is felled on the Crown lands in this island, and removed therefrom without any authority, under pretext that the same has been felled on the lands of private parties, and it is expedient to prevent, as far as practicable, the continuance of these frauds; it is therefore further enacted, that it shall not be lawful for any person to remove from his own land, or from the land of any other private party, any timber which may have been felled thereon, without having obtained a permit authorizing such removal, and which shall accompany the timber so removed, and shall be as near as is material in the form in the schedule hereunto annexed, marked (C). And such permits shall be granted by some headman of the district or place where such land is situated, on the joint application of the owner of the timber, and the owner or occupier of the land from which the same is to be removed; or in case such timber belongs to the owner or occupier of such land, then on the application of such owner or occupier. And if any person shall, contrary to the provisions of this clause, remove from his own land, or from the land of any other private party, any timber felled thereon, without having obtained a permit for such removal, or after the time therein specified shall have expired, or shall, when engaged in the removal of any such timber, refuse or neglect to produce such permit when thereunto required by any justice of the peace, headman, constable, or police officer of the district or place where such removal is being effected, he shall be guilty of an offence, and shall be

Private timber not to be removed without a permit.

Penalty.

Appendix, No. 6.

liable on conviction thereof to a fine not exceeding 5*l*, and any such timber shall be confiscated; and the court before which such offence is tried shall, if the timber so illegally removed has been seized, determine and adjudge whether the said timber has been legally seized.

Governor may by proclamation exempt particular districts from the operation of the preceding section.

9. But, inasmuch as the restrictions on the removal of timber, the property of private individuals, in the preceding section contained, may not be found necessary for the protection of Crown property in all parts of this island, it is therefore further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by any proclamation, to be by him, from time to time for that purpose, issued and published in the Government Gazette of this island, to exempt any particular district or place, to be mentioned in such proclamation, from the operation of the preceding section, either as regards the removal of timber generally, or of any particular description of timber; and any such proclamation, with the like advice, from time to time, to alter, amend, or revoke, as occasion may require; and no person removing from his own land, or from the land of any other private party, in accordance with the provisions contained in any such proclamation, any timber which may have been felled thereon, shall incur the fine or forfeiture in the preceding section mentioned for any breach of the provisions thereof, if such land shall be situated, and such removal shall be effected and completed, within the district or place specified in any such proclamation, anything in the preceding section to the contrary notwithstanding.

Headman to arrest persons felling timber without licence,

10. And it is further enacted, that it shall be lawful for all headmen and police officers, within their respective jurisdictions, and they are hereby required, to arrest and take before the police court having jurisdiction, any person, not being the servant or agent of some person licensed to fell or remove timber, whom they shall find felling or removing timber on or from any Crown land without a licence, or contrary to the tenor and effect thereof, or removing timber without having a permit to remove the same as aforesaid in those cases in which a permit is required. And it shall also be the duty of any such headman, or police officer, to seize any timber hereby declared to be confiscated, and also any timber felled on Crown land which shall not have been removed by the party felling the same within the time specified in his licence, or appointed by such Government agent or assistant Government agent as aforesaid for the removal thereof. And all timber seized as aforesaid shall be deemed and taken to be forfeited to Her Majesty, and may be sold under the orders of the Government agent, or any assistant Government agent, of the province in which the same was seized, for account of Government; unless the person from whom the same was seized shall within 14 days from the day of seizing the same give notice in writing to such Government agent, or assistant Government agent, that he disputes the legality of such seizure, in which case such sale shall be stayed until the legality of such seizure shall have been determined by the Court before which any such person may be tried for any offence against the provisions of the 5th section of this Ordinance. And any headman or police officer who shall, without lawful excuse, neglect or refuse to do and perform any of the duties, matters, and things imposed on him by this Ordinance, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding 5*l*.

and to seize timber illegally felled or not removed in due time.

Penalty for forging licence.

11. And it is further enacted, that if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any licence or part of any licence issued under the provisions of this Ordinance, or any writing or signature which any Government agent, or assistant Government agent, is by this Ordinance authorized or required to make or put on any such licence, or if any person shall knowingly and without lawful excuse (the proof of which excuse shall lie on the party accused) have in his possession any false, forged, or counterfeit licence, or any genuine licence containing any such forged or counterfeit writing or signature, resembling or intended to resemble, either wholly or in part, any licence, which at any time whatever hath been, or shall or may be issued or used under the provisions of this Ordinance, or any writing or signature of any Government agent, or assistant Government agent, which shall or may be made or put on any licence issued under the provisions of this Ordinance, then and in every such case the person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Proof of licence,

12. And it is further enacted, that if in any prosecution or proceeding under this Ordinance any question shall arise as to whether a licence has been obtained within the meaning thereof, the proof that such licence has been obtained shall lie on the party against whom such prosecution or proceeding shall be had. And if in any such prosecution or proceeding any question shall arise as to whether the timber felled or removed was felled or removed on or from land belonging to Her Majesty, the proof that the same was not felled or removed on or from land belonging to Her Majesty, shall lie on the party against whom such prosecution or proceeding shall be had. And if any question shall arise in any such prosecution or proceeding as to the title to the land on or from which any timber has been felled or removed, the Court which has jurisdiction to impose the fine that may have been incurred by the party prosecuted, shall, for the purposes of the said prosecution, have jurisdiction to try and determine any such question of title. Provided always, that the judgment or decision of such Court on any such question shall not be received as evidence of title, or pleaded in bar in any civil suit or proceeding in which the title to the said land may be put in issue. Provided also, that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused, against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

and of the place where timber was felled.

The Court which has jurisdiction over the offence may, if necessary, try the question of title to the land. Proviso.

483

13. And it is further enacted, that one half of all fines and forfeitures actually recovered and realized under the provisions of this Ordinance shall go to our Lady The Queen, and the other half to the informer. Informer's share of penalty.

14. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by the police court, unless the same shall be commenced within three calendar months from the time of commission of such offence. Limitation of prosecution.

15. And it is further enacted, that nothing in this Ordinance contained shall extend or apply, or be deemed or taken to extend or apply, to cocoanut or arecanut trees, nor to brushwood or wood commonly used for and cut for the purpose of being used in this island as firewood; nor to stakes cut for the purpose of being used in this island for fencing land; nor to wood cut for the purpose of making ploughs or other agricultural implements in common use in this island. Provided, however, that nothing in this section contained shall be deemed or taken to allow of any satinwood, ironwood, ebony, jackwood, or other valuable description of timber tree being cut or removed, contrary to the provisions of this Ordinance, on the plea that such timber tree has been cut or removed for firewood or for fencing land. And provided further, that it shall be lawful for the Governor, with the advice of the Executive Council, by any proclamation to be by him from time to time issued and published in the Government Gazette of this island, to set apart and define any tract or tracts of Crown land as reserved forest land, within the limits of which no wood shall be cut or removed either for firewood or for fencing land, or for making ploughs or other agricultural implements, or for any other purpose whatsoever; and also in like manner to set apart and define any tract or tracts of Crown land, within the limits of which no satinwood, ironwood, ebony, jackwood, or other valuable description of timber-tree shall be cut or removed for the purpose of making ploughs or other agricultural instruments aforesaid. Ordinance not to extend to cocoanut trees, or firewood.

16. And it is further enacted, that this Ordinance shall commence and take effect from and after the 1st day of March 1849. Ordinance when to take effect.

SCHEDULE (A).

LICENCE TO FELL TIMBER.

To A. B., residing at Korale of in the district of
(or as the case may be)

No. Take notice that Licence is hereby granted to C. D. of in the
 district of to fell and remove from the Government forest land at district of
in your district, between the day of and the day of
the following timber:—*[here insert the number and description of trees in words*
at length], under and subject to the conditions herein-after set forth, that is to say:
 1st, *[here insert the conditions agreed upon.]*

Government Agent's Office,
 this day of (signed) Government Agent.

Produced to me by the said C. D., this day of
(signed) A. B.,
Korale of

On the application of the said C. D., permission is hereby given to him to remove the
 above timber on or before the day of next.
 Dated this day of 18
(signed) Government Agent.

SCHEDULE (B).

PERMIT TO REMOVE TIMBER GROWN ON CROWN LAND.

No. of Licence
 C. D., of in the district of has permission to remove from
 the Government forest land at in the district of the following
 timber felled by him under the above licence *[here insert a description of the timber proposed*
to be removed], to in the district of

Dated at this day of 18
(signed) A. B.
Korale of

404

Appendix, No. 6.

SCHEDULE (C).

PERMIT TO REMOVE TIMBER FROM PRIVATE LANDS.

E. F. of the garden called timber, [here insert the number and description of trees in words at length], to in the district of within days from the date hereof. has permission to remove from (or as the case may be), the following

Dated at this day of 18 (signed) A. B. Korale of

Passed in Council the 23d day of December 1848.

(signed) W. C. GIBSON, Clerk to the Council.

Published by Order of his Excellency the Governor.

J. EMERSON TENNENT, Colonial Secretary.

—No. 2.—

(No. 369.)

COPY of a DESPATCH from Earl Grey to Viscount Torrington.

My Lord,

Downing-street, 23 March 1849.

Page 443.

1. I HAVE laid before The Queen your Lordship's despatch, dated 10th January 1849, submitting for Her Majesty's approval an Ordinance, No. 24 of 1848, passed by yourself, with the advice and consent of the Legislative Council of Ceylon, to regulate the felling and removal of timber grown on Crown land in the island of Ceylon.

2. In reply, I have to inform you, that with respect to a measure of such great importance, which materially, though it may be necessarily, interferes with that freedom of internal transit and transport which it is a cardinal principle with Her Majesty's Government to preserve, as far as possible, unfettered, I have felt myself unable to offer any advice to Her Majesty without a much fuller explanatory report than that which is now transmitted by your Lordship.

3. I feel great confidence in the judgment of your Lordship and of your council upon a subject of this kind, and I am therefore not inclined to doubt the necessity of the various restrictions imposed by this ordinance, but as no inconvenience can result from a postponement of Her Majesty's final confirmation of it since it will in the meantime remain in force, before I advise the Queen so to confirm it, I am desirous to be placed in possession of facts calculated to remove every doubt as to the reality and extent of the evil sought to be remedied, the necessity of adopting the generally inconvenient system of passes or permits, the security which is understood to exist (as none is provided by the ordinance which would seem to apply to the case) against arbitrary refusals by headmen to grant permits to persons to remove their own timber, and in general the efficacy of the precautions embodied in the ordinance against the abuse of the great powers which such a system must lodge in the headmen and other native officials.

4. It would probably have been a considerable assistance to me in forming a judgment upon the ordinance to have received a transcript or at least an abstract of the correspondence with the Government agents of provinces, which the fourth paragraph of your despatch under acknowledgment describes to have been the basis of the provisions enacted.

I have, &c. (signed) Grey.

—No. 3.—

Answered 1 May 1849, p. 453.

(No. 34.)

COPY of a DESPATCH from Viscount Torrington to Earl Grey.

Queen's House, Colombo, 2 March 1849.

(Received 24 April 1849.)

My Lord,

WITH my despatch (No. 227) of the 15th December last I transmitted to your Lordship the returns of the revenue and expenditure of this colony for the first nine months of the year; I have now the honour to forward the complete returns of the revenue and expenditure of the whole financial year 1848, and likewise a comparative statement of the estimated and actual revenue and expenditure for the same period.

2. The conclusions which may be drawn from an inspection of these tables will, I trust, prove very satisfactory to your Lordship.

3. Although the revenue of 1848, as must naturally have been expected, has suffered to some extent from the general commercial embarrassment with which all parts of the world have been more or less afflicted, and although the total abolition of the export duties in September last, except upon cinnamon (the duty on which was at the same time reduced from 1s. to 4d. per lb.), must have produced an inevitable falling off in the receipts from customs duties, nevertheless it is gratifying to me to be able to announce to your Lordship that

For Lord Torrington's despatch, 15 Dec. 1848, No. 227, vide Papers relative to Ceylon, presented to Parliament by Her Majesty's Command, Feb. 1849, p. 312.

(A.) (B.)

485

that the decrease in the general revenue of the island for the past year, compared with the preceding one, has scarcely exceeded 25,000*l*. Appendix, No. 6.

4. At the same time, as I have suffered no opportunity to pass of curtailing every item of expenditure so far as circumstances would permit, it will be satisfactory to your Lordship to find that the decrease in the expenditure of the year, compared with the previous one, amounted to upwards of 87,000*l*.; but as the contingent expenditure of one month of the year 1846 was included (owing to a change in the method of keeping the public accounts) in the expenditure of 1847, the comparative reduction for the 12 months ending 31 December 1848 will not have been quite so large; it has, in fact, amounted to about 68,000*l*.

5. When it is borne in mind, that during the past year heavy unforeseen charges have been defrayed, on account of the riotous proceedings in the Kandyan country; that in addition to the special military charges, other unlooked-for expenses have been incurred on account of the police, transport, and commissariat, &c., it will, I trust, be apparent to your Lordship that the most strenuous exertions must have been used to effect every practicable reduction in all departments. In fact, it will be seen, from an inspection of Table (B.), that a considerable reduction has taken place in the actual compared with the estimated expenditure under every head, except those of public works and roads, in which a slight increase was rendered inevitable, owing to the damage done in many parts by unusual floods.

6. Having in view, therefore, the various circumstances I have mentioned, viz. the large reduction of taxation on the one hand, and the extraordinary but unavoidable expenses, for which no previous provision could be made, on the other hand, it could scarcely be expected that the revenue and expenditure would so nearly balance themselves as to exhibit no greater deficit than 16,559*l*.

7. I abstain from dwelling upon the less favourable position of the public finances in previous years, but I venture to assure your Lordship that I continue to use every possible exertion still further to reduce the public expenditure; and I look forward with much interest to the valuable results which I anticipate from the labours of the committee, who have been for some time, and still continue to be, anxiously and sedulously employed in reviewing the whole of the public establishments, with the object of recommending the most economical as well as most efficient arrangements for the public advantage of the colony.

I have, &c.
(signed) Torrington.

Enclosure 1. in No. 3.

TABLE (A.)—ABSTRACT of the REVENUE and EXPENDITURE of the Colony of Ceylon for the Year 1848.

R E V E N U E.		£.	s.	d.
Arrears of revenue of former years	- - - - -	27,906	10	11½
Customs	- - - - -	116,057	9	8¼
Port and harbour dues	- - - - -	3,702	15	9¾
Land sales	- - - - -	5,456	4	9
Land revenue, including paddy and fine grain, and garden rents	- - - - -	46,359	5	8½
Rents, exclusive of land, including bridge, ferry, and road tolls, and rent of Government buildings and houses, &c.	- - - - -	22,800	14	4½
Licences, including arrack and toddy rents, stills, chauks, fire-arms, traders, carriages, dogs, &c.	- - - - -	58,093	-	10¼
Stamps	- - - - -	27,499	18	2¾
Taxes: Assessment tax on immoveable property within towns	- - - - -	6,553	-	9¼
Postage	- - - - -	8,010	14	7½
Fines and forfeitures	- - - - -	4,400	5	5¾
Sale of Government property, including salt, arrack, and rum at the can'tens, commissariat and colonial stores and building materials, weights, and measures, unserviceable stores, &c.	- - - - -	58,824	4	7½
Ration stoppages from Her Majesty's troops	- - - - -	12,443	10	3
Reimbursements in aid of expenses incurred by Government, including sale of Government gazettes and calendars, school fees, hospital stoppages, &c.	- - - - -	962	18	11¼
Government vessels: Freight and passage money of the steamer "Seaforth"	- - - - -	328	2	4¼
Interest on arrears of revenue, and sums lent out by the Loan Board, &c.	- - - - -	3,119	7	8¾
Miscellaneous receipts, including premium on bills, difference of exchange, overpayments recovered, abatements on salaries, subscription to the Ceylon Civil Fund and Widows' Fund, and small receipts	- - - - -	9,439	18	4¼
Special receipts, including fees for title deeds and surveys, value of tools lost, and barrack damages, receipts in aid of the recruiting service, &c.	- - - - -	657	13	10¾
Receipts by the agent in London, including subscription to the Ceylon Widows' Fund, and other small receipts	- - - - -	2,140	18	9
		414,765	16	1½
Excess of Expenditure	- - - - -	16,559	14	2½
TOTAL	- - - £.	431,325	10	4

REVENUE of 1847 and 1848 Compared.

	£.	s.	d.
Revenue of 1847	440,619	5	7½
Ditto - of 1848	414,765	16	1½
Decrease in 1848	£. 25,853	9	6

EXPENDITURE.

	£.	s.	d.
Establishments :			
Fixed salaries	£. 155,389	2	5¼
Provisional and temporary salaries	24,096	14	3¾
Allowances	3,991	18	11¼
Office contingencies	7,008	5	2
	190,486	-	10½
Services, exclusive of Establishments :			
Pensions and retired allowances	34,099	19	9¾
Revenue services	6,954	8	5½
Administration of justice	3,829	5	5½
Ecclesiastical	749	8	11
Charitable allowances	3,199	13	8¾
Education	1,055	16	1½
Hospitals	2,709	15	1¼
Police and gaols	6,077	7	6½
Rent	1,978	8	10
Transport	4,973	12	¼
Conveyance of mails	1,343	14	4¼
Works and buildings	13,968	9	6½
Roads, streets, and bridges	45,715	8	5
Miscellaneous services	6,680	12	6¾
Interest	255	5	10¼
Colonial commissariat	45,842	12	¼
Contribution towards military expenditure	24,000	-	-
Colonial pay and allowances	34,168	13	7¾
Government vessels, steamer "Seaforth"	2,324	1	8
Refund of duties	11	4	-
Special military charges for the suppression of the Kandyan rebellion	901	11	5
TOTAL	£. 431,325	10	4

EXPENDITURE of 1847 and 1848 Compared.

	£.	s.	d.
Expenditure of 1847	518,987	3	-
Ditto - of 1848	431,325	10	4
Decrease in 1848	£. 87,661	12	8

(E. E.)

(signed)

C. J. MacCarthy,

Auditor-General.

(True copy.)

(signed)

William Chas. Gibson.

Enclosure 2, in No. 3.

TABLE (B.)—COMPARATIVE STATEMENT of the Estimated and Actual REVENUE and EXPENDITURE of the Year 1848.

REVENUE.

	Amount Estimated.			Amount Collected.			INCREASE.			DECREASE.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Arrears of revenue of former years -	22,544	1	4½	27,906	10	11¾	5,362	9	7¼	—		
Customs - - - - -	145,200	-	-	116,057	9	8¼	-	-	-	29,142	10	3¾
Port and harbour dues - - - - -	4,150	-	-	3,702	15	9¾	-	-	-	447	4	2¼
Land sales - - - - -	12,290	15	-	5,465	4	9	-	-	-	6,825	10	3
Land revenue - - - - -	45,404	-	-	46,359	5	8½	955	5	8½	—		
Rents, exclusive of lands - - - - -	25,711	15	7½	22,800	14	4½	-	-	-	2,911	1	3
Licences - - - - -	75,566	10	-	58,093	-	10¼	-	-	-	17,473	9	1¾
Stamps - - - - -	24,280	-	-	27,499	18	2¾	3,219	18	2¾	—		
Taxes - - - - -	6,236	12	6	6,553	-	9¼	316	8	3¼	—		
Postage - - - - -	7,505	-	-	8,010	14	7½	505	14	7½	—		
Fines and forfeitures - - - - -	2,330	-	-	4,400	5	5¼	2,070	5	5¼	—		
Sale of Government property - - - - -	56,952	7	11	58,824	4	7½	1,871	16	8½	—		
Ration stoppages - - - - -	14,067	-	-	12,443	10	3	-	-	-	1,623	9	9
Reimbursements in aid of expenses incurred by Government - - - - -	264	12	-	962	18	11¼	698	6	11¼	—		
Government vessels - - - - -	-	-	-	328	2	4¼	328	2	4¼	—		
Interest - - - - -	2,547	11	11¾	3,119	7	8¾	571	15	9	—		
Miscellaneous receipts - - - - -	6,931	-	-	9,439	18	4¼	2,508	18	4¼	—		
Special receipts - - - - -	464	18	3¼	657	13	10¾	192	15	7½	—		
Receipts by the agent in London - - - - -	1,689	-	-	2,140	18	9	451	18	9	—		
£.	454,135	4	8	414,765	16	1½	19,053	16	4¼	58,423	4	10¼
Deduct Increase - - - - -										19,053 16 4¼		
Net Decrease of Revenue - - - £.										39,369 8 6½		

Comparative Statement of the Estimated and Actual Revenue and Expenditure of the Year 1848—*continued.*

EXPENDITURE.

	Amount Estimated.			Amount Incurred.			INCREASE.			DECREASE.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Establishments - - -	214,662	12	6½	190,486	-	10¼	-	-	-	24,176	11	8¼
Pensions and retired allowances -	36,847	8	6	34,099	19	9¾	-	-	-	2,747	8	8¼
Revenue service (exclusive of establishment) - - -	12,892	3	10	6,954	8	5½	-	-	-	5,937	15	4½
Administration of justice (exclusive of establishment) - - -	4,438	15	7¼	3,829	5	5½	-	-	-	609	10	1¼
Ecclesiastical (exclusive of establishment) - - -	949	8	11	749	8	11	-	-	-	200	-	-
Charitable allowances - - -	4,045	17	6	3,199	13	8¾	-	-	-	846	3	9¼
Education (exclusive of establishment)	2,116	3	2½	1,055	16	1½	-	-	-	1,060	7	1
Hospitals - (ditto) - - -	5,869	7	9	2,709	15	1½	-	-	-	3,159	12	7¼
Police and gaols (ditto) - - -	7,213	-	9½	6,077	7	6½	-	-	-	1,135	13	3
Rent - - - - -	2,249	7	-	1,978	8	10	-	-	-	270	18	2
Transport - - - - -	7,206	12	1	4,973	12	¼	-	-	-	2,233	-	¾
Conveyance of mails - - -	1,459	6	-	1,343	14	4¼	-	-	-	115	11	7¼
Works and buildings - - -	13,452	3	0½	13,968	9	6½	516	6	6	-	-	-
Roads, streets, and bridges - - -	43,521	12	8	45,715	8	5	2,193	15	9	-	-	-
Miscellaneous - - - - -	12,918	4	7¼	6,680	12	6¾	-	-	-	6,237	12	¼
Interest - - - - -	311	7	6	255	5	10¼	-	-	-	56	1	7¼
Colonial commissariat - - -	57,954	-	-	45,842	12	¼	-	-	-	12,111	7	11¼
Contribution towards military expenditure - - -	24,000	-	-	24,000	-	-	-	-	-	-	-	-
Colonial pay and allowances - -	41,887	4	10½	34,168	13	7¾	-	-	-	7,718	11	2¼
Government vessels - - - - -	2,544	5	2¾	2,324	1	8	-	-	-	220	3	6¾
Refund of duties - - - - -	330	-	-	11	4	-	-	-	-	318	16	-
Special military charges for the suppression of the Kandyan rebellion -	3,142	14	6½	901	11	5	-	-	-	2,241	3	1¼
£	500,011	16	2¼	431,325	10	4	2,710	2	3	71,396	8	1¼
							Deduct Increase	-	-	2,710	2	3
							Net Decrease of Expenditure	-	£.	68,686	5	10¼

(E. E.)

(signed) *C. J. MacCarthy,*
Auditor-General.

(True Copy.)

(signed) *William Chas. Gibson.*

489

— No. 4. —

Appendix, No. 6.

(No. 386.)

COPY of a DESPATCH from Earl Grey to Viscount Torrington.

My Lord,

Downing-street, 1 May 1849.

I HAVE received your Lordship's despatch of the 2d March last, No. 34, forwarding complete returns of the revenue and expenditure of Ceylon, together with a comparative statement of the estimated and actual revenue and expenditure of the colony for the year 1848; and offering some observations relative to the measures which have been adopted by the local government, with a view to keep the public expenditure within proper limits, and to restore the balance between the outgoings and incomings of the Colonial Government.

I have perused these documents with much satisfaction; and I have to signify to your Lordship my approbation of the exertions which you have made during the past year to limit the expenditure of your Government within the means at your disposal, as well as my gratification at the success which has so far attended them.

I am, &c.
(signed) Grey.

Page 448.

— No. 5. —

(No. 50.)

COPY of a DESPATCH from Viscount Torrington to Earl Grey.

My Lord,

Pavilion, Kandy, 11 April 1849.

(Received 31 May 1849.)

In my despatch, No. 164, of the 14th September last, detailing the measures which I had adopted for the suppression of the rebellion in the Kandyan provinces, I called your attention to a proclamation which I had caused to be issued on the 14th August previous, inviting all the timid and wavering characters who had fled from their homes to return to their allegiance, and threatening with confiscation of their property those whose continued absence could be held as evidence of participation in treason.

Mr. Selby, the Queen's Advocate, has called my attention to an inaccuracy in the terms in which I intimated to your Lordship that this proclamation had been issued "with the advice of the Queen's Advocate;" the fact being that it had been suggested by Sir H. Maddock. In this Mr. Selby is quite correct; and the expression in my despatch is so far inaccurate that Mr. Selby did not originate the measure; but the phrase was used by me under the impression that the proclamation in question had met with Mr. Selby's approval as an act of grace and mercy to the misguided natives, and that impression was as I thought confirmed by the fact that neither when discussed in his presence previous to its publication nor since, till within the last few days, has Mr. Selby, either as Queen's Advocate or in his capacity of a member of the Executive Council, expressed the slightest doubt as to the legality and sound policy of the proclamation in question.

I have, &c.
(signed) Torrington.

For Lord Torrington's despatch, 14 September, No. 164, *vide* Papers relative to Ceylon, presented to Parliament by Her Majesty's Command, Feb. 1849, p. 217.

— No. 6. —

(No. 52.)

Viscount Torrington to the Right Hon. Earl Grey.

My Lord,

Pavilion, Kandy, 13 April 1849.

(Received 31 May 1849.)

I HAVE the honour to transmit a memorial addressed to your Lordship by certain "merchants, agents, and traders of Colombo." They conceive that unjust remarks were conveyed in my despatch, No. 145, of 15th August last, with respect to the treatment of the Malabar coolies, and the conduct of some individuals, which I described as being calculated to create a panic among them, and therefore to hasten their running away from the estates, during the disturbances of last year. The memorialists pray that such an inquiry may be instituted as will clear them from this reflection upon their conduct.

2. The object of the despatch to which allusion is made, was to anticipate any apprehensions which might possibly at that time have prevailed in your Lordship's mind, that the disturbances in some parts of the Kandyan country would have the effect of driving away the Malabar coolies who were already at work upon the coffee estates, or of deterring others of their fellow countrymen from coming over to gather in the approaching crops. I stated that, in my judgment, the coolies were not likely to be alarmed by the fear of disturbances; that the arrears of wages due to them on many of the estates were likely to have a much more depressing effect upon their minds than any dread of the Kandyans; and that I should probably feel it my duty hereafter to recommend that legislative measures should be adopted for ensuring the payment of the wages due to the labourers upon an estate. I concluded by saying that I was much surprised to find that many of the merchants, instead of using their utmost efforts to encourage the coolies and dispel

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For Lord Torrington's despatch, 15 August, No. 145, *vide* Papers relative to Ceylon, presented to Parliament by Her Majesty's Command, Feb. 1849, p. 191.

490

Appendix, No. 6.

their fears, were acting in a manner calculated to create a panic among them. Against the justice of this latter observation the memorialists now address your Lordship.

3. In the first place, my Lord, I would observe that at the period to which I allude apprehensions were publicly expressed that the coolies would abandon the estates through fear of the Kandyans, or, in other words, owing to the disturbed state of the country. Statements to this effect were generally circulated. It was feared, not only that the old coolies would run away, but that new coolies would not come over. In the resolution of the Chamber of Commerce, adopted on the 31st July, and in the memorial addressed by them to your Lordship on the 5th August, these apprehensions were distinctly and unequivocally expressed. The publication of these documents in the local newspapers disseminated the alarm; and it will be obvious that nothing has so great a tendency to create a panic of any kind as the avowed apprehension of it.

2.

4. In the meantime steps had been taken, by my orders, for obviating as much as possible the discouragement which might extend to the coolies on the opposite coast, so as to prevent them from coming over. I enclose a copy of a letter which was addressed by the Colonial Secretary to the Chamber of Commerce, under date 2d August, describing the measures which I had taken for effecting the object in view, namely, by requesting the assistance of the Government of Madras, and by directing all the government officers employed in the districts through which coolies travel on their way from the coast to use every possible means to disabuse their minds from the effects of exaggerated rumours which might reach them on their way.

5. It must be admitted beyond dispute that the greatest fears were expressed by many of the merchants (I wish to observe that I did not say all, nor did I name individuals) that the estates would be ruined by the abandonment of the coolies, through alarm created by the insurrection. But the fact appears to be that the Malabar labourers did not run away from the estates owing to any cause of that kind, for universal testimony is borne to their courage, and their good behaviour during the whole of that trying period. In no instance in which the coolies were well treated, regularly paid, and encouraged, did they misbehave themselves. At least that is stated to be the universal impression in the public mind; people were surprised at the good spirit displayed by them.

6. On the other hand, I have abundant proof to show that the coolies were obliged to leave estates in too many instances because they could not get their wages paid; that they suffered the greatest hardship in consequence, and that the police courts and courts of requests were besieged by coolies.

7. In 1847 full particulars were sent home respecting the mal-treatment of the coolies, which have been extracted and published in the last report of the Commissioners of Land and Emigration.

3.

8. I enclose to your Lordship copy of a letter addressed by the police magistrate of Kandy to the Colonial Secretary, dated 29th May 1848 (before the rebellion began), stating that gangs of coolies were coming to his court praying for redress, and stating that they had not received their wages for six months. Copy of the reply which I directed to be made is also annexed.

4.

5.

9. In further corroboration of this circumstance, I forward to your Lordship copy of a statement made by Sir Emerson Tennent himself, of an incident which fell under his own personal observation in the early part of last year, when the coolies on an estate actually stopped their master and his family on the road, and prevented them from leaving the property, because their wages were not paid.

6.

7.

10. I further transmit to your Lordship copies of statements made within the last few days, by Mr. Hanna, the police magistrate of Kandy, and by Mr. Loco Banda, the superintendent of police, detailing what they have personally witnessed during the past year, with reference to the behaviour and the bearing of the coolies. I would venture to request your Lordship's particular attention to these documents.

11. I am further informed by Mr. Hanna, that within a period of ten months, ending about the beginning of the present month, not less than 2,584 complaints have been made to his court by coolies, arising out of the non-payment of wages; of these 873 were regularly instituted in the Court of Requests of Kandy; 324 cases were not entered on the record book, because the coolies were advised that the defendants had no available property. In 200 cases, about a fourth part of the claim was paid, and about 1,170 complaints were withdrawn on compromise, the wages being in most instances paid, after much delay and difficulty.

12. It is not without great pain that I find myself compelled to state these facts to your Lordship; and moreover the Court of Requests and police court of Kandy is only one of several similar courts in the Kandyan country, before which it is more than probable that numerous complaints were made, but the details of which the near departure of the mail does not permit me to procure.

I think that I have already offered sufficient grounds to your Lordship for the remarks which I made. It was not my wish to make a sweeping charge against the whole body of merchants, but I feel reluctantly obliged to adhere to my first statement, to the effect that some of those gentlemen could not be considered as blameless with reference to the hardships and the difficulties connected with the coolie labour. I am quite prepared to do ample justice to those gentlemen who have studiously encouraged and carefully protected the labourers on the estates,

I have, &c.
(signed) Torrington.

Enclosure 1, in No. 6.

TO the Right Hon. the Earl *Grey*, Her Majesty's Principal Secretary of State for the Colonies.

The Memorial of the undersigned Merchants, Agents, and Traders of Colombo.

Respectfully sheweth,

THAT your memorialists have read with deep regret the following paragraph of a despatch addressed by his Excellency Viscount Torrington, the Governor of this island, to your Lordship, under date the 15th August 1848, which has, with other papers on the affairs of Ceylon, been laid before both Houses of Parliament by command of Her Majesty; viz.:

"I confess that it strikes me with surprise that many of the merchants of Colombo, instead of using their utmost efforts to encourage the coolies and dispel their fears, are acting in a manner calculated to create the very panic which they profess to dread, by spreading false reports of the flight and terror of the coolies."

This charge, attributing to many of the undersigned conduct so unworthy, so base, so utterly subversive of their own interests and that of those they represent, they believe to be unparalleled in the history of official imputations of grave misconduct.

The undersigned also feel called upon to declare that the statement so confidently conveyed to your Lordship in the despatch above noted, is utterly unfounded, and they pray that your Lordship will direct such inquiry to be made as may clear the undersigned from this serious reflection on their conduct.

And your memorialists will, as in duty bound, ever pray.

[29 Signatures.]

Colombo, 5 April 1849.

Enclosure 2, in No. 6.

Colonial Secretary's Office, Colombo,
2 August 1848.

Gentlemen,

I AM directed by the Governor to acquaint you, that in pursuance of the arrangement intimated to you by his Excellency yesterday, letters have by this post been despatched to the Governor of Madras and to the Collector of Madura, apprising them of the actual state of things in Ceylon, and the suppression of the insurrection in the Kandyan provinces, and begging that immediate instructions may be sent to the Government officers at the several places whence coolies are accustomed to embark for Ceylon, to take every precaution for affording full information as to the real state of the island, and every assurance of safety and protection in their journey to the interior.

Concurrently with this, letters have been despatched to the Government agents of the Northern and North-western Provinces, and their assistants, directing immediate measures for stationing persons at the places of debarkation, and along the routes usually frequented by the coolies, for the purpose of disabusing them of any exaggerated rumours whereby they might be intimidated, or prevented from continuing their journey to the coffee districts.

H. Ritchie, Esq.

And the Gentlemen of the Deputation from
the Chamber of Commerce.

I have, &c.
(signed) *J. Emerson Tennent.*

(True copy.)

W. D. Bernard, P. S.

Enclosure 3, in No. 6.

Sir,

Police Court, Kandy, 29 May 1848.

I HAVE the honour to report that complaints of a new character and of great importance have arisen, and as I feel great difficulty in dealing with them, and fear their increase, I beg for such instructions as his Excellency may be pleased to afford me.

Gangs of coolies now come forward to complain that they have not been paid for the last six months. They have a civil action against the resident superintendent; but a judgment against him does not avail, for he has no property. They have also a civil action against the owner of the property. This of course might afford them redress in those cases in which the owner is resident in the island, and not a bankrupt; but the coolies say they have no means of purchasing stamps, and I have no authority to order the issue of stamps in pauper cases. In those cases in which the owner had become bankrupt, or is absent, the coolies have complained against the superintendent criminally, under the provisions of the Ordinance No. 5, of 1841; but to enforce the ordinance against the superintendents

492

Appendix, No. 6.

(as employers), who are in fact fellow-labourers, and as much defrauded as the coolies, appears harsh and ineffectual, for he cannot sell or mortgage the crop or estate, or a single mammotie on it. To do so would also deprive the coolies of his exertions to obtain small sums of money and rice for distribution from the local agent. I find the ordinance very useful as a threat, but if it were enforced against the superintendents its value ends.

Each of these means appears equally unavailing to obtain payment for the complainant, when the proprietor of the estate is absent from the island, or, being in it, a bankrupt.

It has been decided lately in more than one instance, that in case of bankruptcy the claim for wages takes precedence over every mortgage and incumbrance whatsoever; but the cooley has only been occasionally represented by a professional person in the district courts, and even there much delay occurs before he obtains payment. My great difficulty is to deal with those cases in which the proprietor is absent from the island; and I respectfully suggest the necessity of an enactment in favour of coolies similar to the 53d clause of the Ordinance No. 17, of 1844, which confers a power on the Government agent to sell property, and thus recover the amount of assessment, notwithstanding the absence of the owner of the assessed property; and when it is unencumbered, that the coolies' claim for wages be considered by law prior to every other charge on the land. Such a provision for the enforcement of that right will not appear unreasonable.

The Hon. the Colonial Secretary,
Colombo.

I have, &c.
(signed) S. Hanna,
Acting P. M.

(True Copy.)

W. D. Bernard, P. S.

Enclosure 4, in No. 6.

(Circular.)

Sir,

Colonial Secretary's Office, Colombo, 9 June 1848.

I AM directed by his Excellency the Governor to authorize the issue of stamps without payment, to Malabar coolies suing for wages in the courts of requests.

On any application of this nature being made to you, you will indent on the stamp vender for the number and description of stamps you may require; and it will be your duty to see that the value of stamps advanced in such cases shall be refunded, in the event of costs being awarded in favour of any cooley, and the amount so recovered transmitted at the expiration of the month to the vender of stamps, accompanied by an account particulars of the recovery.

When coolies are adjudged to pay costs, or where the costs are irrecoverable, you will apply for authority to pay the vender the amount of stamps so advanced by him.

The Commissioner of Requests of Kandy.
(True copy.)

I have, &c.
(signed) W. Morris.

W. D. Bernard, P. S.

Enclosure 5, in No. 6.

MEMORANDUM on Non-payment of Coolies.

IN the early part of last year, I forget the precise month, but it was immediately after the gathering of the coffee crops, I arrived in the village of Nawallapitiya, the most important station in the coffee district of Ambugammuwa, as it contains the rice bazaars and the stores whence the produce is sent down to Colombo. It was early in the morning, but I found the streets filled with coolies in a state of much excitement, and a group of Europeans, consisting of a lady and children, and some English gentlemen, were standing near a carriage and a horse, in which I was told they were on their way to Colombo or Kandy, when forcibly stopped by the coolies and compelled to dismount.

On inquiry, I found the party consisted of the family of a superintendent of an adjoining coffee estate; that the coolies had received no wages for many months previously; that they had suffered the crop to be saved and sent off, under the promise of an immediate settlement, but had been deceived; that they had lately been besieging the superintendent in his bungalow on the estate; and that the superintendent had tried to make his escape some days before, but they had forcibly prevented him, flung his carriage into the ditch, and obliged him to come back; he was now renewing the attempt on the morning of my arrival in the village, but that the coolies had again taken possession of the road, and refused to allow him to pass till their demands were justly met.

The superintendent himself called on me at the rest house, and confirmed this statement in all particulars; alleging in his own defence, that he could obtain no money to pay the coolies' wages, either from the proprietors of the estate or their houses of agency at Colombo.

(True copy.)

(signed) J. Emerson Tennent.

W. D. Bernard, P. S.

Enclosure 6, in No. 6.

Appendix, No. 6.

S. Hanna, Esq., Police Magistrate of Kandy.

Kandy, 13 April 1849.

States:—I was employed at Kandy and at Matelle, and in visiting all the Hunasgria estates during the disturbances at Kandy last year. I had opportunities of watching and mixing with the coolies, and of hearing the opinions of others. I do not think, indeed I am confident, that the rebellion and the disturbances had no influence whatever in inducing the Malabar coolies to leave the estates through fear. I am convinced that, so far from being afraid, they learned to have much less fear of the Kandians than before. I had no reason to think, either from conversation with new coolies, or from general report on the spot, that Malabars were deterred from coming over by any fear of the supposed disturbances. Most of the estates were sufficiently supplied with labour, that is, those estates on which the coolies were known to be regularly paid. Wages did not rise at all last season, so far as I know, but others may be able to form a better opinion than I am.

Constant complaints were made to me by coolies in distress, of the nonpayment of wages. My court used to be literally besieged by destitute coolies prostrating themselves and praying for redress. I have brought with me a return showing the number of complaints made to be 2,584 within the last 10 months in my own court.

In many cases the wages were ultimately paid with great trouble and after great delay, but in not a few the wages were not paid at all; many coolies who would have gone back to their own country were kept here in trying to get their wages paid. I do not know whether new coolies were deterred from coming by the fear of not getting paid.

At the present time there are not any cases before the court for nonpayment of wages, except from two estates, the agents for which are bankrupts. These cases are not recent. Undoubtedly the wages of coolies are far better paid now than last year.

(signed) *S. Hanna, P.M.*

(True copy.)

W. Bernard, P.S.

Enclosure 7, in No. 6.

Dumville Loko Banda, Superintendent of Police at Kandy.

Kandy, 13 April —.

States:—I remember in 1847, soon after Lord Torrington came here as Governor, that there were vast numbers of coolies out of employment, many of whom were suffering severely from starvation and from sickness, produced by insufficient and unwholesome food. I believe that the reason was, that the coolies came over to this country too early in the season that year, and also that many of the planters or managers of estates had not the means (I mean money) to pay them at the time. A great many coolies were taken upon some of the estates upon reduced pay, or only for their rice, in order to keep them until the crop time came. Those who were in the greatest distress were offered the option of working for Government in draining the lower Kandy Lake, for a small daily pay, which they received every evening; they could come back to the same work the next day or not, as they pleased.

During 1848 I did not hear of any particular want of labour on the estates, neither did I hear of any particular distress among the coolies. There was some difficulty in getting them to go up in sufficient numbers to the high estates, because they are afraid of the cold. During the time of the rebellion, I understood the coolies on the estates behaved extremely well; they did not run away, many of them behaved with great courage, and protected their master's property.

I heard many complaints of their not being able to get their wages paid. They were sometimes summoned by their employers for refusing to work; the excuse they made was generally that they were not paid. Sometimes they summoned their employer for nonpayment of wages. I think that some of them must have left the country without getting their wages paid. I have seen distressed coolies on the road, who told me they were starving because they could not get their pay. They left some of the estates because they could not get their pay. I have heard them say to each other, and also to myself, that when they got back to their own country, they would tell their countrymen it would be of no use to come here, because they would not get properly paid; I do not remember that they mentioned any particular estates. I have seen in the town of Kandy, parties of from 10 to 30 coolies at a time run after the superintendents of estates, when they saw them, and clamorously demand their money. I do not think, in fact I have no reason to believe, that the coolies left the country in consequence of the disturbances. It has come to my knowledge that at that time, when the country was disturbed, Malabar coolies in some instances plundered the Kandian villages. I did not last year find any of the coolies who had newly come over from the coast, appear to be the least afraid in consequence of the disturbances. In no instance did a newly arrived coolie tell me that others had been prevented from coming over by the fear of the disturbed state of the country. Fewer coolies than usual came over last year, but in no instance was the insurrection mentioned as a cause of their not coming. Frequently when I have tried to induce new coolies to go to the estates on their first arrival, they wished me to guarantee myself the payment

494

Appendix, No. 6.

of their wages. Even very recently, within the last few days, complaints have been made by villagers, and coolies have been brought in by the police for pilfering and vagrancy, and the excuse they give is, that they cannot get employment; they frequently state that as an excuse. There are some estates to which they are very reluctant to go; at this time, there is no want of coolies; many estates have been abandoned.

(signed) D. L. Banda.

(True copy.)

W. D. Bernard, P.S.

— No. 7. —

(No. 53.)

COPY of a DESPATCH from Viscount Torrington to the Right Hon. Earl Grey.

Pavilion, Kandy, 13 April 1849.

(Received 31 May 1849.)

My Lord,

WITH equal surprise and regret I have learned that comments have been made in public by gentlemen who must have laboured under a misapprehension of the facts with respect to a supposed leaning towards undue severity, which it is assumed that I exhibited on the occasion of the recent disturbances in this island.

It is satisfactory to me to be able to forward to your Lordship copy of a letter addressed by me to Lieutenant-colonel Drought, commanding the troops in the Kandyan country, and of his reply, having reference to the measures adopted by the officer commanding at Matelle for the punishment under martial law of persons taken with arms in their hands in open rebellion against the Government. The tone of these documents will, I trust, satisfy your Lordship that nothing short of the absolute necessity of the case would have induced me to continue martial law in operation until the pretended king was captured, and that the military authorities had every wish and inclination to temper justice with mercy whenever it could be justified by circumstances.

I have now again requested the deliberate opinion of Colonel Drought upon the whole subject, after the excitement of the period has passed away. He states most emphatically that, looking back to the disturbed state of the country, the known designs of the leaders of the movement, and the difficult and responsible position in which the officers were placed, they discharged the painful duties which devolved upon them with leniency and with mercy. He is unable to call to mind a single act done by the military, of whatever nature, that was not absolutely and distinctly necessary for the safety of the country and the preservation of property. The vigorous and determined measures adopted to prevent the spreading of disturbances to other parts of the country proved to be really merciful, in the most obvious manner, to the great mass of the people. And he further adds his distinct conviction, that if the operation of martial law had been sooner terminated, the capture of the pretended king and the restoration to the country of that perfect tranquillity which it has since enjoyed would have been impracticable.

In conclusion, I venture to assure your Lordship that I am profoundly convinced that less active measures than those which were adopted would have failed to restore peace and confidence among the people, and would have been anything but merciful in the end.

I have, &c.

(signed) Torrington.

Enclosure 1, in No. 7.

Sir,

Queen's House, Colombo, 25 September 1848.

REPORTS have reached me, unofficial it is true, reflecting upon the severity of the measures adopted lately by the officer commanding at Matelle, for the punishment of prisoners brought up for offences committed under martial law. I am fully persuaded that whatever degree of truth there may be in the reports to which I allude, the court at Matelle must have acted from a stern sense of duty, and have felt convinced that severity was absolutely necessary not only for the suppression of the insurrection on the spot in which it first broke out, but for preventing the spread of it to other districts.

The military measures adopted in the Kandyan districts were happily entirely successful in suppressing the actual rebellion at its outset, and it was my wish that the operation of martial law should only be continued until the most influential leaders of the movement could be arrested; and that it should be only held as it were in terrorem over the people for a time, rather as a measure of precaution than as one of protracted punishment. I could not be too reluctant to sanction the continuance of such a measure of severity longer than the absolute necessity of the occasion required.

As authentic intelligence has now reached me of the capture of the pretended king, and of the detention of several of the most influential parties supposed to be implicated in the insurrection, it must be my earnest desire to see the operation of martial law terminate with as little delay as the real state of the country will permit; and I trust this may be the case within the next few days. But I lose no time in requesting you to communicate my sentiments to the officer commanding at Matelle, together with the expression of my wish that he should deal as leniently with the prisoners as the circumstances of the case may permit, and on no account whatever should any sentence of capital punishment under martial law be at present carried into execution.

The

1.
Dated, 25 Sept.
1848.

2.
Dated, 30 Sept.
1848.

495

The majesty of the law has been fully vindicated; and, at the recommendation of the Chief Justice, I have already commuted the sentences of all the prisoners who were capitally convicted at the special sessions of the Supreme Court which has just closed.

I am persuaded that your own feelings will entirely coincide with mine upon this subject.

Lieutenant-Colonel Drought,
Commandant, Kandy.

(True copy.)

I remain, &c.
(signed) *Torrington.*

W. D. Bernard, P. S.

Enclosure 2, in No. 7.

My Lord,

Kandy, 30 September 1848.

I HAVE had the honour to receive your Excellency's letter of the 25th instant, by which it appears that reports, unofficial, had reached your Lordship, reflecting on the severity of the measures adopted by the officer commanding at Matelle for the punishment of prisoners under martial law.

I lost no time in communicating the contents of your Lordship's letter to Captain Watson, and he begs me to express "that your Excellency has done but justice to himself and the officers under his immediate command at that post, in saying that you are persuaded the court at Matelle must have acted from a stern sense of duty in what it has done."

He continues to say that it was a painful duty, but the measures were not adopted until after mature deliberation and a full conviction on his own mind as well as on the minds of the officers under him, that severe examples were absolutely necessary, and would in the end be humanity to the inhabitants at large.

The last four prisoners executed at Matelle (making in all nine) were notoriously bad characters, and were adherents throughout of the Pretender; when deserted by almost all his followers they remained as his body-guard, and were under arms when apprehended. I would here venture to impress on your Excellency that had less zealous and energetic measures been pursued by Captain Watson and the several detachments employed on the special duty of hunting out and harassing the Pretender, that the peaceable and well disposed would not have been inspired with the same confidence which, in my mind, materially assisted in the capture of the Pretender.

I would also wish to remark that the Matelle district was almost entirely in a state of rebellion; that the town itself was decidedly the focus of insurrection, where all the public buildings were demolished as well as the coffee estates and bungalows throughout the neighbourhood plundered, when all the Europeans had to take flight; and I believe I am not wrong in saying that Matelle has ever been disaffected, and a place requiring the strong arm of power more than almost any other in the colony.

I shall conclude this letter by assuring your Excellency that nothing but a conscientious feeling of rectitude has guided myself and those under my command in the performance of our duties throughout the entire of these operations, and I feel thoroughly convinced that such a course is the only one calculated to meet with your Excellency's approval.

I have, &c.
(signed) *T. A. Drought,*
Lieut.-Col., 15th Regt., Commandant.

His Excellency Viscount Torrington,
Governor and Commander-in-Chief, Colombo.

(True copy.)

W. D. Bernard, P. S.

— No. 8. —

(No. 55.)

Copy of a DESPATCH from Viscount *Torrington* to the Right Hon. Earl *Grey*.

Pavilion, Kandy, 14 April 1849.
(Received 24 May 1849.)

My Lord,

I HAVE the honour to transmit to your Lordship notes of evidence recently taken before C. H. De Saram, esq., a justice of the peace, upon matters having reference to the execution of a priest of Kandy, under sentence of a court martial during the existence of martial law. Statements have now been voluntarily made by the chief priests of the two great wihares in Candy, the Malwatte and the Asgiria, which show that the execution of a priest in his yellow dress is not considered in any degree as an indignity offered to the order of priesthood or to the Buddhist religion, and indeed that a priest sentenced to capital punishment ought to undergo the sentence in his priestly dress. If any other dress were substituted for it, the individual would cease to be regarded as a priest, and the impression would be strengthened in the minds of the people that the assumption of a priest's dress became a safeguard to him, so long as it was retained, against the infliction of the punishment justly due to a criminal.

1.

496

Appendix, No. 6.

On every occasion of an outbreak in the Kandyan country, the individuals who were most active in going about the country and exciting the people were persons wearing a priest's dress. Many of these fomenters of sedition were not really priests, and it was found necessary, under the government of Sir Robert Brownrigg, to issue an order prohibiting any but regularly ordained priests from wearing the yellow dress. According to the statements included in the evidence which I now transmit, it appears that the individual who was executed was not a regularly ordained priest. If he were a priest at all, he must have been one of a very inferior order, as he was quite unknown to the heads of the two principal establishments, to whom all other priests are subordinate. But assuming that he really was an ordained priest of the Buddhist religion, his guilt would have been enhanced by that very circumstance. And in corroboration of this view of the case, I take the opportunity of transmitting to your Lordship an extract from a letter, addressed to the Board of Commissioners for Kandyan Affairs, by order of Lieutenant-governor Sir James Campbell, dated 1st August 1823, which relates to the execution of a priest at that period for high treason, whose guilt, it is observed, is increased by the fact of his "being the minister of a religion which in its doctrines reprobates riot and bloodshed."

2.

I trust I have been able to satisfy your Lordship that the execution of a priest in his appropriate dress (the only dress, in fact, which he possesses, and the mode of wearing which is only slightly altered when he officiates) has not been regarded as an indignity intentionally offered to the priesthood of the Buddhist religion.

I have, &c.
(signed) *Torrington.*

Enclosure 1, in No. 8.

NOTES of EVIDENCE taken before *C. H. De Saram, Esq., J. P.*, respecting the Execution of a Priest at Kandy in his Yellow Dress.

Kandy, 10 April 1849.

Dunuwille Lokoe Banda, Superintendent of Police, states: That in consequence of remarks in the public prints, I inquired where Kahale Unanse, the priest shot in Kandy during the existence of martial law, resided, and where he used to officiate, and where he was ordained; and have learnt that he was not an ordained priest, nor that he had been educated for the priesthood. I also understand that this man was seen in company with a Malabar, also in priest's dress, going about the country; and that the Malabar was the identical individual who was principally engaged in creating disaffection in 1844, and was seen with the pretender.

Second Witness, *Udomolle Nayeke Unanse*, affirmed: I am the chief priest of Asgerie vihare of Kandy. There are two religious establishments, the other is called Malwatte. I know all the priests belonging to the vihare or establishment of which I am the head, and have been so for the last 25 years. I have been the ordaining priest of Asgerie establishment for the last 25 years. I am personally acquainted with all the priests of my establishment. I have a list of the names of the priests belonging to my establishment. There is a priest at Kahalle vihare, called Hapooogodde Unanse; the man that was shot was in no way connected with that vihare. The man that was shot was not an ordained priest; I do not know who he was; I consider he must have been a vagrant, and perfectly unconnected with our priesthood. The dress I now have on is my every-day dress. The man who called himself a priest and was shot, was shot in his every-day dress. Children who are intended for the priesthood wear the same dress. I have heard no murmurings among the Buddhists or priests with reference to the man having been shot in priest's dress; in priest's every-day dress.

(signed) *Udomolle.*
(In Singhalese Characters.)
(signed) *C. H. De Saram.*

Parecombere Nayeke Unnanse, affirmed: I am the second chief priest of Malwatte vihare. The first or head chief is unable to attend. I do not know the priest who was shot, but I have heard that he was a jungle priest; he did not belong to our religious establishment; he has not been ordained; there was an order in the time of Sir Robert Brownrigg that people should not put on priest's dress without being ordained; the prohibition was issued after the rebellion of 1818, as they were always instrumental in fomenting rebellion; even a jungle priest was bound to be ordained by us, or else he was no priest. I never saw him until he was a prisoner; he had his common home dress on at the time; he was shot in the same dress; he was not shot in his robes, but in his common yellow home dress; a priest would rather prefer to be executed in his robes than in a layman's or any other dress. If a priest be disobeyed by the heads of his order he then cannot wear his priest's dress. The man having been shot in his yellow dress is no shame to us; we do not consider that any indignity to our order was intended by that circumstance; our priests and Buddhists do not murmur against it. When we officiate we wear our dress in a different manner; when we are at home or going about, in another manner.

(signed) *Paracombere.*
(In Singhalese characters.)
(signed) *C. H. De Saram.*
Palleme

497

Palleme Coombere Basnayke Nilleme, affirmed: The priest that was shot at Kandy was called Kahalle Unanse; I do not know his family, or where they live. I am head of Am-bokke temple. I do not know whether he was or was not a priest; as he wore a yellow dress I took him for a priest; I was present at his trial; I was a witness against him; he had his home dress on at the time; he had not his robes on; he was taken prisoner in the same dress; I cannot say in what dress he was shot, for I was not present.

(signed) *Palleme Combere Basnayke Nilleme.*
(In Singhalese characters.)

(signed) *C. H. De Saram.*

The *Basnayke Nilleme* further examined.—The man who called himself Kahalle Unanse, and who was shot, told me that a Malabar, who was also a priest, desired to see me. I refused to go. He then said the Malabar priest had been formerly a king. He told me that he (Kahalle) was going about the country with the Malabar priest to get people to rise up in arms, with the assistance of the pretender and his brother. I can produce witnesses to testify that Kahalle Unanse told me the above. Although he was not the priest of Kahalle he gave himself that name, and was consequently so designated by us. Kahalle is about three miles from Kandy.

(signed) *Palleme Bas.*
(In Singhalese characters.)

(signed) *C. H. De Saram.*

(A true copy.)

(signed) *W. D. Bernard, P. S.*

Enclosure 2, in No. 8.

EXTRACT from an Official LETTER from the Colonial Secretary, addressed to the Board of Commissioners for Kandyan Affairs, by order of Lieutenant-Governor Sir *James Campbell*, K. C. B., dated 1 August 1823.

His Excellency regrets that he has not found it in his power to comply with the recommendation of the assessors who with the judicial commissioner tried the case of Kahawatte Unanse, in favour of the prisoner. The very prominent part which that priest took, being the great organizer of the plot, and the zealous and active persuader of others to join it, renders it impossible not to view him as eminently deserving of the most severe punishment; and the very station he held, as the minister of a religion which in its doctrines reprobates riot and bloodshed, only increases his guilt, and calls on the Government to mark it accordingly, by condign punishment.

(True copy.)

(signed) *W. D. Bernard, P. S.*

— No. 9. —

(No. 393.)

COPY of a DESPATCH from the Right Hon. Earl *Grey* to Viscount *Torrington*.

My Lord,

Downing-street, 29 May 1849.

I HAVE received your Lordship's despatch of the 14th of April last (No. 55.), enclosing notes of evidence taken before Mr. C. H. De Saram, justice of the peace, regarding the execution of a priest at Kandy, under sentence of martial law, during the recent rebellion.

I consider these statements, which the chief priests of the two great wihares in Kandy voluntarily came forward to make, to be highly satisfactory, as establishing the fact that the execution of a priest in his yellow dress is not regarded by the natives of Ceylon as an indignity offered to the priesthood of the Buddhist religion.

I am, &c.
(signed) *Grey.*

— No. 10. —

(No. 56.)

COPY of a DESPATCH from Viscount *Torrington* to Earl *Grey*.

My Lord,

Pavilion, Kandy, 17 April 1849.

(Received 5 June 1849.)

SHORTLY after the proclamation of martial law in the disturbed districts of the Central Province, a proclamation was published by order of Lieutenant-colonel Drought, the commandant, of which I much regret that I accidentally omitted to transmit a copy to your Lordship,

(92.)

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498

Appendix, No. 6.

Lordship, through inadvertence, occasioned by the rapid succession of events in that portion of the Kandyan country, and by the fact that I reposed the utmost confidence in the energy, ability, and discretion of the commandant during that trying period.

The object of the proclamation, which I have now the honour to enclose, was to endeavour to induce the insurgents to lay down their arms as speedily as possible, and thus to prevent the effusion of blood and likewise to induce the well-disposed and loyal subjects, who in the first movement of alarm had left their homes, to return and resume possession of their property and thereby to secure it from the injury and depredation to which it must be liable as long as it should continue without protection of its lawful owner.

The effect of this proclamation was highly salutary; and Colonel Drought has now repeated to me his conviction, that at the period when it was issued the publication of it tended very materially to the rapid pacification of the country. The well affected among the native peasantry soon afterwards began to return with confidence to their farms and villages; and steps were only taken for the temporary sequestration of property in those instances in which the parties being absent, there was good reason to suppose they had joined the rebels, or in which the parties were already in prison awaiting the final decision of the charges brought against them. The great majority of these were set at liberty without being brought to trial, and their properties were restored to them.

I feel satisfied that no undue hardship was occasioned by it during the short period of its operation.

I have, &c.
(signed) *Torrington.*

Enclosure in No. 10.

PROCLAMATION.

By Order of Lieutenant-Colonel *Drought*, Commandant of Her Majesty's Forces in the Kandyan Districts now subject to Martial Law.

It is hereby proclaimed that in all the Kandyan districts now under martial law I have ordered the seizure and attachment of the lands, houses, and other property of all the persons of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen; and I hereby call upon all loyal subjects to assist the officers appointed by me to carry my orders into effect.

And I further hereby command all loyal subjects of Her Majesty the Queen to keep themselves apart from those concerned in this rebellion; for whosoever shall be found to have aided the rebels, or supplied them with food or other provisions, is liable to condign punishment, and will forfeit his lands and property, and will be treated in all other respects as a rebel.

And I also hereby declare to all innocent and loyal subjects who may chance to be absent from their houses, but who have not been engaged in any act of treason or robbery during the present insurrection, and can account for their absence, that they are not by this my proclamation prohibited from returning to resume possession of their property, and reside in peace in their houses.

Kandy, 8 August 1848.

T. A. Drought, Lieutenant-Colonel,
Commanding the Troops in the Kandyan Provinces.

— No. 11. —

(No. 57.)

Copy of a DESPATCH from Viscount *Torrington* to Earl *Grey*.

My Lord,

I HAVE the honour to forward a memorial addressed to your Lordship, bearing many signatures, on behalf of the burgher community of this colony, complaining of what they regard as the disparaging terms in which I made allusion to them in some of the despatches which are included among the papers connected with the affairs of Ceylon, which have been presented to Parliament by Her Majesty's command.

I am quite sensible, my Lord, that among that portion of the community are to be found many very able, intelligent, well educated, and loyal subjects of Her Majesty. It has afforded me sincere pleasure on many occasions to have had it in my power to offer employment to gentlemen such as I have described, in the service of Government, and I have not hesitated to recommend for your Lordship's approval the appointment of them to some of the most responsible offices, whenever a favourable opportunity has presented itself for doing so. Indeed, from the terms of the memorial itself, it will appear that a great many are already employed under Government; and I am happy to have it in my power to say that I have found much reason to be satisfied with their exertions. Nor am I less prepared to do justice to the majority of those who are in no way connected with the Government. I think it will be obvious to your Lordship that the susceptibility of the parties themselves must have led them to attach a much wider and more unfavourable sense

to

to certain expressions which were made use of by me than I had anticipated, and that it could not have been my intention to apply to a whole body of the inhabitants what must evidently have been intended to extend only to some individuals among its members.

I much regret that so wide a signification should have been applied to my expressions, and I have a confident hope that, on cooler reflection, the parties will themselves perceive that I am at all times ready to do justice to the merits of so large a portion of the community.

With respect to the inquiry which is prayed for by the memorialists, it will probably strike your Lordship how impossible it would be to institute such proceedings, or to conduct an investigation in such a manner as would render a decision practicable upon a question so vague and undefinable.

I have, &c.
(signed) *Torrington.*

Enclosure in No. 11.

To the Right Hon. The Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

May it please your Lordship,

In the Blue Book recently published for the information of the Houses of Parliament, in respect of the affairs of Ceylon, there is printed the copy of a despatch to your Lordship from Lord Torrington, the Governor of this island, in which his Excellency is pleased to state, with reference to the late disturbances in this country, that "Efforts were made by one or two turbulent Europeans, supported and assisted by many of the peculiar class of people called Burghers, to kindle dissatisfaction in the minds of the Singhalese natives, to make them believe that they are aggrieved, and above all to induce them, in various ways, to exhibit openly, by complaints and by tumultuous meetings, an appearance of dissatisfaction, calculated and probably designed to augment the influence of the leaders of the movement."

In another of his Excellency's despatches, published in the same book, he states, "I shall repel with the most vigorous determination all the efforts of the burgher community (a class which I am not aware are to be found elsewhere) to make use of the native Singhalese inhabitants, to promote their own selfish purposes."

Before noticing the immediate object of this memorial to your Lordship, your memorialists beg to call your attention to the unwonted and offensive tone and style in which his Excellency has chosen to make mention of the burgher community. In one of his despatches to your Lordship, published in the same book, the burghers are described, without the least necessity for the description, as "the half-bred descendants of the Dutch and Portuguese inhabitants." Not ashamed of the condition in which some of your memorialists (for to many of the burghers the offensive expression is inapplicable) have been placed by their Maker, still surely, the unnecessary and ungracious allusion to the natural condition of some of your memorialists, which is implied by the term "half-bred," must be repugnant to the fine and manly feelings of Englishmen; at any rate, such language has never heretofore been used by gentlemen at the head of affairs in this colony, and is calculated, coming from the representative of the Sovereign, to alienate the feelings of those to whom it is applied.

Passing from the desire evinced by his Excellency to insult the burgher portion of the community, your memorialists respectfully solicit your attention to the attack made by Lord Torrington on the same class, as to their having "kindled dissatisfaction," and as to their making use of the native Singhalese inhabitants to promote their own selfish purposes. As loyal subjects of their most gracious Sovereign, your memorialists have felt themselves bound in duty to Her Majesty, as well as to themselves, to repel so unfounded a charge, so utterly inconsistent with their interests, their known disposition to the British Government, and their natural feeling in favour of the British people, of whom many of the memorialists are the descendants. Bad and unworthy members will be found in every community, (though when there are such persons it is alike cruel and unwise to condemn the whole body indiscriminately), but, nevertheless, your memorialists defy their worst enemies to produce a single instance to which, or name a single person in the burgher community, to whom any part of Lord Torrington's aspersions can be applied with truth.

The burghers, my Lord, form a large portion of the inhabitants of this island; some of them hold high and respectable offices under Government. Many are employed as clerks in the public offices; and there are others among them, independent of Government, possessed of much property, in the security of which they are naturally interested. What interest, what "selfish purpose," can such men have, my Lord, to "kindle dissatisfaction amongst the natives"? Other governors have spoken of them in the highest terms of commendation; but it was left to Lord Torrington, after so short a sojourn in the island, to traduce them.

Your Lordship will not be surprised that even though the object of this memorial is merely to repel an unfounded attack on their loyalty, none of the burghers in Government employ have signed it. Those persons have not been asked to subscribe to it, inasmuch as they have been threatened by the Governor with instant dismissal and disqualification for Government employment should they even write to the newspapers. But this memorial bears the signatures (so far as the limited time to have it ready for transmission by the mail

Vide Minute,
18 August 1848.

500

Appendix, No. 6. would permit) of all the respectable burghers not in Government service, including legal and medical men, merchants, and landowners; and, as it can neither be just nor politic that such charges upon a whole community should be made, even though secretly, by the Governor of a colony, if they are unfounded, your memorialists pray that your Lordship may cause a searching, open, and public inquiry to be made into the truth of the imputations cast upon them, and do justice accordingly.

[155 signatures.]

Colombo, Ceylon, 13 April 1849.

—No. 12.—

(No. 400.)

COPY of a DESPATCH from Earl Grey to Viscount Torrington.

My Lord,

Downing-street, 7 June 1849.

I HAVE received your Lordship's despatches, of the dates and numbers enumerated in the margin; but as the affairs of Ceylon are at present under the consideration of a Select Committee of the House of Commons, I must postpone the expression of any opinion on the several subjects to which they relate.

I am, &c.
(signed) Grey.

No. 50, 11 April 1849, p. 453.
Conf. 12 April 1849.
No. 51, 12 April 1849.
No. 52, 12 April 1849, p. 453.
No. 53, 13 April 1849, p. 458.
No. 56, 17 April 1849, p. 461.
No. 57, 17 April 1849, p. 462.

Appendix, No. 7.

Appendix, No. 7.

COPY of a LETTER from Lieutenant-General Lord Fitzroy Somerset, G.C.B., to B. Hawes, Esq. M.P.

Sir,

Horse Guards, 9 October 1848.

I HAVE the honour, by desire of Field Marshal the Commander-in-chief, to transmit to you, for the information of Earl Grey, the accompanying copy of a despatch, and its enclosures, which I have received from Major-general Smelt, commanding the troops at Ceylon, relative to the disaffection prevalent in the Kandian and other provinces of the island.

I have, &c.
(signed) Fitzroy Somerset.

15 August 1848.

COPY of a LETTER from Major-General Smelt to Lieutenant-General Lord Fitzroy Somerset, G.C.B.

My Lord,

Colombo, Ceylon, 15 August 1848.

THE despatch which I had the honour to address to your Lordship on the 11th ultimo will, in some measure, have prepared his Grace the Commander-in-chief for the reception of the intelligence which I have by this mail to communicate.

The disaffection, the germ of which I then noticed, has not only widely spread through the island, and has extended even to the gates of Colombo itself, but in the Kandian provinces it has now assumed the character of open rebellion and determined hostility to the British Crown.

The meetings which took place in the town of Kandy on the 6th and 8th ultimo, were the first indication of a spirit of resistance on the part of the Kandians to the decrees of the Legislative Council, and it was hoped that the explanation which was afforded by the Colonial Secretary as to the application and effect of the recently instituted taxes, would prove effective in quieting the minds of the people. Subsequently, however, the same spirit of dissatisfaction has been shown in the neighbourhood of Colombo, and on the 26th ultimo a large body of the people assembled at Borella, near the Wellicadde Gaol, though apparently with no other arms than spiked sticks, for the purpose of signing and presenting a petition to his Excellency the Governor against the operation of these new Ordinances.

Having been previously informed of the intended meeting, and received intimation that it was the purpose of the mob to enter the fort, his Excellency ordered a strong body of police to the spot, to prevent any breach of the peace, and to oppose their progress to the town. An indication on the part of the people to resist the police, and a danger appearing that a mob might attack the gaol, and liberate the prisoners, obliged the civil authorities to apply for military assistance. I accompanied his Excellency to the place of meeting, and ordered 100 men of the 37th Regiment, and about an equal force of the Ceylon Rifle Regiment, and two field-pieces of artillery, to proceed immediately to the spot. This demonstration was sufficient to preserve order, and the meeting dispersed without further violence.

On the morning of the 29th of July intelligence was received by his Excellency that rebellion had broken out in the Kandian provinces. The disaffected Kandians had assembled in arms in the district of Matelle, had declared an individual their king, and called on all to obey him. They immediately commenced the work of destruction, plundered several public

public and private buildings, and the bazaars, in the town of Matele, about 15 miles from Kandy.

The tidings of this movement were known in Kandy early on the 28th, and Colonel Drought, of the 15th Regiment, commanding the troops in the Central Provinces, upon the requisition of the Government agent, immediately ordered a force consisting of one captain, two subalterns, four serjeants, and 100 rank and file of the 15th Regiment, and the same detail from the Ceylon Rifle Regiment, the whole under the command of Captain Lillie, of the Ceylon Rifles, to proceed to the disturbed district. This detachment being furnished with 60 rounds of ammunition per man, and provisions for three days, left Kandy at 10 p.m. on the 28th, and arrived at Matele at half-past eight the following morning. On their march, and about a mile from Matele, the detachment fell in with an armed party of the insurgents. Captain Lillie being requested by the Government agent, who accompanied him, to make them prisoners, succeeded in capturing several who were immediately in front on the main road. This being perceived by the insurgents in the adjoining jungle, the troops were fired upon by them, when Captain Lillie immediately ordered the rifles under Captain Watson to enter the jungle. A conflict ensued, in which the insurgents were completely routed, with the loss of eight or nine killed and several wounded. A large number of the latter were also afterwards found dead, having died of their wounds. Captain Lillie next proceeded to attack a body of the rebels who had taken possession of a private bungalow about a mile and a half distant, and having cleared the house and dispersed the rebels, who here lost three men killed, continued his march to Matele. A copy of Captain Lillie's report to Colonel Drought, marked (A.), will give further details of his operations; and I am happy to observe, that in these encounters the only casualty among the troops was one man of the 15th slightly wounded when the rebels first opened their fire. Having effected the object in view, and recovered the town of Matele, Colonel Drought withdrew the party of the 15th Regiment from the detachment, leaving the 100 Rifles under Captain Watson to garrison the place, and Captain Lillie returned to Kandy with all his prisoners, 43 in number, escorted by the 15th.

Symptoms of revolt next appeared in the district of the Seven Corles, and apprehensions were entertained for the safety of the Treasury and other public buildings at Kornegalle, the residence of the assistant Government agent of that district, 26 miles from Kandy. On the evening of the 29th, therefore, a detachment consisting of two subalterns, one native officer, two serjeants, and 30 rank and file of the Ceylon Rifle Regiment, being all the assistance which could be spared from the garrison of Kandy, was ordered by Colonel Drought to proceed to Kornegalle, under command of Lieutenant Annesley, of the Ceylon Rifles. Lieutenant Annesley arrived at Kornegalle at eight o'clock the following morning, and immediately on entering the town the detachment was fired upon by the insurgents. Lieutenant Annesley returned their fire, and dispersed them, killing 16, wounding several, and capturing 23 prisoners. The Treasury and public buildings were fortunately saved, but the prisoners in the gaol had been released by the rebels, and a part of the town was on fire. The rebels still remained in considerable force in the neighbourhood of Kornegalle, and twice during the day, on the 1st of August, threatened Lieutenant Annesley's post, but although they approached in very large bodies, Lieutenant Annesley met them with half his detachment, fired upon them, and drove them off. In all these attacks not one man of the troops was touched.

While these affairs were in progress in the interior, active measures were undertaken by the Government to suppress the rebellion. Martial law was proclaimed in the district of Kandy on 29th July, and in the district of Kornegalle on the 31st, and a reward of 150*l.* was offered for the apprehension of the pretended king.

Immediately on the news of the outbreak arriving in Colombo, his Excellency the Governor and myself at once felt the inadequacy of our force to furnish competent reinforcements to the disturbed districts, and the urgent necessity of applying to the presidency of Madras for assistance. The steamer "Lady Mary Wood" being at the time at Pointe de Galle, and ready to proceed to sea, was forthwith dispatched to Madras. His Excellency addressed the Governor of Madras, and I wrote to Sir George Berkeley, to the effect that one wing of a European regiment, together with one native regiment, should be embarked with the least possible delay and landed at Trincomalie, fully equipped for the field. His Excellency's requisition was promptly responded to by the Madras Government, and on the morning of the 5th instant 200 rank and file of Her Majesty's 25th Regiment, under command of Brevet Major Deacon, disembarked at Trincomalie from the "Lady Mary Wood," and on the same day a further force of 100 rank and file of the same regiment arrived at Trincomalie by the "Hugh Lindsay" steamer.

The prospect of reinforcements from Madras enabled me at once to strengthen the military forces in the interior, both from Colombo and Trincomalie. The garrison of the latter place was ordered to be held in readiness to march as soon as the Madras troops should arrive; while from Colombo a detachment of the Ceylon Rifle Regiment, consisting of 100 rank and file under Major Layard, marched on the morning of the 30th July, and on the following morning 200 rank and file of the 37th Regiment, under Major Lushington, proceeded by the same road. Each detachment equally dividing at Ambeposse (at which place the road to Kornegalle quits the high road to Kandy), and continuing their march to Kornegalle and Kandy, Major Lushington, of the 37th, proceeding with the Kandy party, while Major Layard assumed command of the troops destined for Kornegalle.

On the 2d August, Major Layard arrived at Kornegalle with 50 rank and file of the Ceylon Rifles, thus augmenting the force at that post to 80 rifles, with 100 rank and file of the 37th Regiment marching upon it in his rear.

Appendix, No. 7.

It having been understood that some of the most influential of the insurgents were in the neighbourhood of Dambool, an important point 45 miles from Kandy, on the Trincomalie road, and it being necessary to keep the communication clear between Kandy and Trincomalie, Major Layard was directed to continue his march to Dambool with such force from Kornegalle as he deemed sufficient for that purpose. He accordingly left Kornegalle on the 5th with 80 rank and file of the Rifles, and after two days' difficult progress, the road having been obstructed by the insurgents, arrived at Dambool; but the rebels, intimidated by his approach, and by the advance of Lieutenant-colonel Cochrane's division from Trincomalie, had retreated into the jungle.

The force from Trincomalie under Colonel Cochrane marched on the morning of the 6th instant, consisting of 145 rank and file of the 37th Regiment, and 55 of the Ceylon Rifle Regiment, and, arriving at Dambool on the 11th, relieved the detachment under Major Layard, which latter retired to its former position at Kornegalle.

Accounts having arrived of the unprotected state of Anooradapoor, the residence of the assistant Government agent of the Northern Province, Colonel Cochrane was directed to detach, on his arrival at Dambool, a party for its protection. Two officers, therefore, with 40 men, marched to that point. Colonel Cochrane further reduced his force at Dambool by forwarding to Kandy one of the companies of the 37th, which he had brought with him from Trincomalie.

By these means Kornegalle and Dambool form two important outposts to the garrison of Kandy, serve to keep the principal communications open, and as a watch over the disaffected country in those directions. Other small detachments I have sent from Colombo to occupy posts in the interior provinces, the strength and positions of which are shown in the accompanying return, and general sketch of the country.

With a view to give full effect to the present small force at my disposal, and enable me to detach as large bodies as possible to the required points, the Ceylon pensioners have been called out and are now in progress of organization, and will be available for garrison duties. I have also recommended that the road pioneers, amounting throughout the island to 1,200 men, be formed into an irregular corps. This may be effected with very trifling expense to the colony, and will prove highly advantageous to the military operations, in affording military pioneers and coolies for conveying or escorting baggage, ammunition, &c. These men are engaged for three years, are chiefly from the coast of India, and many of them discharged sepoy from the Madras army; and should it be found advisable to arm a portion of them, a useful addition to our military force on an emergency will thus be obtained.

It now becomes my pleasing duty to report to your Lordship, for the information of his Grace the Commander-in-chief, the exemplary conduct of every individual, from the highest to the lowest, of my small force. Nothing can exceed the alacrity and goodwill with which every order issued from his Excellency the Governor or myself has been executed, in perhaps as difficult and unprovided a country for military operations as can be found. Not a single complaint of the most trivial nature has been made against any individual.

Of Lieutenant-colonel Drought, of Her Majesty's 15th Regiment, commanding in the Central and disturbed provinces, I cannot speak too highly, and to his zeal and energy, and to the very judicious and prompt movements he made to oppose the rebels, may in a great measure be attributed the speedy check, if not entire suppression of the rebellion. Captain Lillie of the Ceylon Rifle Regiment, who commanded the party of the 15th and Ceylon Rifles sent out to Matele on the first break out of the insurrection, is entitled to every praise; and of Lieutenant Annesley of the same corps, who, with a very small detachment, was also sent out to Kornegalle, I cannot speak too highly.

When so much praise is due to all, it may perhaps be unnecessary for me to particularize any corps; but I should not do justice to Her Majesty's Ceylon Rifle Regiment were I not to mention their excellent, steady, and gallant conduct in the most difficult and arduous duties they have had to perform. They are the best adapted description of men for this country, so thickly covered as it is with thick forest.

The late events have abundantly shown the necessity for the completion of this corps to its new establishment, and the advantages which would attend future operations in this island if the six companies of Malays now in garrison at Hong Kong, where the same description of troops is not so much required, were returned to Ceylon to take part in the very detached duties which the regiment must always be called upon to perform, even in times of tranquillity, and whose services now are more than ever valuable in meeting a hidden foe in the thickest jungle through which European troops could scarcely penetrate, and in enduring a climate, constant exposure to which is so injurious to the European constitution.

I have, &c.

(signed) *William Smelt*, Major-General.

(A.)

My dear Colonel,

Three o'clock p.m., 30 July 1848.

As my report to you of yesterday was hastily written under the circumstances, and in some respects not altogether accurate, I avail myself of the first moment after my return here to give you a more detailed account of the operations of the detachment under my command.

We marched, as you are aware, at 10 o'clock p.m. on the 28th. In consequence of the detention in crossing the bandies with the provisions over the river, it was half-past 12 o'clock before I was enabled to march from the other side. There was no person to be met with on the road, as not an individual appeared. About nine miles and a half from hence

a shot

a shot was fired within a few yards of the troops, but no one was hit. I have however to remark that it was pitch dark, with a drizzling rain until the day broke. At the rest house of Ballacadooa, half a mile further on, two more shots were fired close in rear of it; but as from where they were fired, I think they were merely intended to give warning of the approach of the troops, as they could not from the position they were fired hit any of the men. Half way down the pass a shot was fired from a gingall gun, I conclude from the report, as it was some distance off; this was with the same object—a signal.

Soon after daylight, and a mile from Metele, being with the advanced guard, I saw some natives armed on the road leading to Waniapoola, and some on the side of the Metele road close in my front. As I approached them those next me seemed disposed for a parley, and I went up to them without any molestation, and left some of my party to look after them, and went for Mr. Buller, the Government agent, who was close in my rear. I told him of the circumstance, and he came with me, and we went to the native who seemed to command the party. I then asked for his instructions how to act; and I was directed to make them prisoners. When they perceived a party moving on their flank, which I had ordered to get in their rear, they then made an attempt to escape, but almost all those in front were secured. When this was perceived by the insurgents in the jungle, on a hill from 200 to 300 yards distant, they commenced firing, and the balls were hitting the trees about, and one man of the 15th Regiment was slightly wounded. I then ordered the Rifles under Captain Watson to enter the jungle on their flank, and to endeavour to intercept them. They soon came up with a party, and a conflict ensued, in which the rebels were completely routed with the loss of six killed and several wounded. Eight of the latter were made prisoners. I kept the 15th Regiment in reserve in the high road. When the jungle was completely cleared, and the Rifles had returned, I was informed that a large party of the insurgents had taken possession of the bungalow of the Waniapoola estate. I determined at once to march with the Rifles there and attack them. It is about a mile and a half from the high road where we then were. Mr. Adams, a volunteer civilian, offered to act as guide. Just as we got close to the house we saw the natives retiring from it, and I made a rush forward with the men in front; during our advance we were fired at by some of the insurgents in the adjoining jungle in its flanks, but I am glad to say without any casualty on our part. Three of the natives were shot at this bungalow, one attempting to make his escape from the window of the upstairs floor. Here we found the palanquin of the pretender, which the Rifles broke into pieces before I could save it; we captured 30 lb. of gunpowder. Here I found Mr. Baker, the superintendent, tied by the legs and arms to the verandah railing, and suffering great torture from the tightness of the ropes and position. I had him released from his bonds; his skin was quite discoloured from bruises. He was removed with the party to Matele, when he received every medical attention from Dr. Rumbant of the Rifles.

After dispersing the insurgents in this locality, I marched the whole party, with the prisoners, to Matele, which I reached before 9 o'clock a.m.

Here, I am concerned to say, we found Mr. Waring's house, the rest house, completely plundered, and all the furniture broken into pieces; the doors and windows treated in the same manner. The bazaar was also very much plundered, and almost all the natives had abandoned it, and went into the jungle; but they soon returned, when they ascertained that we were in possession of the town.

I cannot close this report without bringing to your notice the admirable good conduct of both of the detachments; there was not a man, European or Malay, either absent or drunk.

Captain Watson of the Rifles is entitled to my especial thanks for the gallant manner he led his men through the jungle, and drove the natives. He seized one of the first of the insurgents captured in the skirmish where they first made a stand. At this time one of them made a rush with a spear at Lieutenant Rutherford, which he parried with his sword; the man was killed immediately after by a rifleman who was close to Lieutenant R. From the circumstance of my keeping the 15th Regiment in reserve, they had no opportunity, except at the onset, of taking any part in the brush we had, although most anxious to mix in the fray. They are entitled to my notice from their steady and soldier-like conduct while under my short command of them. Mr. Adams, whom I have already mentioned, afforded me very valuable assistance. He was under all the fire from first to last, and in the front with the skirmishers, and from his knowledge of the locality was most useful.

I am disposed to think that the lesson the insurgents received yesterday will have the effect of quelling the rebellion in the Matele district. As far as I can judge, the well-disposed have gained confidence, and the reports from the vicinity state that the insurgents are dispersing and abandoning the pretender. So quiet did I find things, that I have ordered the company of the 15th to join head-quarters, and they will be in Kandy with the prisoners and captured arms this evening. I have kept the Rifles to hold Matele, and I consider them quite sufficient for this purpose, now that the loyal subjects are flocking into the town to offer their support.

I shall be most happy if this may prove to be the result of my expedition.

Yours, &c.,
(signed) T. Lillie, S. O. and Captain C. R. Regiment.

P.S.—I hope you will be able to make out this, which I have written in a hurry, as you will be anxious to get it as soon as possible.

(signed) T. L.

(True copy.)

(signed) Hew D. Fanshawe, A.M.S.

Appendix, No. 7.

Sir,

Kornegalle, 31 July 1848.

HAVING just received a copy of your letter, dated 28th July, calling upon me to communicate with you direct, in the event of any extraordinary occurrence, I have the honour to inform you that I was ordered to march from Kandy on the evening of the 29th, in command of a detachment of the Ceylon Rifle Regiment, detailed in the margin, and arrived here at eight o'clock yesterday morning. I met the Government agent within two miles of the place, who informed me that the Cutchery courthouse and bazaars had been sacked and the place in the possession of the rebels, about 1,500, some armed. On our entering, we were fired upon, when I immediately ordered the men under my command to return it, which they immediately did, and drove them out of the town. There were 16 killed and several wounded, and 23 prisoners. They let all the prisoners out of the gaol before our arrival. We were just in time to save the Treasury and the public buildings, as a part of the town was on fire. My men are stationed at the courthouse, where I have had the treasure removed to, in order to have my men together there. Scouts are out in every direction, who report no rebels to be seen. We have since heard that they intend paying us another visit; I need not say we are prepared for them.

2 Subalterns.
1 Native Officer.
2 Serjeants.
30 Rank and file.

To Colonel Charlton, D.A.G.,
Colombo.

I have, &c.
(signed) *Charles Annesley*,
Lieut. Ceylon Rifles, commanding Detachment.

Sir,

Kornegalle, 1 August 1848.

I HAVE the honour to inform you that about 4,000 rebels approached my post within about 100 yards, at one o'clock. I went out with the right subdivision, and left Mr. Bovill with the remainder in charge of the courthouse and treasure. I opened my fire upon them, when they immediately fled in confusion. About three o'clock they again made their appearance, but when they saw me advancing with the right subdivision they retreated, and did not allow me to get within gunshot. I drove them over a bridge about a mile from this, on the Colombo road. We have only found one man killed, but I have no doubt several are wounded.

I have, &c.
(signed) *Charles Annesley*,
Lieut. Commanding Detachment Ceylon Rifles.

To Colonel Charlton, D. A. General.

(True copies.)

(signed) *Hew D. Fanshawe*, A.M.S.

COPY of a LETTER from Earl *Grey* to Field Marshal His Grace the
Duke of *Wellington*, K.G.

My Lord Duke,

Downing-street, 24 October 1848.

I HAVE laid before the Queen the copies which your Grace has directed your military secretary to transmit to me, of a despatch, and of its enclosures, from Major-General Smelt, commanding Her Majesty's forces in Ceylon, reporting the proceedings of Her Majesty's troops in suppressing certain recent disturbances in that island; and I have it in command from Her Majesty to desire that your Grace will signify to the Major-general that it has afforded much satisfaction to Her Majesty to receive the very favourable testimony which he has borne to the exemplary conduct of the officers and soldiers under his command on this occasion.

I beg to enclose, for your Grace's information, an extract from a despatch which I have addressed to the Governor of Ceylon on this subject.

I am, &c.
(signed) *Grey*.

No. 303. 24 Oct. 1848.
(Extract.)
Vide Ceylon Papers,
presented by Com-
mand, Feb. 1849,
p. 339.

505

Appendix No. 8.

Appendix, No. 8.

SCHEDULE.

No.	SUBJECT.	PAGE.
No. 1.—	Capitulation of Demerara and Essequibo, 18–19th September 1803	- - - 469
No. 2.—	Supplementary Charter of Justice, Ceylon, 1843	- - - 471
No. 3.—	Supplementary Charter of Justice, Ceylon, 1844	- - - 472

Colonial Office, }
3 July 1849. }

B. HAWES.

— No. 1. —

CAPITULATION of *Demerara* and *Essequibo*, 18–19th September 1803.

TERMS of Capitulation proposed by the Governor-General and the Court of Police* of the Colonies of Essequibo and Demerara, and the Commanding Officers of the Sea and Land Forces of the Batavian Republic in the said Colonies, to their Excellencies the Commanders-in-Chief of His Britannic Majesty's Sea and Land Forces off Demerara. * So in original.

Article 1. The laws and usages of the colony shall remain in force and be respected; the mode of taxation now in use to be adhered to, and the inhabitants shall enjoy the public exercise of their religion in the same manner as before the capitulation. No new establishment shall be introduced without the consent of the Court of Police, as the Legislature of the colony. The constituted authorities, the officers, whether in the civil, law, or church establishments, as well as the members of the respective courts (except the Governor-general), shall be continued in their respective offices and situations until His Majesty's pleasure shall be known.

Answer.—Granted.

Art. 2. The inhabitants who are at present in the colony, as well as those who may be abroad, shall be protected in their persons, and have the free enjoyment of their properties, without being troubled or molested for any acts whatsoever, other than such as they might commit subsequent to the capitulation, and in violation of the oath of fidelity they shall be required to take.

Answer.—Granted.

Art. 3. The inhabitants shall on no account whatever be obliged to take up arms against an external enemy; but their services shall only be required for quelling internal commotions or disturbances, according to the existing regulations for the burghers, and for maintaining the interior tranquillity of the colony in conformity to what has taken place to this day.

Answer.—Granted, until at the conclusion of the war it shall be determined to what Government those colonies shall be subjected.

Art. 4. The debts contracted by the Government for the building of new barracks, the erection of batteries, the purchase of provisions for the garrison, the salaries of civil officers due, shall on the first demand be paid out of the Sovereign's or Government chest, as well as other demands that would have been paid or reimbursed by Government had the colony not been taken.

Answer.—Granted.

Art. 5. The sea and land forces of the Batavian Republic, stationed in this colony, shall be allowed to depart freely. They shall retain their arms and the whole of their baggage, as well as the officers, non-commissioned officers, and privates; they shall be supplied by the Commandant of his Majesty's forces with proper vessels to convey them with the most convenient speed to any of the ports of the Batavian Republic; and during the passage thither they shall receive for account of his Majesty, each according to his rank, the same rations, both as to quantity and quality, as are usually allowed to the British troops.

Answer.—Granted: but the troops and seamen must be considered as prisoners of war, and not bear arms against Great Britain or her allies, until regularly exchanged or released; and the arms and accoutrements of the soldiers must be delivered up.

Appendix, No. 8.

Art. 6.—The corvette “Hippomenes” shall be given up, unarmed, for transporting her officers and crew to one of the ports of the Batavian Republic. As many of the troops of the Batavian garrison shall embark and take their passage in the said corvette as can conveniently be placed on board her.

Answer.—Cannot be granted. Proper vessels will be furnished at the expense of the British Government, to convey the troops and seamen to Europe.

Art. 7. The Governor-general not having a military rank, shall be at liberty to remain in the colony until he shall have collected the necessary documents, or proofs, towards enabling him to lay before his Sovereign an account of his administration; after which every facility shall be afforded him to return to the Batavian Republic in a manner suitable to his rank. He shall be allowed to require such copies of papers from the Government and Colonial Secretary’s Office as he may deem necessary for the purpose above expressed.

Answer.—Granted.

Art. 8. From the day of the colony being taken possession of by the British forces, the Batavian troops shall be supplied with their usual rations by the British Commander, until the day of their embarkation; and from that moment the Batavian troops are to receive the same rations as are usually allowed to British troops when at sea, in the manner mentioned in the fifth article.

Answer.—Granted.

Art. 9. The Batavian troops shall continue to all intents and purposes under the command of their own officers. Every respect and honour shall be mutually shown by the troops of both nations to one another, and care shall be taken on both sides to preserve peace and tranquillity until the departure of the Batavian troops.

Answer.—Proper quarters will be allowed for the Batavian troops, and to which they must confine themselves until their embarkation.

Art. 10. The Batavian garrison shall be allowed freely, and without any hindrance, to take along with it all accoutrements and arms belonging to it; also the effects of deceased officers, non-commissioned officers, and privates, that may be yet unsold, whether the same be deposited in the public magazines, or in any other place.

Answer.—That part of the article relating to the arms and accoutrements is answered in Article 5. The remainder is granted.

Art. 11. The sick of the Batavian troops who may be left behind in the hospitals, shall be treated and taken care of in the same manner with the British soldiers; they shall be entitled to the same terms of capitulation, and enjoy the same advantages, as are stipulated for the rest of the Batavian garrison; and in like manner as the latter, they shall, after their complete recovery, be transported with the most convenient speed to one of the ports of the Batavian Republic.

Answer.—Granted.

Art. 12. The Commanders of his Majesty’s forces shall, immediately on the colony being taken possession of, furnish the Governor-general with a conveyance, to transmit to the Batavian Government a copy of the capitulation, with a statement of the reasons that induced him, as well as the council of police, and the commanding officers of the Batavian forces, to surrender the colony to his Britannic Majesty.

Answer.—Granted. The vessel which takes our despatches to Europe, will take those of the Governor of the colonies.

Article 13. No negroes shall be required from the planters, for the purpose of forming or recruiting any black corps.

Answer.—Granted.

Art. 14. Should any difficulties arise, in consequence of any dubious expressions occurring in the present capitulation, the same shall be explained or construed in the sense most favourable to the colony or the Batavian garrison.

Answer.—Granted.

Government House, 18 September 1803.

(signed) *W. Grinfield*, Lieut.-Gen.
Sam. Hood.

(signed) By order,
W. Tatum, Military Secretary.
J. S. Tracy, Naval Secretary.

D. J. C. Lambert, Capt. d’Artillerie.
P. P. Luijken.
J. Hoffman, First Lieutenant.
C. D. Mack,
T. Vanden Velden.
J. Kroll.

(signed) *A. Murtens*, Governor-general of Essequibo and Demerara.
P. Romes Winchel, Major.
G. H. Trotz, Com. Adm., Essequibo.

By command of the Court of Police.

(signed) *P. F. Tinne*, Secretary.

507

ADDITIONAL ARTICLES.

Appendix, No. 8.

Art. 1. Possession of Fort William Frederick is to be given to a detachment of the British troops this evening by seven o'clock; also that of the Batavian Ship of war "Hippomenes," by the British seamen. And the "Harnet," British sloop of war, and the schooner 'Netley,' are to be allowed to pass into the harbour of Demerara.

Answer.—Acceded to.

Art. 2. Possession of the colonies of Demerara and Essequibo to be given to the British by 12 o'clock to-morrow, noon.

Answer.—Acceded to.

Heureux, 19 September 1803.

(signed) *W. Grinfield*, Lieut.-Gen.
Sam. Hood.

By command,
(signed) *W. Tatum*, Military Secretary.
J. S. Tracy, Naval Secretary.

J. Kroll.
J. Hoffman, First Lieutenant.
P. F. Tinne, Secretary.
A. Paayffer Keotz, Licut. by Sea.

(signed) *G. H. Trotz*, Com. of Essequibo.

— No. 2. —

CEYLON, Supplementary Charter of Justice, 1843.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To all to whom these presents shall come greeting: Whereas his late Majesty King William the Fourth, by his charter or letters patent, bearing date the 18th day of February, in the third year of his reign, and in the year of our Lord 1833, did grant, ordain, and appoint that there should be within the island of Ceylon one Supreme Court, which should be called the Supreme Court of the Island of Ceylon: And whereas by the said Charter or letters patent, divers provisions were made for the administration of justice within the said island; and it was thereby provided that nothing therein contained, and that no act which should be done under the authority thereof, should extend, or be construed to extend, to prevent his said late Majesty, his heirs and successors, by any other letters patent to be by him or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking the said recited charter or any part thereof, or from making such further or other provision for the administration of justice throughout the said island and its dependencies, at his and their will and pleasure, as circumstances might require: And whereas experience hath shown that the provisions of the said recited charter from time to time require amendments, for the adaptation thereof to the exigencies of society within the said island; and inasmuch as no authority exists within the said island competent to that purpose, and such amendments can be made only by supplementary or additional charters under the Great Seal of the United Kingdom, it hath in fact happened that such amendments are scarcely practicable: Now therefore, for the avoidance of the inconvenience aforesaid, and for promoting the administration of justice within the said island, We have of Our special grace, mere motion, and certain knowledge, granted, appointed, and declared, and do hereby for Us, Our heirs and successors, grant, appoint, and declare that it shall and may be competent to the Governor, or to the officer for the time being administering the government of the said island, by any laws or ordinances to be by him from time to time made with the advice and consent of the Legislative Council of the said island, to make provision for the better administration of justice within the said island, and for altering and amending the constitution of the said Supreme Court, or of any other court of civil or criminal justice within the same, and for regulating the manner of proceeding within such courts, or any of them, and the limits, whether territorial or otherwise, of the jurisdiction of such courts respectively, and the times and places of holding such courts, and the number and functions of the officers to be employed in and about the administration of justice, in or under the orders of the said courts respectively, and the powers and authorities of the judges and other officers of the said respective courts, and all other matters and things incident to, or which to them may appear necessary for the economical, prompt, and effective administration of civil and criminal justice within the said island and its dependencies; and all such laws and ordinances so to be made as aforesaid, shall, within the said island and its dependencies, have the same force and authority as any other laws or ordinances of the said Governor and Legislative Council, anything in the said charter or letters patent contained to the contrary notwithstanding; provided that every such law or ordinance be so made, in such manner and form, and subject to all such rules and regulations as are or shall be in force in reference to any other laws or ordinances of the local legislature of the said island; and also provided that no law or ordinance relating to or affecting the administration of justice within the said island or its dependencies shall take effect within the said island, or shall have the force or authority of law there, until the same shall have been ratified and confirmed by Us, Our heirs and successors, unless the same shall have been passed by the unanimous votes of the

508

Appendix, No. 8.

the said Legislative Council, nor unless all the judges for the time being of the Supreme Court aforesaid shall have certified under their respective hands to the Governor or officer for the time being administering the government of the said island, their unanimous opinion that it would be expedient that such law or ordinance should take immediate effect, and should not be suspended for the signification of Our pleasure. But in any case wherein any such unanimous votes of the members of the said Legislature, and any such certificates of the unanimous opinion of the said judges, shall be given in favour of the immediate operation of any such law or ordinance as aforesaid, then and in every such case it is Our further will and pleasure that the same shall take effect within the said island, and shall have the force and authority of law there immediately from and after the date and enactment thereof, subject nevertheless to Our right and authority to disallow the same, if in any such case We should be so advised. Provided always, that nothing in these presents contained, nor any act which shall be done under the authority hereof, shall extend, or be construed to extend, to prevent Us, Our heirs and successors, by any other letters patent to be by Us or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking these presents or any part thereof, or from making such further or other provision for the administration of justice throughout the said island and its dependencies, at Our and their will and pleasure, as circumstances may require. In witness whereof, We have caused these our letters to be made patent.—Witness Ourselves, at Westminster, the 28th day of January, in the sixth year of Our reign.

By writ of Privy Seal.

— No. 3. —

CEYLON, Supplementary Charter of Justice, 1844.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To all those to whom these presents shall come, greeting: Whereas his late Majesty King William the Fourth, by letters patent bearing date the 18th day of February, in the third year of his reign, and in the year of our Lord 1833, did grant, ordain, and appoint that there should be within the Island of Ceylon one Supreme Court, which should be called the Supreme Court of the Island of Ceylon: And whereas by the said charter or letters patent, divers provisions were made for the administration of justice within the said island; and it was thereby provided that nothing therein contained, and that no act which should be done under the authority thereof, should extend, or be construed to extend, to prevent his said late Majesty, his heirs and successors, by any other letters patent to be by him or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking the said recited charter or any part thereof, or from making such further or other provision for the administration of justice throughout the said island and its dependencies, at his and their will and pleasure, as circumstances might require: And whereas by other letters patent, bearing date the 28th day of January, in the sixth year of our reign, and in the year of our Lord 1843, We did ordain and appoint that it should or might be competent to the Governor or officer administering the government of the said island, by any laws or ordinances to be by him from time to time made with the advice and consent of the Legislative Council of the said island, to make provision for the better administration of justice within the said island, and for altering and amending the constitution of the Supreme Court, or of any other court of civil or criminal justice within the same, and for regulating the manner of proceeding within such courts, or any of them, and the limits, whether territorial or otherwise, of the jurisdiction of such courts respectively, and the times and places of holding such courts, and the number and functions of the officers to be employed in and about the administration of justice, in or under the orders of the said courts respectively, and the powers and authorities of the judges and other officers of the said respective courts, and all other matters and things incident to, or which to them might appear necessary for the economical, prompt, and effective administration of civil and criminal justice within the said island and its dependencies; all such laws and ordinances to have within the said island and its dependencies the same force and authority as any other laws or ordinances of the said Governor and Legislative Council, anything in the said charter or letters patent contained to the contrary notwithstanding; provided only that no law or ordinance relating to, or affecting the administration of justice within the said island or its dependencies, should take effect within the said island, or should have the force or authority of law there, until the same should have been ratified and confirmed by Us, Our heirs and successors, unless the same should have been passed by the unanimous votes of the said Legislative Council, nor unless all the judges for the time being of the Supreme Court aforesaid should have certified under their respective hands, to the Governor or officer for the time being administering the government of the said island, their unanimous opinion that it would be expedient that such law or ordinance should take immediate effect, and should not be suspended for the signification of Our pleasure.

And whereas We have seen fit to revoke so much of the said last recited letters patent as provides that no such law or ordinance as aforesaid should take effect within the said island until the same should have been ratified by Us, Our heirs and successors, unless the same shall have been passed with such unanimous consent as aforesaid, nor unless all the judges for

509

for the time being of the said Supreme Court should have made such certificate as is therein mentioned: Now therefore, We do of Our especial grace, mere motion, and certain knowledge hereby revoke and annul so much of the said recited letters patent of the 28th day of January 1843 as provides that no law or ordinance relating to, or affecting the administration of justice within the said island or its dependencies, shall take effect within the said island, or shall have the force or the authority of law there, until the same shall have been ratified and confirmed by Us, Our heirs and successors, unless the same shall have been passed by the unanimous votes of the said Legislative Council, nor unless all the judges for the time being of the Supreme Court aforesaid shall have certified under their respective hands, to the Governor or officer for the time being administering the government of the said island, their unanimous opinion that it would be expedient that such law or ordinance should take immediate effect, and should not be suspended for the signification of Our pleasure.

Appendix, No. 8.

And whereas doubts have arisen whether, under and in pursuance of the said recited letters patent of the 28th day of January 1833, it is competent to the Governor or the officer administering the government of the said island, by any laws or ordinances to be by him from time to time made with the advice and consent of the Legislative Council of the said island, to abrogate all or any of the provisions of the said recited letters patent of the 18th day of February 1833: Now, for the avoidance of such doubts, We do hereby declare, that it is and shall be competent to the Governor or the officer administering the government of the said island for the time being, by any laws or ordinances to be by him from time to time made with the advice and consent of the Legislative Council of the said island, to abrogate or annul all or any of the provisions of the said recited letters patent of the 18th day of February 1833, subject nevertheless to Our right and authority to disallow any such law or ordinance, if in any such case We should be so advised. Provided always, that nothing in these presents contained, nor any act which shall be done under the authority hereof, shall extend, or be construed to extend, to prevent Us, Our heirs and successors, by any other letters patent to be by Us or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking these presents or any part thereof, or from making such further or other provision for the administration of justice throughout the said island and its dependencies, at Our and their will and pleasure, as circumstances may require. In witness whereof, We have caused these Our letters to be made patent.—Witness Ourselves, at Westminster, the 2d day of July, in the eighth year of Our reign.

By writ of Privy Seal.

Appendix, No. 9.

TO the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled;

Appendix, No. 9.

The humble Petition of the undersigned Agent of the Committee of the Inhabitants of Colombo, in the Island of Ceylon,

Respectfully sheweth,

THAT on the 17th day of February 1846, an advertisement was issued in the Ceylon Government Gazette by the Colonial Secretary, declaring it to be the intention of the Colonial Government to remove the verandahs of the houses of the inhabitants of Colombo, which might be considered to interfere with the width and drainage of the streets, and requiring the inhabitants to apply to the Colonial Government for permission to purchase the verandahs of their houses in streets of more than sufficient width, and which were alleged to be erected on Government ground.

That on the 28th of March 1846, another Government Gazette advertisement appeared, in which the different streets in the town of Colombo were classified, and by which the inhabitants were informed that those who should be allowed to purchase their verandahs in streets in the first class should be permitted to do so at the rate of 2s. 6d. per square foot.

That so excessive was that charge afterwards considered to be, that by another Government advertisement, namely, on the 23d July 1846, the charge was reduced to 1s. 6d.; and that that was again felt to be still so high, that by another Government advertisement, namely, on the 6th of October 1846, the proposed charge was again reduced to 9d. per square foot.

That the inhabitants felt greatly aggrieved by those advertisements, and proposed measures, and having assembled together at a public meeting in Colombo to take the subject into consideration, the meeting appointed a committee to adopt such steps as might be deemed advisable for the purpose of obtaining relief from the same.

That many of the verandahs in Colombo have stood as they now are from time immemorial, and were erected previously to the island being ceded by the Dutch to the British.

Appendix, No. 9.

That on former occasions when some of the verandahs have been required to be taken down for public convenience, the then Governors of the island have either purchased such verandahs, or directed compensation to be paid to the owners thereof in respect of them.

That there are decisions of the courts of law against the legality of the local government removing such verandahs without compensation to the owners.

That many of the inhabitants are so poor as to be totally unable to pay for their ancient verandahs; that the houses in Colombo must be uninhabitable without verandahs; and that even the last reduced price at which they are required to purchase them (if they had the means, and could be legally or equitably called upon to do so) is enormously high according to the rate at which building ground has been sold in Colombo.

That a return, signed by 2,800 inhabitants, was presented to the Governor, praying for relief, but the prayer of which his Excellency was pleased to refuse.

That in November 1846 a humble petition was forwarded to Her Majesty, bearing the signatures of 3,200 of the inhabitants of Colombo, representing their grievance and praying for relief; and that the inhabitants, through their committee and their agent, have applied to Her Majesty's Ministers, praying for relief, but which representations and prayers have all been rejected, although the inhabitants were given to entertain a lively hope that Her Majesty's Ministers would greatly modify, if not entirely set aside, the proposed measures, as appears by a letter of their agent, dated the 27th of March 1847, addressed to Her Majesty's Under Secretary of State for the Colonies.

That in the month of June 1847, a deputation from the committee waited on the Right Honourable The Lord Torrington, and desired to have an opportunity afforded to the inhabitants to prove or substantiate their respective rights to their verandahs, which were threatened to be pulled down, but his Lordship refused to consent thereto; and as the deputation conceived his Excellency treated them with great discourtesy, that immediately afterwards, namely, on the 24th June 1847, his Excellency caused another Gazette advertisement to issue, stating, amongst other things, "He desires it to be made known that instructions have this day been issued to the assistant civil engineer and surveyor-general, to proceed without further delay to carry those measures into execution without alteration in any particular;" and also giving notice, that "all buildings on encroachments, which parties neglect or refuse to purchase within one month from the service of a notice of permission to do so, will be immediately taken down, and the land resumed by the Crown."

That accordingly, officers acting under directions from the local government have proceeded, and are at this moment proceeding, to pull down numerous verandahs belonging to the inhabitants, without any compensation being made to them in respect thereof, or their legal or equitable rights in those verandahs being at all acknowledged.

That the inhabitants are perfectly willing that recently erected verandahs, requiring to be removed for public purposes, should be taken down, but they are advised and submit that they have at all events equitable rights in their verandahs which have stood for very many years; they are desirous of having an opportunity, and are ready to prove their claims to equitable and just considerations; and as many of the facts of the case will appear from public documents now in Her Majesty's Colonial Office,

Your petitioner most humbly and earnestly prays, that your Honourable House will be pleased to institute an inquiry into the circumstances of the case, and to take such other proceedings thereupon as in its wisdom your Honourable House may seem fit; and your petitioner will ever pray, &c.

Thomas Young M^cChristie,
2, Old Square, Lincoln's Inn,
Agent for the Committee of the Inhabitants of
Colombo, Ceylon.

7 March 1848.

TO the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled;

The Petition of the undersigned Merchants, Planters, Landowners, Traders, Householders, and others of *Colombo*,

Respectfully sheweth,

THAT Ceylon, from being a mere military station, has within a very limited period become an important agricultural colony, by the introduction of British capital, industry, and skill; that whereas in the year ending October 10, 1837, it exported but 3,960,000lbs. of coffee, in the same period of 1847 the shipments of this article amounted to 26,880,000lbs., yielding, on importation into the parent country, a revenue of nearly half a million sterling. In other produce its trade has also largely increased, whilst a corresponding augmentation of its imports of British goods has taken place.

Notwithstanding these favourable circumstances, the planters and others interested in the cultivation and shipment of coffee in this island, find themselves, from a variety of causes, labouring under disadvantages so serious as to peril the continuance of their operations. It is for the purpose of pressing this unpleasant truth upon the consideration of your Honourable House that this Petition is presented, in the hope that your petitioners will obtain that measure of relief which the justice and urgency of their case may entitle them to expect.

Your petitioners would submit, that all the plantations in Ceylon which are now yielding crops, were commenced at a period when British colonial coffee was protected to the extent of

of 39s. 2d. per cwt., and which acted as an inducement to Ceylon cultivators to meet the then growing deficiency in the West Indian crops. Without wishing to question the wisdom of that protection, or the justice of the more recent reduction of it to 18s. 8d. per cwt., your petitioners beg respectfully to represent, that as the former amount of protection constituted a material part of the calculation of the planter in reference to the result of his operations, so has the more recent reduction had, amongst other causes, a sensibly unfavourable effect upon the industrial position of the coffee planters, merchants, and others in Ceylon. Within the past few months plantation coffee has, on an average, been selling in the London market at a much lower price than for which it can be produced; and your petitioners would direct the attention of your Honourable House to the fact, that whilst West India produce may be landed in London within two months from the date of shipment, and coffee, the production of the Brazils, may be placed in England within three months from the shipment thereof, coffee from this colony cannot be landed at home under five months from the time of export. That whilst coffee from the Brazils is produced by slave labour, and that from Java by compulsory labour, in this colony free labour is alone employed, and imported from the coast of India, for which a high rate is paid.

It may be urged that some Ceylon coffees are even at this time selling for prices as high as 60s. and 70s.; but these bear a very small proportion to the bulk of the crops, realizing as these do no more than from 38s. to 50s.; and your petitioners would observe that those plantations which produce the higher qualities yield but small crops, and have a greater distance of transport to contend with, being situated in more remote and elevated districts.

As a means of affording the requisite relief your petitioners venture to suggest that a reduction be made in the import duty on British Colonial coffee to the extent of 1d. per lb., and your petitioners would further pray that alterations in duties upon articles of colonial produce be not frequently made, tending as they must, to unhinge trade, and check the progress of industry.

Your petitioners beg to state that in addition to the above depression in prices, they are labouring under a most serious want of roads through the principal coffee producing districts of the island, whilst at the same time some of the most useful roads are rendered inefficient from their neglected condition, arising chiefly from a want of sufficient funds for their proper maintenance.

This state of things necessarily adds to the charge for transport of crops (amounting in many instances to one-third the prime cost of production), not only from the greater time required for the carriage of produce, but also from the mortality amongst the cattle, caused by the climate and badness of the roads. In addition to these serious obstacles, the want of roads not unfrequently causes whole crops to be detained on estates for from two to five months, and in some instances much longer, to the great injury of the coffee.

Your petitioners cannot refrain from bringing to the notice of your Honourable House the fact, that since the year 1838, this colony has contributed to Her Majesty's military chest for imperial purposes the sum of 216,000*l.* or 24,000*l.* per annum. This is a payment which the colony is no longer able to bear, and to strengthen your petitioners' prayer for relief from this heavy burden, they would beg to represent that whereas at the period in which this tax was first levied upon them, the local government enjoyed a considerable surplus revenue arising mainly from the Pearl Fishery, and from the sales of cinnamon, these sources are no longer available to them, and the continuance of the tax will press with a severity that must increase as their prosperity diminishes.

It cannot but be felt by your petitioners that whilst the island is in want of an immediate outlay upon its roads, the colony contributes nearly one-third of its revenues towards purposes strictly military, and that the payments on account of European troops alone in the year 1845 exceeded the proportion defrayed by the Imperial Government by 25,000*l.* This occurs during a period of profound peace, without the most remote probability of internal dissensions.

It is not the intention of your petitioners (unless called upon to do so), to point out where or in what mode retrenchment in the military establishments of this colony might be effected, being content to urge the expediency and practicability of reform in this branch of the service.

Your petitioners would also press upon the attention of your Honourable House the necessity which, in their conviction, exists for an early and impartial inquiry into the cost and general constitution of the fixed establishments of several departments of the Executive, for the purpose of wholesome retrenchment when practicable, always securing in their details such a state of real efficiency as shall be most conducive to the public interest. By retrenchment they would not signify a desire to curtail the salaries of useful public servants; they conceive that to science, zeal, and ability, a proper degree of liberality must be shown to the service.

Your petitioners conceive that a view to ensuring the most effectual supervision of the colonial finances, it is desirable that the Legislative Council be empowered to control the entire expenditure of the colony, leaving only a veto on the part of the Imperial Government towards the fixed establishments of the island. In addition to this new power, they conceive that the number of unofficial European members of the Council should be increased, and privileged to originate such measures as might appear to them called for by the exigencies of the colony. In praying for this extension of power, your petitioners have not been unmindful of the desire expressed by the present Secretary of State for the Colonies, in a despatch to the Governor of New South Wales, that the principles of self-government should be gradually extended to all such colonies as might appear in a fit state

Appendix, No. 9. to carry them out. Your petitioners do not hesitate to affirm that the privileges they now ask for would be exercised with the utmost prudence and firmness, and that the experiment might be made with the most perfect safety.

In addition to the grievances your petitioners have now had the honour of laying before your Honourable House, and which they think demand your most earnest consideration, there are some other subjects to which they wish also to direct attention. Amongst these may be mentioned the disadvantages under which the export salt trade of Ceylon is labouring from recent Acts of the Bengal Executive, disadvantages so great as to render the continuance of this branch of commerce no longer practicable, and, as a consequence, affecting one source of the local revenue.

In conclusion, your petitioners would beg to impress upon your Honourable House the extreme urgency of their claims for consideration; they feel that they cannot too strongly state their conviction of the ruin which impends over this island, if ameliorations, such as have been asked for, be denied; on the other hand, by granting the relief sought, your Honourable House will restore confidence and impart new vigour to the industrial operations of capitalists and traders, save the planters and merchants from absolute ruin, and be the means of rendering Ceylon a prosperous, a contented, and a grateful colony.

(signed)	<i>John Capper.</i>	<i>Henry Hill.</i>
	<i>Henry Oswin.</i>	<i>Cowasjee Edalgee.</i>
	<i>Wm. Thompson.</i>	<i>J. H. Missor.</i>
	<i>P. Scott.</i>	<i>Coorgee Cangee.</i>
	<i>David Smith.</i>	<i>P. J. Ebert.</i>
	<i>John Scott, M.D.</i>	<i>Hormanjee Espondearjee.</i>
	<i>Robt. Leach.</i>	<i>L. H. Christoffeldt.</i>
	<i>S. Kelaart.</i>	<i>Jno. W. Venck.</i>
	<i>W. C. Gibson, Read, Davidson & Co.</i>	<i>W. J. Preston.</i>
	<i>D. Wilson.</i>	<i>G. J. Irving.</i>
	<i>J. Llewelyn.</i>	<i>H. A. Janst.</i>
	<i>W. Ribchil.</i>	<i>C. Y. Reed.</i>
	<i>D. Davidson.</i>	<i>R. R. Kirk, by his attorney,</i>
	<i>J. O. Halloran.</i>	<i>C. Y. Reed.</i>
	<i>John Walker.</i>	<i>L. Mulherran.</i>
	<i>Jas. Smith.</i>	<i>Hew Stewart.</i>
	<i>G. & M. B. Worms.</i>	<i>Rob. W. Prandt.</i>
	<i>W. K. Lancaster.</i>	<i>Alex. Dunn.</i>
	<i>Wm. Lamshel.</i>	<i>James Robt. Tittle.</i>
	<i>Grobabbt.</i>	<i>C. H. Burrell.</i>
	<i>R. Nicol.</i>	<i>A. D. A. Roypar.</i>
	<i>Alfred Wise.</i>	<i>John Bluett.</i>
	<i>D. Fairweather.</i>	<i>J. Kaush.</i>
	<i>Wm. Makwood.</i>	<i>Don Gabriel Appoo.</i>
	<i>Francis Smith.</i>	<i>J. J. Blacfee.</i>
	<i>James Just.</i>	<i>J. R. Bell.</i>
	<i>George Stewart.</i>	<i>Ackland, Mozat & Co., for themselves</i>
	<i>C. J. Mackling.</i>	<i>and the Proprietors of the various</i>
	<i>H. Bessell.</i>	<i>Coffee Estates under their manage-</i>
	<i>J. P. Claessen.</i>	<i>ment.</i>
	<i>Run. W. Idé.</i>	<i>Wilson, Ritchie & Co., for themselves and</i>
	<i>J. W. E. Audrie.</i>	<i>the Proprietors of the various Coffee</i>
	<i>W. Cohen.</i>	<i>Estates under their management.</i>
	<i>Jos. Turner.</i>	<i>J. C. Vanderspar & Co.</i>
	<i>John Broughton.</i>	<i>C. W. Forbes.</i>
	<i>George L. Perry.</i>	<i>A. and R. Crowe & Co.</i>
	<i>W. Clarke.</i>	<i>A. J. Scot & Co.</i>
	<i>H. L. Laghed.</i>	<i>Walter Montuends & Co.</i>
	<i>Robert L. Phillips.</i>	<i>Parlett, O'Halloran & Co., for them-</i>
	<i>Emanuel L. Spyer.</i>	<i>selves and the Proprietors of the</i>
	<i>Samuel Butler.</i>	<i>various Coffee Estates under their</i>
	<i>John L. Vanderspar.</i>	<i>management.</i>
	<i>A. M. Duff.</i>	<i>F. W. Willisford.</i>
	<i>Wm. Green.</i>	<i>Need, Glink & Co., for themselves</i>
	<i>Geo. Ackland, by his attorney,</i>	<i>and the Proprietors of the different</i>
	<i>John Capper.</i>	<i>Coffee Estates under their manage-</i>
	<i>J. E. M. Ranken.</i>	<i>ment.</i>
	<i>Thos. K. Ritchie.</i>	
	<i>George Wright.</i>	

15 June 1848.

Appendix, No. 10.

SCHEDULE.

Appendix, No. 10

- Copy of an Advertisement in the "Ceylon Government Gazette," relating to the Removal of the Verandahs of the Houses of Colombo, dated 17th of February 1846 - - - p. 477
- Ditto of 28th March, 23d July, and 6th October 1846 - - - p. 478
- Copy of Petition from Inhabitants of Colombo, signed by 3,200 persons, to Her Majesty, (November 1846), complaining of the proposed Government Measures respecting the Verandahs, and praying for Relief - - - p. 480
- Copy of a Letter addressed to Earl Grey, from the Committee of Inhabitants of Colombo, dated 13th November 1846, authorizing Mr. M'Christie to wait on his Lordship, as their Agent, on the Subject of the Verandahs - - - p. 494
- Copy of a Letter addressed to the Right Honourable Her Majesty's Under-Secretary of State for the Colonies, by Mr. M'Christie, dated 27th March 1847 - - - p. 495
- Copy of all Despatches from Earl Grey to the Governor of Ceylon, relating to the Subject of Mr. M'Christie's Letter, and to the proposed Government Measures affecting the Verandahs of the Houses of Colombo - - - p. 499
- Copy of a Memorial to Earl Grey from a Deputation of the Inhabitants of Colombo, dated 7th July 1847, who had waited on the Governor, complaining of the Treatment they had experienced, and Copies of the Documents referred to in that Memorial as having been annexed to it - - - p. 501
- Copy of a Letter addressed to Earl Grey by Mr. M'Christie, dated 31st August 1847 - p. 514
- Copy of a Letter addressed by Mr. Hawes to Mr. M'Christie, dated 13th October 1847, and also of Copies of all the Reports from the Governor and the several Public Officers in the Colony, which Mr. Hawes stated in that Letter had been transmitted by the Governor to the Colonial Office, respecting the Verandahs - - - p. 515

Colonial Office, 30 July 1849.

B. HAWES.

—No. 1.—

COPY of ADVERTISEMENT respecting the Removal of the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 21 February 1846.

WHEREAS the streets in the pettah, and in other parts of the fort, town, and gravets of Colombo, have become so crowded by reason of the increased traffic upon them, as to render the passing and repassing of carriages and foot-passengers difficult, and even dangerous; and notwithstanding the Ordinance, No. 16, of the year 1844, and others relative to the removal of encroachments, the practice of building verandahs and putting up fences on Government ground still continues, to the great inconvenience of the public:

Notice is hereby given that it is intended forthwith to remove such encroachments as interfere with the proper width and drainage of the streets.

And whereas in some parts of the town encroachments of long standing exist in streets of more than sufficient width, and applications are sometimes made by individuals to be allowed to purchase such encroachments as are attached to their premises;

Notice is hereby given that the Government agent for the Western Province has been instructed to receive, and submit for the consideration of Government, all such applications, with a view to the accommodation and convenience of private individuals, as well as to the safety and advantage of the public.

And whereas the verandahs in the pettah, with a few exceptions, stand upon Government ground, and attempts have lately been made by individuals to enclose the same, by placing boards and matting round them, thereby preventing that free circulation of air necessary to the health of the inhabitants generally:

Notice is hereby given that all persons who shall be allowed to purchase the ground on which the verandahs attached to their houses are built, shall not be permitted to enclose the same, except by an open railing not exceeding two feet and six inches in height, and of such description as shall first be submitted to, and approved of by, the Government agent for the time being.

Appendix, No. 10. — And all persons having outer verandahs, or fences, or buildings of any description, encroaching upon any streets, lanes, drains, or canals within the gravets of Colombo, are required to make application in writing to the Government agent for the Western Province, on or before the 15th day of April next ensuing, to be allowed to purchase the said encroachments on the conditions aforesaid, otherwise they are hereby directed to remove the said encroachments immediately after the expiration of the aforesaid period; in default whereof such measures will be adopted with reference thereto as the law directs, and as shall be deemed advisable.

By his Excellency's command,

(signed) *J. Emerson Tennent*,
Colonial Secretary,
Colonial Secretary's Office, Colombo,
17 February 1846.

—No. 2.—

COPY of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 18 April 1846.

WITH reference to the Government advertisement of the 17th February last, the Government agent for the Western Province has received the instructions of Government to make known the arrangements under which it is proposed to carry into effect the orders given in that advertisement respecting encroachments on Crown land within the gravets of Colombo.

All the streets, roads, and lanes will be divided according to their local advantages, into four separate classes, and in all cases in which the Government may determine to sell to an occupant any of the land encroached upon by him, he will be required to pay for the same at the following rate per square foot:

	<i>s.</i>	<i>d.</i>
If the land be situated in a street of the first class	2	6
If in the second	2	—
If in the third	1	6
If in the fourth	—	9

The purchase-money may be paid in three equal annual instalments; the first instalment, with the fees, on the preparation of the title-deed, the second in one year, and the third in two years from that time.

As many parties are not aware of the precise extent of their actual properties, the Government agent has been authorized to receive applications to be allowed to purchase, conditional upon any of the land proving to be Crown property, on examination by a surveyor.

When a survey of any whole street or road has been made, it will be submitted to Government, and their decision respecting the sale or removal of encroachments throughout the line will be communicated to all applicants simultaneously.

All sums received from the sale of encroachments within the gravets will be applied to strictly local purposes, connected with the health, comfort, and convenience of the inhabitants of Colombo.

(signed) *P. E. Wodehouse*,
Government Agent,
Government Agent's Office, Colombo,
23 March 1846.

—No. 3.—

COPY of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 1 August 1846.

THE Government agent for the Western Province has to give notice, that the rates at which encroachments within the gravets of Colombo will be sold have been reduced by the Governor in Council as follows:

	<i>s.</i>	<i>d.</i>	
First class to	1	6	per square foot.
Second ditto	1	—	—
Third ditto	—	9	—
Fourth ditto	—	6	—

(signed) *P. E. Wodehouse*,
Government Agent,
Government Agent's Office, Colombo,
23 July 1846.

575

—No. 4.—

Appendix, No. 10.

COPY of Advertisement respecting the Verandahs of the Houses of Colombo, contained in the "Ceylon Government Gazette" of 31 October 1846.

THE Government agent for the Western Province has to give notice, that the rates at which encroachments within the gravets of Colombo will be sold have been further reduced by the Governor in Council as follows :

	<i>s.</i>	<i>d.</i>
First class to - - - - -	9	per square foot.
Second ditto - - - - -	6	—
Third ditto - - - - -	4½	—
Fourth ditto - - - - -	3	—

It has further been determined, that the payment of the purchase-money shall be completed within two years, in three equal instalments, as follows :

The first within one month, the second within 12 months, and the last within two years from the date of the notice (to be issued in each case by the Government agent) of the extent and valuation of the encroachment.

(signed) *P. E. Wodehouse,*
Government Agent.

Government Agent's Office, Colombo,
6 October 1846.

—No. 5.—

(No. 77.—Miscellaneous).

Queen's House, Colombo, 14 November 1846.

(Received 5 January 1847.)

My Lord,

I HAVE the honour to forward a petition to Her Majesty, from the occupants of those encroachments on the public streets and the property of the Crown, in the town of Colombo, which were the subject of my Despatches, Nos. 10 and 100, of the 9th March and 7th July last, and which I was directed by the Secretary of State's instructions, under date the 30th April 1846, No. 77, to remove, where it was essential for the widening of the streets and general health and improvement of the town, and to offer them for sale to the present occupants in those instances where the necessity of their removal was not immediate.

This measure, however necessary and equitable, is naturally an unpopular one; but in order to reconcile it as far as possible to the feelings and pecuniary means of the parties, the portions disposable have been offered to them for sale at a rate far below their actual value; in reality, for so nominal a sum as 3*d.* per square foot in the generality of instances.

I have reason to believe that this lenient course has been duly appreciated in the majority of cases; and that the present petition emanates from that section who are disposed to resist the measure on any terms however considerate.

The papers which accompany the petition are chiefly transcripts of documents which I have already sent in former despatches, and which afford ample information on the subject in all its details. Further observation on the present petition and its enclosures is therefore unnecessary beyond stating that on the law of the case, and the legal title of the Crown to the property in question, the Queen's Advocate and law officers, in concert with whom all steps have been taken, do not entertain a question; and did a doubt exist, the courts of law are in a condition at once to issue an injunction against the proceeding, and award immediate satisfaction to the parties complaining.

On the documents attached to the petition it is unnecessary to remark, further than that they admit frankly the title of the Crown to the land in dispute.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *C. Campbell.*

TO the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, the undersigned, inhabitants of the town of Colombo, in the island of Ceylon, humbly lay before Your Majesty copy of a petition presented to the Governor of this colony, and subsequent correspondence with his Excellency on the same subject.

These documents will put Your Majesty in possession of the facts of the case; and as we conceive that we have not received from Your Majesty's representative here that relief which, under the circumstances of the case, we are entitled to, we humbly and respectfully appeal to Your Majesty for redress, satisfied that our prayer will be graciously and favourably heard.

(signed) *C. Elliott,*
And Others.

576

TO His Excellency Sir *Colin Campbell*, Governor, &c. &c. &c.

The Petition of the undersigned Inhabitants of *Colombo*,

Sheweth,

THAT your petitioners feel that they are deeply affected by the Government advertisements, 17th February 1846 and 28th March 1846, calling upon all persons having verandahs, or fences, or buildings of any description, encroaching upon any streets, lanes, &c. within the gravets of Colombo, "even in streets of more than sufficient width," to make application to be allowed to purchase the same, on certain conditions.

That your petitioners advert in particular to the effect of this measure in reference to verandahs, not included in their title-deeds, which are attached to their respective houses facing the streets, viewing as they do these verandahs as part and parcel of their houses, as of their own property, acquired by long, and in many instances immemorial possession, and as indispensably necessary to the health, comfort, and convenience of the inhabitants generally.

Your Excellency is aware that these verandahs have mostly, your petitioners might almost say invariably, been built when the houses were erected; that they are constructed of solid masonry, and are uniformly in a line seldom or never projecting beyond each other, or the buildings now belonging to or sold by Government: hence have they ever been regarded as part of the houses, and treated as such both by private inhabitants and by Government. Those individuals, therefore, who own the houses now, and who are not (except in a very few cases) the persons who constructed them, have purchased them with a view to these verandahs, have paid for them, have spent money upon them, never doubting the ownership; for the conduct of Government in treating them as private property left room for the uniformity of their design; and the circumstance of their being built in a regular line raises a strong presumption, that when they were built (and they were mostly raised at the time of the Dutch Government) they were constructed by the permission of Government.

This is rendered the more probable by the instructions issued by the then Government to the surveyors, who were required, under heavy penalties, to take care that people did not encroach on the public streets, or build their verandahs beyond the principal buildings in the streets. Need your petitioners remind your Excellency how much their confidence in the security of their titles has ever been raised by the circumstance that the Government, from the accession to the present day, when it either erected or repaired buildings in these positions, followed the universal customs, and kept in the same line with the adjoining houses and verandahs; besides that at times the Government bought and sold these verandahs with the houses, and also on other occasions made due compensation to the owners in the few instances in which, for public good, it was thought fit to remove their verandahs?

Your petitioners, unwilling as they are to obtrude considerations of right here, cannot refrain from impressing upon your Excellency's attention the circumstance of their long possession of these verandahs; such possession as, between man and man, would, by the laws of every civilized country, give the possessor a prescriptive title to the property. And your Excellency's sense of justice will determine whether in such a case the Government can, with a due regard to its position in public estimation, claim immunity from so equitable and salutary a law, especially as Government have gone on from time immemorial allowing verandah after verandah to be built and repaired, bought, sold, and taxed, when, be it remembered, standing as they do in public and well-frequented streets, there was no possibility of these encroachments, if such they were, being unknown to Government; and in some instances Government themselves have bought the very verandahs they have allowed the owners to expend large sums of money on their construction, repairs, and improvement, and they have levied and received heavy taxes from them, in the assessment tax on private properties, which is proportionate to the entire value of each. After such conduct, not the arbitrary rule of law, but the sound and unshaken dictates of equity and good morals forbid a private individual to assert his title in the eleventh hour, to the prejudice, possibly to the ruin, of innocent purchasers. And your petitioners have too much confidence in the high sense of justice of the British Government to allow them to suppose that it would disregard such solemn considerations as these, and trifle with the rights, possibly the legal, certainly the moral and equitable rights, of the humblest and meanest individual.

But considerations of right do not properly fall within the province of an humble petition. If not a particle of legal right vested in your petitioners, and every such consideration operated against them, your petitioners feel that from your Excellency they will not want relief if they show that these verandahs are conducive to the health, comfort, and convenience of the inhabitants; for the fostering and paternal care of the British Government will not wantonly sacrifice considerations of this nature, unless absolutely impelled to do so by the strongest necessity. Your petitioners will not allude to the protection which the verandahs give to the walls of their houses, which could hardly otherwise resist for any length of time the vicissitudes of a tropical climate, as evidenced by the existence of verandahs to all buildings, whether places of residence or not; but they would beg your Excellency to consider how necessary these verandahs are to the health of the inhabitants. In fact, without verandahs houses are considered almost uninhabitable.

It is but a delusion, under these circumstances, to say that the verandahs may be purchased. The rates fixed are unreasonably high, because, even where they must be purchased, they ought to be priced according to the original value of the land before the improvements were

were made, especially considering that the improvements were made with the knowledge, if not the sanction, of Government, who have already reaped great advantages from the improvements; and that they are useless to all but to the owners of the houses. But even were they priced lower, the generality of those who now address your Excellency are not in a position to purchase them. Their means hardly allow them to provide for their families, and deep and biting is the misery they endure within in order to wear a garb of decent respectability without; struggling with difficulties, their best efforts cannot save them from incurring debts in order to provide for their families the necessaries of life. It would therefore be difficult, in most cases impossible, for them to lay out the necessary funds for the purchase of their verandahs. The houses which they own are perhaps their solitary property; and even these are largely mortgaged, so that more money cannot be raised upon them; whilst, on the other hand, to remove their verandahs would induce the mortgagees and the securities to demand payment; consequences which would inevitably drive many from their houses, and involve them and their families in the deepest misery. Let it not be said that your petitioners are giving a colouring to their case; a close inquiry into facts, and a knowledge of the dread which the proposed measure has already caused, will show that the representation is not more vivid than it is true.

Should your Excellency desire full information on this point, your petitioners beg respectfully to suggest the appointment of a commission, before whom householders may voluntarily appear and state their circumstances. If this suggestion be adopted, your Excellency's petitioners are satisfied the result will be the accumulation of a mass of evidence, proving, with irresistible force, the deep poverty of a very large proportion of those whose interests are involved in the proposed measure, the fact that a very great number of houses are already heavily mortgaged, and a conviction on the mind of your Excellency that to carry it out would be to involve in ruin thousands of those who look to your Excellency for protection.

And here your petitioners would humbly observe, that the measure is unnecessary, as the great number (to adopt the language of the Government advertisement of the 17th of February) of the streets are "of more than sufficient width." Were the object of Government to remove obstructions, distinctly and most unequivocally would your Excellency's petitioners disclaim all intention of interfering with an object so laudable and proper; but wider as our streets are than streets of most Asiatic towns, they hardly require general enlargement; but where such is deemed necessary, individual hardship must give way to general good, and obstructions be removed on equitable terms. But, instead of removing them, the object proposed by the contemplated measure is to allow them to continue; nay, to fortify the title of the owners to them, because the streets are sufficiently wide, or "of more than sufficient width;" which proves conclusively that verandahs are not generally deemed obstructions. Are these means resorted to in order to raise funds for the exigencies of the country?

Allowing, for argument's sake, the principle of such a tax to be fair and equitable, the colony has been for a few years past, and still is, under your Excellency's rule, enjoying a surplus revenue; and, with a consideration which claims our warmest gratitude, your Excellency has just alleviated a burden in decreasing the assessment tax from $7\frac{1}{2}$ to 5 per cent. Nor can it be said that the measure has for its object the improvement of the town, for no necessity for such improvement has been shown; the verandahs are to be allowed to be retained on purchase, and to insist upon the measure, whereby some may be purchased and some demolished, would, so far from improving the town, produce an effect directly the contrary.

These are considerations which your petitioners beg leave to submit to your Excellency. They feel that the proposed measure is not fair and equitable, even if it be legal; that the health, comfort, and convenience of the inhabitants would be sacrificed thereby; that it will operate to their serious inconvenience, and in many cases absolute ruin. They are persuaded that if these effects are duly made known to your Excellency and Council, you will not deny the relief which benevolence, if not justice, demands; and under these circumstances, and with this confidence, they beg to press the foregoing upon your kind consideration, and pray that your Excellency will not allow so great an evil to be inflicted upon the community.

And your petitioners, as in duty bound, &c.

[Here follow about 1,800 signatures.]

Colonial Secretary's Office, Colombo,
3 July 1846.

Gentlemen,

1. I AM directed by the Governor to acknowledge the receipt of the petition, which, on behalf of those gentlemen who have signed it, you have transmitted through me for the consideration of his Excellency.

2. The local importance which naturally attaches to the subject of that document, and the intelligence and respectability of those by whom it has been signed, have induced his Excellency to give it his earliest attention; and as it likewise requests the Executive Council to take its prayer into consideration, he has availed himself of an opportunity of laying it before that honourable assembly, by whose unanimous approval and collective act every step has hitherto been taken in reference to the matter to which it refers.

3. The petition presents two classes of arguments for his Excellency's notice; the one suggesting a possibly legal title, and asserting a constructively equitable right in the petitioners to those "verandahs not included in their title-deeds, as their own property, acquired by long, and, in many instances, immemorial possession," and intimating, but prudently abstaining

Appendix, No. 10.

abstaining from asserting, that Government has at all times hitherto treated them as private property, and ought still to deal with them as such. The other consideration submitted to his Excellency are those arising out of the supposed hardship upon individuals from insisting on their removing, or purchasing a title to, their encroachment on public property.

4. To demonstrate the unsoundness of all pretensions to a right of property on the grounds alleged, it might be sufficient simply to point to the principle of English law, by which the prerogative of the Crown is made paramount in all cases of adverse possession, even under circumstances in which the absence of all knowledge of its title, or of any intention to commit a trespass, might excite commiseration in favour of the party in actual occupation of its property. In the present instance, however, no plea of ignorance can possibly be urged, inasmuch as the petitioners frankly admit that their title-deeds have been a perpetual remembrancer as to the actual extent of their property, and consequently as to the fact of their encroachment. But independently of this, so far from acquiescing in their encroachment, the Government, on every occasion when the expression of an opinion has been called for, has not failed to remind the public of the rights of the Crown, to warn them against the consequences of their trespass, and even to eject them when the public health or convenience required the immediate removal of their encroachments.

5. The minutes of the Executive Council, the public ordinances, the records of the Governments, and the proceedings of the courts of law, all successive Governors of this colony have, almost without exception, availed themselves of every opportunity, by the enactment of laws, by the proclamation of public notices, by proceedings in the courts of justice, and by every other medium of publicity, to inform the inhabitants generally as to the title of the Crown to the land reserved in all the streets of the fort and the pettah; to put them on their guard as to the risk they ran by persisting in their encroachment upon it, and to reiterate its determination to resume the possession whenever it becomes expedient to take comprehensive measures for that purpose. Nor can any intimation to that effect be more explicit, as to the invariable practice of the Government, than the provision in the "ordinance for removing encroachments," in which, whilst the Crown has consented, under certain conditions, to waive its prerogative and to dispose of its interest in lands elsewhere which may have been illegally occupied for upwards of 10 years, on the payment of one-half the improved value, it has specially exempted from that favour all encroachments upon any street or public highway; thus marking its sense of the importance of space for their extension, and its determination to preserve it inviolate for the public use.

6. With a full knowledge of these facts, therefore, which are matters of public notoriety as well as of public record, his Excellency must respectfully dissent from the correctness of the suggestion more than once ventured upon in your petition, that the Government has at any period, or in any one instance, disavowed its title by its acts, or treated these lands as the private property of the parties by whom they have been temporarily usurped. If at former periods, when the population was small and the traffic inconsiderable, former Governments have abstained from active proceedings, and contented themselves with formal and public notifications calculated to keep the inhabitants of Colombo fully informed as to the rights of the Crown and the determination of the Government to assert them when necessity might require, it would be ungenerous to ascribe to any abandonment of duty an indulgent forbearance, which they may have felt to be justifiable so long as the circumstances of the case called for no more vigorous measures, but which the inhabitants were always given clearly to understand would be discontinued so soon as it became expedient to do so, either on the score of danger to public health or of obstruction to the public thoroughfare.

7. As to the vague assertion in the petition, unsupported by any proofs or particulars, that Government has in some cases purchased these verandahs, along with the houses to which they belonged, and again sold them to private parties, the inference is entirely erroneous that, under the advice of their law officers, the Government had purchased anything beyond that conveyed by the title deeds of the seller, which of course could not include what was already the property of the Crown.

8. His Excellency and the Executive Council are therefore prepared most respectfully, but most firmly, to reject any argument founded on the assertion that the public were not perfectly alive to the fact that the ground on which these verandahs have been erected is the property of the Crown, or any assumption that the Government has not by its formal demands and public notifications, as well as by its official acts, prevented effectually the growth of any title, by sufferance or by prescription, to the property in question.

9. The petition refers his Excellency to the instructions of the Dutch Government to its surveyor of buildings, "requiring him, under heavy penalties, to take care that people did not encroach on the public streets, or build their verandahs beyond the principal buildings in the streets;" and it points to the inference that under such stringent regulations encroachments were unlikely to occur, and that such of the present verandahs as were then erected must therefore have been "constructed by the permission of Government." It is, however, within the knowledge of the inhabitants generally, as well as of the officers of Government, that, so far from their having been constructed in the time of the Dutch Government, the vast majority of the existing verandahs are of modern erection, and that numbers of them have been added to the original buildings for the first time within the last 20 years, the practice having been to begin with the screens of cadjan and matting, which were generally replaced by wood and materials of greater durability. But a reference to the instructions in question, which were promulgated by the Dutch Governor Schreuder in the year 1760, will show, that, so far from the stringent precautions of the Dutch Government having up to that time been successful in checking these encroachments, it then "experienced and daily perceived

ceived more and more the disorders, irregularities, and arbitrary acts committed in the building of houses, both within this fort and in the place commonly called the pettah; the disputes and disagreements unavoidably resulting therefrom, as well as the disfiguration of the fort and pettah;" and accordingly, by the 1st and 2d articles of the instructions, "no man was permitted to begin any building before the surveyor-general had given his sanction to the lines of the foundation; nor after laying the foundation was he permitted to go on with the masonry or carpenter work before he shall another time call a surveyor, who shall see that in laying of the foundation his survey has been regularly observed, on pain of a pecuniary fine of five rix dollars, to be borne by the workmen, over and above which they shall be held to break and amend that which they did beyond the survey." And again, by the 15th article, which is the one alluded to in your petition, it is ordered that "no one shall approach nearer with his house or verandah to the public road than the principal houses standing in the same street, and also not to stretch out their roofs higher or further than the said principal dwellings, on pain of fine of three rix dollars, and to break down the same."

10. It will likewise satisfy the petitioners that the present measure of the Government is no novel innovation, but strictly in accordance with the precedent of nearly a century, to be informed that the 16th clause of these instructions of the Dutch Government, in 1760, expressly directs, that "in case it shall appear by survey, measurement, or otherwise, that the contents of any ground, either in breadth or in length, are greater than those contained and described in the title-deeds thereof, each remainder must be appraised, and the value thereof paid into the treasury."

11. Under the Dutch Government, from the date of this order of 1760 down to the period of their retirement from the island, their records afford abundant proof that these regulations were not only adhered to, but enforced with added severity against parties detected in encroachments. In 1763 the Governor, Van Eck, published a resolution, that in addition to paying into the treasury the appraised value of all encroachments, as ordered by the 16th article of the above instructions, the surveyors "should keep a memorandum of these encroachments, and represent the same to Government, for the purpose of exacting a further deposit in that respect." And again, on the 28th December 1786, the Council passed the following resolution:

"Having understood, and being well informed, how bad people, not minding the punishments threatened by the authorities, project out with their houses, first by erecting a verandah in front of their houses, and afterwards convert the same into rooms, and after the lapse of time joining the same to the main building or house; and afterwards setting up another verandah in the front thereof, by which they not only, in an illegal and criminal way rob the Honourable the Company of their ground, but also commit great encroachments on the streets, which are now in many places so narrow that there is no free passage; and as the same also tends to the great disfiguring of the town and suburbs, it is therefore prohibited to every one to do so in future on pain of paying 25 rix dollars for the first, and 50 rix dollars for the second, and corporal punishment, according to the exigency of the case, for the third time; which said fines shall be paid into the chest of the aldermen, who are hereby ordered vigilantly to look after such unlawful encroachments, and see that such ground be given back to the Company; and it is also hereby intimated to every one who intends to make any alterations in their gables or verandahs, that they shall not only intimate to the surveyor, but also to the aldermen of their parish or division."

12. From these documents the conviction is irresistible, even were other proofs wanting, that the petitioners must be in error in their conjecture that these verandahs had been "raised at the time of the Dutch Government;" because being admitted to be encroachments, and not to be found in their title-deeds, they could not have been erected (especially as they exist in such great numbers) at any period within which regulations so stringent as these were in force, but must have been built at a time long subsequent, and when the salutary precautions of the Dutch Government had fallen into abeyance in consequence of political changes. To escape this difficulty, however, the petition alleges that there "is a strong presumption that they were constructed by permission of the Dutch Government;" a conjecture which is unsustained either by facts or proof, and which, it must be felt, is exceedingly untenable in the face of the documents I have quoted, which exhibit the exasperation of that Government against these offenders, and the increasing severity of the pains and penalties successively imposed with the view of restraining their illegal acts.

13. Supposing, however, any portion of these verandahs to have been permitted to be built during the period of the Dutch rule in Ceylon, that permission could only have taken place under the provisions of the 16th clause of the regulation of 1760, as amended, by which the proprietors might have been allowed to purchase the surplus land occupied by them, and not included in their title-deeds; but in that case they would of course have been conveyed to them by a legal instrument, which must be a matter of legal record, and if produced, or evidence given of its ever having existed, it will effectually set at rest the question of property as between them and the Crown.

14. It is, however, satisfactory to learn from these acts of the Dutch Government that the measures now taken are identical with those pursued by them in the case of similar encroachments, and are of course in strict conformity with the principle of the Roman-Dutch law which formerly prevailed in the colony, although that law has been entirely superseded in reference to this subject by the colonial ordinances, under which the present proceedings have been taken.

Appendix, No. 10.

15. Such, I am directed to inform you, are the opinions of his Excellency and the Executive Council on the matter which you have submitted to them, as demonstrative of a right of property in their verandahs, on the part of the petitioners and the public; and in reply to the expression in your petition, of a hope that "the Government will not trifle with the rights of the humblest individual," his Excellency desires me to inform you that it is his duty as well as his determination to see that no right shall be trifled with in this matter, but that those of the Crown and those of the public shall be equally respected and firmly enforced.

16. As to the second class of considerations to which you have called his Excellency's attention, arising out of the pecuniary circumstances of the present occupants, and the apparent hardships of subjecting them to the removal or purchase of the ground on which these encroachments have been made, I am directed to assure you that the representations of the petitioners have received the most attentive consideration from his Excellency and the Executive Council, and that it is their anxious wish to consult, to the utmost limit which their public duty will permit, the convenience of the private parties affected by the measures.

17. As to the possible loss to purchasers or mortgagees of houses encumbered by these encroachments, it is to be presumed that they have not invested or advanced their capital without the inspection and possession of the title-deeds in every case; and his Excellency can hold out to them no hope of consideration at the hands of the Government in consequence of any errors into which they may have been led, and from which it was the duty of their legal advisers to have protected them. At the same time, his Excellency is satisfied that, so far from detracting from the value of the property in cases where the occupants may be permitted to purchase the verandahs, the measure will enhance it considerably, by converting into an indefeasible right that which now exists only as a taint upon the title of every tenement so circumstanced.

In the opinion expressed in the petition as to the importance of verandahs in this climate to the health and to the enjoyments of the inhabitants, his Excellency so entirely coincides, that in a recent despatch to the Secretary of State he made it the groundwork of a request, that, instead of the ordinary course of removing them universally as encroachments, he might be permitted, where it was not found necessary to take them down for widening the streets, to offer them for sale to their present occupants, at a moderate valuation; a proposition to which he is happy to say that he has received the assent of the Secretary of State.

In fixing the terms of that valuation, his Excellency did not disregard the circumstances of those by whom it is to be paid; he directed it to be formed on a calculation of the value of land in each locality, totally irrespective, in every instance of the value of the buildings erected upon it. His Excellency is well aware that the scale, as suggested by the Government agent of Colombo, and announced in the Government Gazette of the 28th March last, is much below the ordinary valuation of building ground of the same description throughout the pettah; yet so desirous has he been to reconcile, so far as it is practicable, his public duty with his private feelings, that he has again submitted the matter for the consideration of the Executive Council, and with their concurrence has directed such an abatement to be made from that scale as will reduce the—

	s.	d.		s.	d.
First class from	-	-	-	2	6
Second ditto	-	-	-	2	0
Third ditto	-	-	-	1	6
Fourth ditto	-	-	-	0	9

per square foot to 1 6
— 1 0
— 0 9
— 0 6

This abatement, taken in connexion with the permission to pay the purchase-money by instalments, and the other arrangements for carrying this measure into effect, suggested by the Government agent of Colombo, and published in the Government Gazette of the 28th March last, must satisfy the public of the considerate spirit in which his Excellency is desirous of discharging his duty in this matter, and must neutralize any complaint on the score of expense, even from the most necessitous. By this liberal concession his Excellency gives a practical answer to the inquiry in your petition, as to whether it is in contemplation "to raise funds for the exigencies of the country by this measure." Such appears to have been the policy of the Dutch Government, by directing the purchase-money of similar encroachments, when detected, to be paid into the public treasury; but in this instance intimation has been distinctly given, that the funds realized by the sale of Crown lands so circumstanced will be faithfully applied, not "to the exigencies of the country" generally, but to the promotion of the personal comfort and the local convenience of the community of Colombo. The first object of the Governor is to vindicate the violated rights of the Crown, and to assert its title to the lands in question, in common with others which have been extensively encroached on in other districts, and which are now in a similar process of resumption; and concurrently with this, but subsidiary to it, it is his Excellency's wish to meet the demand of the public for increasing facilities of thoroughfare in the streets of the capital, and to remove the existing obstructions to those sanitary regulations which have become indispensable for the health and comfort of the inhabitants.

With this explanation of the views of his Excellency and the Executive Council, as to the justice and necessity of this measure, and their determination to carry it into execution, with a due regard to the feelings and circumstances of the petitioners and the public, I am directed by his Excellency, in answer to the prayer of your petition, that it should not be proceeded

proceeded with, to inform you that, even did he disapprove as strongly as he approves of the measure, the orders which he has received from the Secretary of State render it imperative on him to proceed at once to carry it into effect. Appendix, No. 10.

I have, &c.
(signed) *J. Emerson Tennent.*

C. Elliott, Esq.
A. N. Martensz, Esq.
Richd. F. Morgan, Esq.

J. B. Misso, Esq.
John Driberg, Esq., and
Covasjee Edaljee, Esq.

Sir,

Colombo, 26 October 1846.

ON behalf of the people of Colombo who signed the petition (presented by us) on the subject of the threatened resumption by Government of their verandahs, we beg leave gratefully to acknowledge the full and prompt reply with which, under instructions from his Excellency the Governor, you were pleased to favour us.

The delay that has occurred on our part in noticing that reply, may have led his Excellency to suppose that we were either indifferent to our own interests, and those of the people whom we represent, or that we were unable to meet and controvert the positions assumed in your letter. Such, we beg to assure him, was not the fact; but looking at the strong probability of the matter being finally referred for the decision of the Home Government, we were anxious, to the fullest possible extent, to discuss the subject in all its bearings. To enable us to do this, it was necessary that Acts of Parliament and local ordinances should be referred to, and more particularly that Dutch records should be examined, and portions of them translated. This would have been in any case a work of time; and it should not be forgotten that we have all of us important private engagements pressing on our attention. In regard to Dutch records, facilities of access to private parties are very limited; and of those afforded, only a few persons are now left who can take full advantage by a competent knowledge of the language.

In addition to all these causes of delay, we may mention the absence from Colombo during six weeks, for the benefit of his health, of one of our number, Mr. Elliott.

The delay of a few months, however, is of little consequence, if it in any way tends to lead to an equitable adjustment of the question.

Believing that Government is anxious to hold its proper place in the respect and affections of the people, and believing that the members of it are open to reason and conviction, we shall now cheerfully enter on our duty of exhibiting the many inaccuracies, both in matters of fact and law, embodied (through inadvertency, doubtless) in your letter; and to prove that all the arguments that can in this question be deduced from fact, law, and history, make strongly in favour of the people.

To facilitate reference to your letter, we have taken the liberty to number the paragraphs of which it consists, and to each of them in its order we shall address ourselves.

The three first paragraphs, being merely introductory, require no comment.

In the fourth paragraph you remark, that "To demonstrate the unsoundness of all pretensions to a right of property on the ground alleged, it might be sufficient simply to point to the principle of English law by which the prerogative of the Crown is made paramount in all cases of adverse possession."

It is certainly true that by the common law of England no prescription could be urged against the King; but it doubtless is within your knowledge, that a sense of the mischief resulting from the operation of this principle has induced the Legislature, even in England (where, from the ease and regularity with which documents and entries are kept and preserved, titles and claims can be far more easily traced and established than can possibly be done here), to enact, by the 9 Geo. 3, c. 16, and 2 & 3 Will. 4, c. 71, that possession of 60 years will bar as well the remedy as the right of the Crown, notwithstanding the King's prerogative.

The principle of English law to which you refer may therefore be said no longer to exist as respects the present question; because (as we would here distinctly reiterate what we have already explained) our remonstrance is not raised against the demolition or compulsory purchase of structures of modern erection, but of those which have existed, or have simply replaced such as did previously exist, from time immemorial.

According to Dutch Roman law also, the right of the prince may be barred by prescription; and the terms thereof are even more favourable to the subject than the terms of the English law. Nor can the saving clauses occurring in the several prescriptive enactments passed by the local government, have prevented the prescription running against it, for those saving clauses apply only to the time fixed by those enactments, and not to immemorial prescription, which must consequently be presumed to be excluded from them.

As to their "title-deeds being a perpetual remembrance to the people as to the actual extent of their property, and consequently as to the fact of their encroachment," we would merely remark, that though this may be literally true, it is not in point of fact in many or most cases, the title-deeds passing from generation to generation, generally without re-surveys, and the people consequently were as ignorant of their verandahs not being included, as the Government was, until under a recent Ordinance (No. 16, of 1844) parties were compelled to produce their title deeds to a Government surveyor, whose duty it became to ascertain how much of each property was or was not contained in the title.

You continue, "But independently of this, so far from Government acquiescing in these encroachments, the Government, on every occasion when the expression of its opinion has

Appendix. No. 10. been called for, has not failed to remind the public of the right of the Crown; to warn them against the consequences of their trespass, and even to eject them when the public health or convenience required the removal of their encroachments." We should have been glad to have been favoured with examples of this conduct on the part of Government, for though we have lived for various periods up to more than half a century, we do not remember that Government, in one single instance, laid claim to a single verandah, properly so called, without first tendering compensation to the owners. We certainly remember that Government, on some occasions, seized upon manifest projections into the streets and levelled them; and that on the last occasion when this was attempted on an extensive scale, the holders of even projections applied to the courts of justice, and Government desisted. This is all we know of the attempt to "eject;" but of the "expression of an opinion," or "warning of the consequences," on the part of Government, we know nothing, nor ever heard of, until favoured with your letter.

Nor indeed do we perceive how such notices, even if given, could affect the rights of more than those to whom individually they were given.

In the fifth paragraph of your letter, allusion is made to the minutes of the Executive Council and the records of Government, but what they are we are not aware of, not having had access to either of them.

Allusion is also made to the proceedings of the courts of law and to ordinances, to show that the successive governors of the colony have, almost without exception, availed themselves of every opportunity, by "the enactment of laws, by the proclamation of public notices, and by every other medium of publicity, to inform the inhabitants generally as to the title of the Crown to the land reserved in all the streets of the fort and the pettah, &c."

As to the proceedings in the courts of law, it is notorious that Government has been defeated in their attempts to remove the outer verandahs; the one is the case against Mr. John Vanderstraaten, and the other against Mr. Gambs, with respect to his property near the Belfry.

We know of no enactment which gave notice to the public of the title of the Crown to the land reserved in all the streets of the fort and pettah by the successive governors. There are only two ordinances of the Government that we know of which bear upon the point, and which will be noticed presently; for the one (No. 3. of 1834) enacted during the government of Sir Wilmot Horton cannot apply to the buildings or verandahs then standing, as it is prospective, for it says, "if any person shall, within the town, fort, and four gravets of Colombo, without the express permission in writing of the Government agent or other competent authority, build or cause to be built any building, of whatsoever nature, on any waste or other ground belonging to the public, or dedicated to public purposes, or shall enclose or appropriate any such grounds, every such building, enclosure, or encroachment shall and may be abolished and abated."

The second part of the same clause does certainly refer to the buildings, enclosures, and encroachments which were made antecedent to the ordinance; but then they must be in the public street or highways to bring them within the scope of the ordinance, as it says, "And all buildings, enclosures, and encroachments which have hitherto been made, or have taken place in the public street or highways within the said town, fort, or four gravets, without the express sanction of the Government, shall be entirely removed." Now, the verandahs are built upon a slip of the ground lying between the public street and the houses, but not in the public street or highway; hence not in public road or street.

By the road, we take it, is meant only the surface over which the public has a right to pass; for, to refer to the English statute already alluded to, it is stated that that part of the ground which has been maintained by the trustees or companies as hard road, and repaired with stones, gravel, or other materials used in forming roads, shall be deemed and taken to be road. From this it is to be inferred that the ground which the Government has been in the habit of repairing from time to time with stones, gravel, &c., only must be considered as passable road or street; but not that slip of land lying between the road and houses, and on which the verandahs are built, and outside which the side-drain has invariably been constructed by Government.

The 23d or the last clause of the Ordinance No. 16 of 1844 also shows that the word road means only that part which has been used and accustomed to be used as a public passage; but the verandahs have never been used for this purpose.

Neither can the 25th clause of the recited ordinance be applied to verandahs, for reasons already stated; nor the 10th clause of the Ordinance (No. 12 of 1840) enacted during the government of Mr. Stewart Mackenzie.

The Ordinance No. 13 of 1844 is the first ordinance that speaks of ground immediately adjoining any public road, highway, or thoroughfare, and which authorizes the Government officers to deprive the occupant of it if not in his title-deed.

A similar provision is also made by the Ordinance No. 16 of 1844; and by the 20th clause thereof it is declared that prescription will give no title, or, in other words, that prescription shall not run against Government; but this of course has no retrospective effect, and does not, as it cannot, apply to cases where the title by prescription had already been acquired.

It strikes us, also, that this clause is not applicable to the slip of land lying between the road and the houses, and on which the verandahs have been built, because, to bring it within the operation of that clause, it must be certified by the officers alluded to in the ordinance that the streets, roads, or thoroughfares have been already, without authority, or have been stopped or obstructed, or obviously encroached upon, in some particular place or places, by
reason

reason of such street, road, or thoroughfare being narrower in such place or places than its general breadth, which no one can conscientiously do, as the streets, roads, and thoroughfares within the gravets, at least within the fort and pettah, have been and are still in the same state, or rather of the same breadth, as they were in the Dutch time. Appendix, No. 10.

Nor is it entirely undeserving of consideration that the breadth of a street, as established by the Roman Dutch law, is 8 or 12 feet in a direct line, and 14 or 16 in the turns, for two carriages to pass. It may hence be reasonably presumed that the Dutch kept to that breadth, and the arguments in favour of the position that these verandahs were in existence during the Dutch time at once suggests itself when it is recollected that there are very few streets in Colombo which have not this breadth.

Even admitting, for the sake of argument, that no prescription can run against Government in consequence of the provision in the 20th clause of the Ordinance No. 16 of 1844, still after 60 years possession a grant may be presumed according to the English law; according to the Roman Dutch law also, a concession is presumed when the possession has been from time immemorial; and under the statute above referred to (2 & 3 Will. 4, c.), a possession of 60 years would be a possession from time immemorial; and in order to support rights which have been long and peaceably enjoyed, the courts of law in England have interpreted an enjoyment of even 20 years as presumptive evidence that the right had existed time out of mind, and consequently that period was held a sufficient foundation for establishing a prescriptive right, unless its origin could be proved. Before the passing of the English statutes above referred to no prescription ran against the Crown, and yet the courts, for the peace and quiet of society, presumed grants, Acts of Parliament, letters patent, and records, because they held that ancient possession would otherwise injure instead of strengthening a title if after a succession of years, and the decease of parties, objections should prevail, which, if well founded, would have been sooner made. Not that in such cases (to use the language of a high legal authority) "the courts really think a grant has been made; because it is not probable a grant should have existed without its being upon record; but they presume the fact for the purpose, and from a principle of quieting the possession." And here the first intimation that Government intends to assert its right to the ground lying between the street and the houses was only published in 1844; even allowing that such declaration or publication will be sufficient to intercept the prescription without any act manifested to take or enter into the possession of these verandahs severally; a doctrine which it is hardly necessary to add is very questionable.

In the sixth paragraph of your letter it is stated, "His Excellency must respectfully dissent from the correctness of the suggestion more than once ventured upon in your petition, that the Government has at any period, or in any one instance, disavowed its title by its acts, or treated these lands as the private property of the parties by whom they have been temporarily usurped."

It appears to us that the silence of Government, and the not asserting of its rights for such a length of time to the slip of land between the street and the houses till 1844, is a proof that the Government considered it to be private property. An assessment tax has also been levied, and is still levying, on these verandahs since 1820, for the verandah is a part and parcel of the house on which the assessment is imposed by the Regulation 5 of 1820, "on all houses and buildings of every description, and on all lands and tenements whatever."

We are confident that a house with a verandah will fetch a higher rent than one without it; and as the assessors estimate the yearly rent of a house to fix the amount of the assessment, they must have included (as it is a fact they did include) the verandah in their estimation, and the Government has been levying a tax on such valuation.

Besides the assent to the private right to verandahs deducible from the silence of Government, and the levying an assessment tax upon the buildings, verandahs included, Government has, you will find, "disavowed its title" by the actual purchase of verandahs alone in some instances, and verandahs with the houses to which they were attached in other instances. So far back as the time of Sir Edward Barnes, Government purchased the entire premises at the fort end of Main-street, for the purpose of removing the obstructions (actual obstructions) to the street; and when the necessary alterations were made, resold the premises, minus what had been taken off to enlarge the street; which was surely a recognition of the right of the proprietor to the verandah, as otherwise Government would not have purchased them.

Again, during the administration of Sir R. W. Horton, Government purchased some verandahs in St. Sebastian's for the purpose of widening the street. Here again was a "disavowal of its title" by Government.

Again, Government purchased an entire section of the fort called the Patch, houses, verandahs, and all, for a very considerable sum, without making any deduction on the plea that the verandahs were encroachments. And even recently Government purchased two houses in the fort for officers' quarters, where a jury, convened under the ordinance, at the instance of Government, assessed the value at 2,000*l.*, without receiving instructions to make any deduction for the verandahs. In the like manner were two houses, with their verandahs, in Maliban-street, in the pettah, very lately bought by Government, in order to open a communication between 2d Cross-street and the new road at the lake side.

Now, when these circumstances are duly considered, we are confident that his Excellency will admit, that so far from its being a matter of notoriety that Government warned the people of its right to the ground upon which the verandahs of the town stand, that on almost every occasion that presented itself Government did, in the most unqualified manner, "disavow its title," by the taxation of and even purchase of these verandahs.

Your observations, to the effect that it would be "ungenerous" in the inhabitants to take advantage of any neglect on the part of Government to assert its rights to the ground on

Appendix, No. 10.

which the verandahs of the town stand, we conceive to be altogether inapplicable. If indeed the space were required for public purposes, an appeal to public generosity might not be altogether out of place; but when hardly any of it is so required (the streets being generally of "more than sufficient breadth," as stated in the Government advertisement), and therefore nearly the entire is offered for sale to the occupants, we cannot perceive that the exercise of this virtue is called for.

The same remark applies to many of your arguments, which we consider based upon erroneous premises, as if the verandahs were wanted for public convenience; the contrary being the fact, as they are, with very few exceptions, neither obstructions nor inconvenience, and therefore will be allowed to remain if only purchased.

The 7th paragraph of your answer denies that Government purchased any verandah along with a house, and asserts that it never purchased anything beyond that conveyed by the title-deed of the seller, which you say of course could not include what was already the property of Government. But in some of the instances just adduced, we have shown that verandahs alone were purchased; and in other instances, that the object for which a house was purchased was to remove the verandah, as it considerably projected into the street, and no other, because the object was no sooner effected than the Government resold the house. Again, with reference to many, if not all of the houses purchased by the Government, in the section of the fort called the Patch, already alluded to, we are informed (this is a fact within your knowledge, for the title-deeds are in the possession of Government) that the deeds do not include the land on which the houses stand; so that in these cases, at least, Government purchased something "beyond that conveyed by the title-deed of the seller, which of course could not include what was already the property of the Government." Unless, therefore, you are prepared to assert that Government threw away thousands of pounds in the purchase of mere rubbish (the building materials, &c.), the conclusion is inevitable that in those cases Government recognized the prescriptive right of the people to land possessed by them, and, under the advice of its law officers, deliberately purchased that which was not included in the title-deeds.

You continue to say that the verandah was the property of the Crown. We do not deny that it did at one time belong to the Government of the country; but we submit that at the time of the sale it was the lawful property of the owner of the house, he having acquired a prescriptive right to it; and the then Government was doubtless of the same opinion, otherwise it would not have purchased the house merely to remove the verandah.

With respect to the 8th paragraph of the answer, we shall merely observe that there is no enactment by which Government asserted its right to the verandah, or rather to the slip of ground lying between the houses and the street, than those of 1844, Nos. 13 and 16.

The 9th, 10th, and 11th paragraphs of your letter refer to the Dutch proclamations of 1760, 1763, and 1787. The second we have not before us, and consequently cannot offer any observations upon it.

The first bears upon two classes of encroachments: 1st, Encroachments on the streets or highways; 2d, Encroachments on Government ground not included in the title-deed; and the surveyor of buildings is authorized, in the first case, to cause the encroachments to be removed by breaking down the building, and, in the second case, to value the ground not in the title-deed, and to pay the value thereof into the Company's treasury. That this was strictly complied with by the surveyor of buildings we think cannot be disproved, not only because every public officer must be presumed to have done his duty until the contrary be shown, but also because the proclamation of 1787 does not at all refer or allude to the ground not in the deed, which it would not have failed to do had not all the land near the street, and not included in the title-deed, been valued, and such valuation paid into the treasury; nor can any argument to the contrary be fairly deduced from the words that the ground which had already been taken unlawfully shall be restored to the Company, occurring in the 24th clause of the placat, because the ground so alluded to evidently referred to the first class of encroachments mentioned in the instructions, which were "beyond the line of the principal buildings," and beyond the line of the vast majority of the verandahs now standing, and creating the obstructions spoken of, in consequence of which parties were required absolutely to restore it to the Company, or, in other words, to the public street. And this is rendered the more certain by the fact that the verandahs are in a line with the "principal buildings," including Government houses.

The inference then is clear, from the circumstance of the subsequent placat (enacted, be it remembered, with reference to the first instructions, and in order the more fully to enforce them) making reference only to the first class of encroachments talked of in the second instructions, and requiring their removal and not their purchase, that in the interval of time between the enactment of these respective laws, the proper officers had done their duty and compelled the payment into the Company's treasury for land belonging to the Company and not included in the title-deed, and which fell under the second class of encroachments above alluded to, so that such encroachments had no longer to be provided for.

The proclamation of 1787 names streets which had been encroached upon; but none of these encroachments, we are satisfied, are now in existence, or were when the Dutch retired from the island.

Independently of the presumption that every officer must have done his duty, it is impossible to suppose for a moment that a Board of aldermen, established in 1787, composed, among others, of a member of the Executive Council at its head, and a lawyer and an inspector of buildings among its members, would have allowed these encroachments to remain, particularly as they had to submit their proceedings annually to the Executive Council for their information and approval.

It

It is quite unnecessary, we think, to say anything more in support of this, as the 11th paragraph of your letter fully admits that "under the Dutch government, from the date of the order in 1760 down to the period of their retirement from the island, their records afford abundant proof that these regulations were not only adhered to, but enforced with increased severity against parties detected in encroachments." Your letter goes on to state in the 12th clause, "From these documents the conviction is irresistible, even were other proofs wanting, that the petitioners must be in error in the conjecture that these verandahs had been raised at the time of the Dutch government, because being admitted to be encroachments, and not to be found in the title-deeds, they could not have been erected (especially as they exist in such great numbers) at any period within which regulations so stringent as these were in force, but must have been built at a time when the salutary precautions of the Dutch government had fallen into abeyance in consequence of political change;" and therefore the 9th paragraph of your letter says, "It is, however, within the knowledge of the inhabitants generally, as well as of the officers of Government, that so far from their (the verandahs) having been constructed in the time of the Dutch government, the vast majority of the existing verandahs are of modern erection, and that numbers of them have been added to the original buildings for the first time within the last 20 years."

To the general proposition we cannot subscribe, because it plainly appears by the recited Dutch proclamations that stoep (plural stoepen), the pavement before the threshold of a house, or the steps at the entrance of a house, which we call verandah, existed at the date of these placats, and from the commencement of the English Government; for by the advertisement of the 11th September 1798, published under the government of General de Muron (we take this from a Dutch translation of the advertisement), and also in the Regulation, No. 14 of 1806, Article 21, allusions are made to verandahs of houses. We are, however, free to admit that there were some stoepen without roofs over them (the 10th Article of the placat of 1760 has reference to the roof), and that these were roofed in the time of the English Government; and also that there are several stoepen which have been constructed in the English time over public drains, with roofs over them. If the ninth paragraph of the letter refers to the latter construction, it may be borne out by the fact referred to; but that stoepen generally, or to any extent, have been built in the English time, we cannot concede for a moment, for, to suppose this, it must be allowed that the streets were altered, or that they were made narrow by building verandahs on the same, which we think the oldest inhabitants, or the officers of Government, cannot affirm. On the contrary, the streets are in the same line, and of the same breadth, as they were when the English took Ceylon; indeed, to favour the presumption which you would fain draw from the stringency of the regulations above referred to, it must be assumed that there were no verandahs existing at the time, and that all the verandahs which we now have, though in a beautifully straight and regular line, and in a line too with some of the principal buildings of Government, where they do exist (the Pettah Hospital for instance), and beyond which the side drains have ever stood (circumstances which could hardly be the result of mere accident), were constructed since. If those regulations required the removal of the verandahs without any proviso touching the purchase of them, then indeed there would be reason to draw the inference you have drawn; but when the purchase of them was called for (and only the purchase, for no alternative is imposed that they would be removed unless purchased; and it is reasonable therefore to presume that when an owner would not voluntarily pay, Government would enforce the payment by due process of law, and not remove the verandahs), we humbly submit that the fair and reasonable presumption to be drawn is rather that the verandahs have been paid for.

If, however, his Excellency is of opinion that most or many of the verandahs have been constructed within the last 20 years, we think the inhabitants generally will submit to the ordeal, and if they cannot indisputably establish a longer possession, quietly submit either to give up their verandahs, or purchase the ground on which they stand, as Government may dictate and their means afford. We, on our own parts, and so far as we represent the inhabitants generally, cheerfully pledge ourselves to submit to this test for the determination of the entire question. And even if we were not prepared to prove (as we are, if required, by the testimony of the oldest inhabitants) that the streets of the fort and pettah of Colombo are now in the same condition generally as they were when the British took possession of the island, your assertion would involve the unreasonable presumption that an entire ancient town had been built within the last 20 years, although the architectural construction of the buildings, many of which are crumbling to ruins, proves that the verandahs were erected at the same time as the houses themselves.

The 13th paragraph of the answer states, that if the verandahs had been purchased from the Dutch government, they would as a matter of course have been conveyed to the purchasers by legal instruments; and, in the absence of these, it is argued that no such purchase took place. Now, we think it is quite immaterial whether any instruments of this nature exist or not, as the letter admits that the Dutch government strictly enforced the placats afore mentioned; and if so, the encroachments on the streets must have been removed, and the ground not included in the deed valued, and such value paid into the Company's treasury. Besides, the assumption is gratuitous that these legal instruments were granted at all, because the instructions merely direct that the value shall be paid into the Company's treasury, without reference to any title being given; a security which, considering the party by whom it was to be given, and the utter impossibility of its ever being questioned by any one else, was in a measure unnecessary, and calculated only to increase expense. It is within your own knowledge that under the British Government, when a far more strict and regular mode of conducting business prevailed than under the Dutch

Appendix, No. 10.

government, a certificate, or rather a small ticket, was all that was granted to many who purchased government land, and is all the title they now hold. The payment for the verandahs could not by law have been endorsed on their title-deeds, and if any security was granted at all, which we have no reason to believe was the case, it must have been a separate instrument, possibly in the nature of the ticket above referred to. Now, when it is considered that the original parties to whom these instruments might have been issued are long dead, and the houses have changed owners since, perhaps in some cases more than 20 or 30 times, it is not surprising that these instruments are not now forthcoming, or cannot be found; and it is in such cases that the laws, in order to prevent the working of an injustice, have very prudently established the salutary rule that when the possession has been from time immemorial, a grant, &c. shall be presumed as we have already stated. Indeed, the presumption amounts to actual demonstration when it is recollected that there is not a single householder at the present moment who can produce a title granted under these instructions, and when they were in force. We are aware of none; and we challenge the Government authorities—who have been examining with the strictest scrutiny the private deeds of the inhabitants of the town, with a view (an unprecedented strange authority to be exercised by any government) of detecting hidden defects of private titles—to produce any. It cannot be denied that (even admitting, for the sake of argument, that the majority of the verandahs are, as you state, of modern erection) some at least must have existed at the time these regulations were in force, and would have come under the influence of their operation. Nay, with reference to one of the verandahs referred to in this letter, that of Mr. John Vanderstraaten (which actually projects into the streets beyond the other houses, and is an obstruction), a court of justice, after hearing evidence, has decided that it has existed for 60 years, so that that verandah at least fell under the instructions. Now, when it is seen that notwithstanding this, not a single verandah can produce a title under those instructions, we appeal to your sense of justice to determine whether the fair and the reasonable presumption is not, that no instruments were ever granted; and if so, nay, if even a doubt can exist of such being the case, there would be a cruelty in the principle of calling upon the inhabitants to produce deeds, or in default to pay for the verandahs, which we are confident no private person, certainly no government, and least of all the British Government, would be guilty of.

We would also beg leave to call your attention to the Roman civil law, as it affects buildings.

We are informed that when the Government of Sir R. W. Horton endeavoured to remove obstructions in the streets (for neither his nor any other administration till the present ever attempted to remove permanent and regular verandahs), and resistance was made by the occupiers, the matter was referred to the then Queen's Advocate, who, we understand, gave it as his opinion, that as the Police Ordinance could not have a retrospective effect, the parties had a right to their buildings by virtue of the provisions of the Roman civil law. Accordingly Government, perceiving the reasonableness and legality of such claims, abandoned all further attempt to eject without compensation. We are pretty confident as to the grounds and effect of Mr. Perring's opinion; but in order to remove all doubt, we beg leave to refer you to the document itself.

We are unwilling to conclude our observations on this head without noticing an argument which, although not used in your letter, we have heard suggested elsewhere, that encroachments on Crown lands are largely taking place in the interior; and that it would not be fair, but, on the contrary, argue timidity and tyranny on the part of the Government, to take proceedings to eject the persons guilty of them, when encroachments on so large a scale as the verandahs are represented to be, are allowed to remain in the towns. Were there any analogy between the two cases, there would certainly be weight in the argument drawn from it; but there is none. You will not lose sight of the fact, that whereas the encroachments in the interior are of very short duration, and made without any probable claim or pretence of title whatsoever, the verandahs (even viewing them as encroachments) have been long possessed by the inhabitants, and with the knowledge of the Government; but they have passed from owner to owner, and been publicly sold from time to time (without any notice of any claim whatsoever on the part of the Government to the verandahs, or any portion thereof) to innocent parties, and as publicly possessed by them. And the Government have, moreover, by the assessment tax and the stamp fees, on the occasion of each transfer being made, derived a benefit therefrom; and by these acts, as well as the other acts already enumerated, recognised the title of the inhabitants to their verandahs. So that the circumstances of the two cases are widely different, and bear no analogy whatever to each other, and the Government, whilst called upon to vindicate their rights in the former case, are debarred, if not by strict law, certainly by considerations of equity and justice, from interfering with the latter.

We are not aware that it is stated in our petition (*see* 17th paragraph of your letter) that if the verandahs are purchased, mortgages will be affected; but that such securities will be most materially affected in those cases where the parties are unable to purchase, and the penalty of demolition ensues.

His Excellency also conceives that it was the duty of legal advisers to have protected their clients in all such cases. But this would require a re-survey of every property, and other measures, to ensure certainty; involving heavy expenses, which no lender ever thought of incurring, not even the Loan Board and savings banks (two bodies under the direction of Government), which hold vast numbers of the title-deeds of Colombo as security.

Your observations as to the duty of the legal advisers of mortgages suggest to us an argument of which, under the circumstances, you will not hesitate to admit the full force.

If

527

If the property in verandahs of houses was ever suspected by the lawyers to be less valid than that in the houses to which they were attached, does it not seem strange that the legal advisers of private parties never suggested such a difficulty; still more strange, that the counsel employed to advise the Government institutions to which we have referred never hinted a doubt.

As to the second class of considerations noticed by you, the pecuniary; the inhabitants, we are confident, would have felt grateful for the reduction in the prices demanded for their verandahs, were they not convinced that the demand is unjust in principle, and far too onerous for them to sustain.

We moreover beg to question the assertion that even the modified scale of 1s. 6d., 1s. 9d., and 6d. per foot, according to situation, is the value of building land in Colombo. At all events, by such a scale the present Government would act very differently from the few late administrations, as it consists with our own knowledge that Government sold building land in 1829 at 1d. per foot; in 1834 at $\frac{2}{3}$ d., and at 1 $\frac{1}{4}$ d.; and both before and since then, we believe generally at about the same rates. Now, admitting that the value of building land has considerably increased since the above sales, say even 100 per cent., how can Government make such a demand as the present?

But as a measure is more to be judged of by the principles involved than by its effects, we shall not further dwell upon this part of the subject.

Your letter has compelled us to enter on the law of the question, and we trust we have been enabled to show that our legal claims are not so purely imaginary as you have been pleased to represent them. But, as stated in the petition, we should much prefer appealing to the immutable principles of equity involved in long and undisturbed possession, and rest our case on them, and on the sense of justice and generosity by which we believe the Government to be actuated.

We have, &c.
 (signed) C. Elliott. J. C. Dias.
 J. B. Misso. Cowajee Edeljee.
 J. Drieberg. Richard Morgan.
 A. N. Martensz.

P. S.—Since writing the above, we perceive in the Government Gazette a further reduction of the rates at which the verandahs are valued. As this is a tacit acknowledgment of the exorbitancy of the two first demands, we trust it is also only a prelude of an entire abandonment of that which is still unjust in principle, as it was unreasonable in amount.

(signed) C. Elliott. John Drieberg.
 J. B. Misso. Cowjee Edeljee.
 A. N. Martensz. Richard Morgan.
 J. C. Dias.

Gentlemen, Colonial Secretary's Office, Colombo, 26 October 1846.

I HAVE the honour, by direction of the Governor, to acknowledge your communication of this date, in reply to my letter of the 3d of July last, on the subject of the removal and sale of verandahs in the pettah of Colombo. His Excellency desires that I will convey to you his thanks for the pains which you have bestowed in laying before him your views "on the law of the question;" but the proceedings of the Government hitherto having been taken under the immediate superintendence of the law officers of the Crown, who are already familiar with the arguments relied on by you, but have arrived at a different conclusion, he feels it unnecessary to do more than offer his acknowledgments for the trouble which you have taken.

His Excellency, in consideration of the memorial recently received from the occupants of these encroachments, has been induced, with the concurrence of the Executive Council, to yield to their solicitations and make a further reduction in the rate at which those verandahs not requiring to be removed will be permitted to be sold; but with this final concession, instructions have been conveyed to the Government agent of the Western Province to proceed with the measure as directed by Her Majesty's Secretary of State.

I have, &c.
 (signed) J. Emerson Tennent.

C. Elliott, Esq. Cowasjee Adeljee, Esq.
 J. C. Dias, Esq. R. F. Morgan, Esq.
 A. N. Martensz, Esq. J. B. Misso, Esq.
 J. Drieberg, Esq.

Sir, Colombo, 4 November 1846.

IN compliance with a resolution passed at a public meeting, held at the Pettah Library on Saturday last, the 31st ultimo, we have the honour to state to you, for the information of the Governor, that it was then determined upon to petition the Queen on the question of the measures of this Government with reference to the verandahs in Colombo, and to request that his Excellency will be pleased to suspend further proceedings until the result of the appeal to Her Majesty be ascertained. A petition is accordingly now in circulation, and will be forwarded to you for transmission by the ensuing mail.

(92.) 3 Q 2 In

Appendix, No. 10.

In conveying this request to his Excellency, we trust that the importance of the question and regard to the interests of the inhabitants, which are seriously affected by the proposed measure, will induce his Excellency to attend to it, and direct further proceedings to be suspended until Her most Gracious Majesty's pleasure be known.

We have, &c.
 (signed) *C. Elliott.* *J. B. Alvis.*
Avoo Lebbe Marekan. *F. Daniel.*
R. F. Morgan. *H. A. Jansz.*
J. C. Dias. *Hormangee Esponjee.*
J. B. Misso. *A. N. Martensz.*
J. Drieberg.

To the Hon. the Colonial Secretary,
 &c. &c. &c.

Colonial Secretary's Office, Colombo,
 5 November 1846.

Gentlemen,
 I AM directed by the Governor to inform you, that having already taken the pleasure of Her Majesty's Government on the question of removing encroachments in the pettah of Colombo, and received instructions to adopt immediate measures for that purpose, his Excellency would not feel authorized in acting on the suggestions conveyed by your letter of the 4th instant, or in suspending operations so directed to await the result of measures contemplated by you.

I have, &c.
 (signed) *J. Emerson Tennent.*

C. Elliott, Esq. *J. B. Misso, Esq.*
Sego Mera Lebbe Avoe *J. Drieberg, Esq.*
Lebbe Marekan. *J. Alvis, Esq.*
R. F. Morgan, Esq. *F. Daniels, Esq., and Others.*
J. C. Dias, Esq.

Sir,

Colombo, 11 November 1846.

IT having been the opinion of the general meeting held on the 31st ultimo, that a few persons may be reasonably called upon to pay for their verandahs which are of modern erection, we were requested to ascertain whether his Excellency the Governor considers that the colonial secretary and the secretary of the district court are entitled to fees on such sales. We have respectfully to add that it was the opinion of the meeting that these functionaries are not so entitled, because the 41st and the 42d clauses of Her Majesty's Instructions authorize the demand for fees only on grants of waste lands sold by public auction, and do not apply to buildings, or the land on which buildings stand within towns, and which in the present instance are to be sold at a fixed rate per square foot.

We have, &c.
 (signed) *C. Elliott.* *Hormangee Espondargee.*
R. F. Morgan. *Avoo Lebbe Markan.*
Cowesgee Edalgee. *John Drieberg.*
James Alvis. *J. B. Misso.*

To the Hon. the Colonial Secretary.

Sir,

Colombo, 12 November 1846.

WE beg leave to annex a copy of the petition to Her Majesty referred to in our letter of the 4th instant, for the information of his Excellency.

The original itself is now in course of signature, and will be forwarded on the 14th; but we adopt this course, in order that no delay may intervene in the transmission of it by the ensuing mail.

We take this opportunity, also, of calling the attention of his Excellency to two official documents bearing upon the correspondence we have already had with you. It is right that the Governor should be in possession of them and our observations thereupon, as it is our intention to append them, with the other documents, to the petition to Her Majesty. The document marked (A.) is the official permission of the civil engineer and surveyor-general, a mere certificate for the inclosure of a verandah on land not included in the title-deed, and proves that his Excellency is misinformed when he supposes that in such cases a regular grant was generally executed.

The document marked (B.) is an official correspondence between the then superintendent of police and the Colonial Secretary in 1835, the former desiring the removal of an encroachment, a small garden, the space being required for the improvement of the street; but the Government would not allow him, without offering the occupiers "a reasonable compensation for the loss they would sustain," because the fence had been up or renewed for 30 years.

(signed) *C. Elliott.* *Hormangee Espondargee.*
R. F. Morgan. *Avoo Lebbe Markan.*
Cowesgee Edalgee. *John Drieberg.*
James Alvis. *J. B. Misso.*

To the Hon. the Colonial Secretary.

529

(A.)

Sir
 Colombo, 16 November 1833.
 I BEG leave to solicit your permission to add a roof to my house situated in Keyzer-street Pettah, which has already a strong pavement in front exactly corresponding with the line of the adjoining ones; the proposed roof will by no means encroach or project over the high road.

To W. Gisborne, Esq.
 Government Agent, Colombo.

I beg, &c.
 (signed) P. Broheir.

Colombo, 20 November 1833.

I HAVE no objection whatever to the roof being built, provided the drop from the tiles falls within one foot from the verandah wall, when a drain should be made.

(signed) F. B. Norris, Civil Engineer
 and Surveyor-General.

(B.—No. 1.)

Colonial Secretary's Office, Colombo,
 12 August 1835.

Sir,
 I HAVE laid before the Governor your report on the petition of Mr. C. Fernando and Mr. J. J. Heyzer. With reference to your remark that it is impossible that the fences can have been up for 30 years, his Excellency conceives it to have been the meaning of the petitioners that they had been renewed from time to time during that period. I am therefore to request that you will endeavour to obtain accurate information on this point; and should such be the case, it will be proper that you should, before enforcing the removal of the encroachments, offer the petitioners a reasonable compensation for the loss they will sustain.

To the Superintendent of Police.
 I have, &c.
 (signed) P. E. Wodehouse, Assistant.
 (True copy.)
 (signed) P. E. Wodehouse, Assistant.

(No. 2.)

Police Office, Colombo,
 20 August 1835.

Sir,
 I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, conveying to me his Excellency's directions to endeavour to obtain accurate information as to the period during which the fences referred to in the petition of Mr. Cornelius Fernando and Jan Jacob Heyzer have existed.

In the petition to his Excellency it is stated that these encroachments have remained for a period of 30 years; the enclosed letter addressed to me by Mr. Heyzer, dated 22 July, however, does not assign a longer period than 22 years. But notwithstanding this discrepancy, I have, from inquiries on the spot, satisfied myself that fences of some sort have been allowed for a considerable period, probably from 15 to 20 years; I am also inclined to believe that on every successive reparation or removal of the fences, the encroachments were gradually increased till the inconvenience occasioned by them obliged the head constable to report the matter to me, from which my order for their removal originated. Since that order was issued the petitioners have removed the fences back, so as to relinquish half the encroachments.

In compliance with the directions that I should, "before enforcing the removal of the encroachments, offer the petitioners a reasonable compensation for the loss they will sustain," I have inspected the ground and personally conferred with the petitioners, and I regret to have to report that their extravagant demands have entirely precluded me from making any offer, as I feel assured that they will not consent to receive any sum which I could undertake to submit for the approval of Government.

It is to be observed that the trees in question do not shade or shelter any approach to the houses of either of the petitioners; they are both at the ends of the houses, the fronts facing into other streets.

The end of Mr. Heyzer's house has two windows, of about six feet by five each. There are eight trees of the kind called "muranga," the fruit of which is used for curry, and might be worth from 16 to 20 rix dollars a year; one plantain tree, which may be valued at the price of a bunch of plantains, or from 9d. to 1s.; and one young bread-fruit tree, which does not appear to have borne fruit; yet Mr. Heyzer informed me that he "would rather keep his trees and fence than receive 200 rix dollars."

The end of Mr. Fernando's house has but one window, of about seven feet by four. There is one mango tree, one labogaha, and two pomegranate trees. I find it difficult to affix any value

530

Appendix, No. 10.

value whatever on them. Mr. Fernando admits that he gets but little, if any, fruit from them; but he nevertheless informed me that he values them with the ground included in the fence (where he states that he occasionally grows lettuce) at 300 rix dollars. It is notorious, and both parties admit, that the ground is not included in their title-deeds; and under these circumstances, I have the honour to request further instructions on the subject.

The Colonial Secretary.

I have, &c.
(signed) *Thomas Oswin*,
Superintendent Police.

(No. 3.)

Colonial Secretary's Office, Colombo,
15 September 1835.

Sir,

I HAVE submitted to the Governor your letter of the 21st ultimo (No. 24) and its enclosures.

It appears absolutely necessary that the encroachments should be removed, and you will take immediate steps for doing so.

I am at the same time to direct you to consult with Messrs. Gisborne and Norris, and tender to the parties whatever sum you may agree upon as a fair and liberal compensation. In fixing the amount, his Excellency thinks that the long period the parties have been allowed to possess the ground undisturbed should be allowed to weigh in their favour.

I am to notice that if the "muranga trees" opposite to Mr. Heyzer's house are worth from 16 to 20 rix dollars per annum, his demand of 200 rix dollars is not very unreasonable.

The Superintendent of Police.

I have, &c.
(signed) *P. Anstruther*,
Colonial Secretary.

Colonial Secretary's Office, Colombo,
12 August 1835.

THE Right honourable the Governor having taken into consideration the petition of Cornelius Fernando and J. J. Heyzer, of Colombo, praying that either the fences standing opposite their houses may not be removed, or should they be removed their houses may be purchased at a fair valuation, has decided that they be referred for answer to the annexed copy of a letter to the superintendent of police.

See Letter No. 1.

By his Excellency's command,

(signed) *P. E. Wodehouse*, Assistant.

— No. 6. —

37, Great James-street, Bedford-row,
8 January 1847.

My Lord,

HAVING just returned from Ceylon, which I left on the 17th of November last, I have the honour to enclose a letter to your Lordship from the committee appointed by the inhabitants of Colombo, touching a petition to Her Majesty from them that was forwarded through his Excellency the Governor by the mail by which I have returned home, on the subject of the verandah question that is at present agitating the householders of Ceylon; and informing your Lordship of my appointment by them to act as their agent in London, and to have the honour, should your Lordship be pleased to admit of it, of waiting upon or communicating with your Lordship in reference to a subject which most vitally affects and encroaches upon their rights and interests.

At whatever time your Lordship may be pleased to appoint I shall have the honour of waiting on you, and shall feel greatly obliged by being allowed to have the advantage of an audience previously to Her Majesty's decision being pronounced on the petition alluded to.

The committee's letter has got a little injured by the sea getting into my baggage, and which I pray your Lordship to excuse.

The Right Hon. Her Majesty's
Secretary of State for the Colonies,
&c. &c. &c.

I have, &c.
(signed) *Thomas Y. M^cChristie*,
Barrister at Law.

May it please your Lordship,

Colombo, 13 November 1846.

As the committee appointed by the inhabitants of Colombo to take all needful steps touching the petition to Her Majesty the Queen, respecting the verandahs of this town, we have the honour to inform your Lordship that we furnished Mr. T. Y. M^cChristie, of Lincoln's Inn, (who returns to England by the going mail,) with various documents, from which as well

531

well as from his own knowledge of Colombo, he will, if your Lordship permit, be able to afford various explanations on the subject. We therefore take the liberty to request that your Lordship will be pleased to allow him, on behalf of the inhabitants of Colombo, to render these explanations. And that your Lordship will also have the goodness to communicate to him Her Majesty's gracious decision. Appendix, No. 10.

We have, &c.

(signed) <i>C. Elliott.</i>	<i>A. N. Martennoz.</i>
<i>Richard F. Morgan.</i>	<i>Hormanjee Espondearjee.</i>
<i>J. C. Dias.</i>	<i>R. A. Janoz.</i>
<i>James Alvis.</i>	<i>D. D. Dritz.</i>
<i>J. B. Misso.</i>	

The Right Hon.
The Secretary of State for the Colonies.

— No. 7. —

TO the Right Honourable Her Majesty's Under Secretary of State for the Colonies,
&c. &c. &c.

37, Great James-street, Bedford-row,
27 March 1847.

Sir,

WHEN I had the honour of waiting on you on the 19th inst., on behalf of the inhabitants of Colombo, against the regulations which the local government of Ceylon has lately issued affecting the verandahs of the houses of Colombo, I had the satisfaction, I believe correctly, to understand your view to go so far in favour and in relief of the complaints as that,—

1st. The owners of ancient verandahs, or such as have stood for a time that may be said to be immemorial, shall not be called upon to purchase the ground over which they are erected, nor shall those verandahs be compulsorily taken down unless required for improvement of the streets, and then only on a fair and proper compensation being first made for them to their owners by the local government.

2d. That only such verandahs as are of recent erection, and are obstructions, shall, if required for improvements, be taken down, upon the principle of saving to the owners thereof all just and equitable rights in them.

3d. That where it may be necessary to compel the purchase of some recently erected verandahs (and which I apprehend can only be for the purpose of vindicating the Crown's right to the ground), the charge for the land on which they stand shall be an extremely small sum (I presume, next to nominal); that that sum shall be required to be paid only in very small instalments, extending over a number of years, and which, as it may be collected, shall go in ease of taxes or other public payments which the inhabitants of Colombo would otherwise have to pay.

And 4th. That neither the proposed fee of two guineas in every case, nor any other fee of any amount, to be paid to the Colonial Secretary, shall be allowed to be called for from the inhabitants for anything that may be required to be done in reference to the verandahs in any one case whatever.

I have just sent off a statement to the above effect to the inhabitants of Colombo; and I now reiterate my persuasion, from my personal knowledge of them, that so far as it goes it will carry to the breasts of those most quiet, industrious, and respectable people, feelings of the sincerest gratification, and do more to establish in their minds a conviction that Her Majesty's Ministers are not only ready to hear and to attend to their well-founded complaints, but that they cherish the most paternal and friendly disposition towards them, than probably any circumstance that has ever occurred within their experience.

But there are some facts as to which the statements you are in possession of from the local government, and my statements, differ; and agreeable to your wish and permission, I have now the honour, with respect to them, to place my information before you in writing.

I believe the first variance to which you were pleased to direct my attention, arose upon the statements from the local government, which I now place in the margin.*

I have

* So far from acquiescing in their encroachment, the Government on every occasion when the expression of an opinion has been called for, has not failed to remind the public of the rights of the Crown, to warn them against the consequences of their trespass, and even to eject them when the public health or convenience required the immediate removal of their encroachments. The minutes of the Executive Council, the public Ordinances, the records of the Governments, and the proceedings of the courts of law, all successive Governors of this colony, have almost without exception availed themselves of every opportunity, by the enactment of laws, by the proclamation of public notices, by proceedings in the courts of justice, and by every other medium of publicity, to inform the inhabitants generally as to the title of the Crown to the land reserved in all the

Appendix, No. 10.

I have looked with care into the Ordinances and all the documents with which I have been furnished; and had I not seen this statement it would have been more than difficult for me to have believed that a gentleman filling the high office of Colonial Secretary (and of the known and acknowledged abilities of that gentleman) could have committed to paper such sweeping, vague, and yet (in the way he puts them) conclusive averments as he has thus strung together.

When the proofs of, or grounds for such assertions, were respectfully asked for by the inhabitants of Colombo, and the experience of the oldest and most intelligent of those inhabitants offered as proof against such assertions being founded upon facts, the Colonial Secretary declined to supply the data on which he founded his statements, simply tendering, for his Excellency, his Excellency's acknowledgments for the trouble the petitioners had taken in stating their grievances and presenting their requests, and leaving the real trouble and occupation of satisfying the inhabitants of Colombo to rest with you and with Earl Grey.

I shall not occupy a moment of your time in combating or pointing out the highly unsatisfactory nature of the terms made use of by the Colonial Secretary in the above extract, for that must be apparent. Had a different system of expression been adopted, I might then have been enabled, within a moderate space, to offer my refutations in detail to the numerous points adverted to by the Colonial Secretary; but as the statements are made, I could not do that as I should have wished without a greater consumption of your valuable time than I can venture upon, or deem to be necessary. I shall, therefore, proceed at once to state, as shortly and as conclusively as possible, what I am authorized to inform you are the facts.

The Ordinance No. 3, of 1834, is the first, in our time, that can at all be said to be expressive of the local government's opinion as to the Crown's rights. That expression is contained in the 24th clause, and which clause is divisible into two parts.*

The first member of the clause is clearly prospective, and it is exceedingly difficult to conjecture that it could ever have been intended to apply to the ground on which the verandahs of houses might be built. That, I think, can only be conceived by a forced construction of the language used; but if that assumption is to be taken, then, it being beyond a doubt prospective, it can have no effect in relation to verandahs erected prior to that time.

The second part of the section has a retrospective operation; but it only has reference, as it distinctly and in terms states, to encroachments upon the "public streets and highways;" and I need not state, that as well by the statutes and laws of England as by the laws of Ceylon (and I apprehend of all the civilized world), "public streets and highways" are those portions of ground which are used as hard roads, formed by and repaired with stones, gravel, and other hard materials, for the passage of cattle, carriages, &c.; and therefore it can in no way whatever refer to or include the slip of ground over which the verandahs attached to the houses in Colombo are built, and which is between the houses and the drains that pass along the extreme outside of the "public streets," and which drains have been there from all time.

There is an Ordinance, No. 12, of 1840, section 10†, but that falls under precisely the same observation applicable to the last member of the clause on this subject in the Ordinance of 1834, as above, and is altogether inoperative, except as to encroachments on "any public road, street, or highway."

Then comes the only other Ordinance relating to the question, which is No. 16, of 1844.‡

Now

streets of the fort and the pettah; to put them on their guard as to the risk they ran by persisting in their encroachment upon it, and to reiterate its determination to resume the possession whenever it became expedient to take comprehensive measures for that purpose.

* "And it is further enacted, that if any persons shall within the said town, fort, and four gravets of Colombo, and without the express permission, in writing, of the Government agent or other competent authority, build, or cause to be built, any building of whatsoever nature, on any waste or other ground belonging to the public, or dedicated to public purposes, or shall enclose or appropriate any such grounds, every such building, enclosure, or encroachment, shall and may be demolished and abated by the proper officer. And all buildings, enclosures, and encroachments which have been hitherto made, or have taken place, in the public streets and highways, within the said town, fort, and four gravets of Colombo, without the express sanction of Government, shall be entirely removed," &c.

† "And it is further enacted, that all and every encroachment on any public road, street, or highway, by building or other erection, or by enclosure, planting, or otherwise, shall on information thereof be immediately abated and removed, by judgment, order, or decree of the district court thereon, and the party or parties offending found liable in damages besides the costs of suit."

‡ Sect. 23. "And it is further enacted, that if it shall at any time appear to the surveyor-general, or the commissioner of roads, or any of their assistants, that any building, erection, enclosure or encroachment, shall have been raised or made in any street, road, thoroughfare, or public place within any town, or any public road, or navigable river, lake, or canal, or on any waste or other ground immediately adjoining thereto, and belonging to Her Majesty, except with the express permission in writing of the Government agent, or some other competent authority, it shall be lawful for the surveyor-general, or commissioner of roads, or any of their assistants, to demand in writing of the person claiming to be the owner of the premises on which such building, erection,

Now that is the very first intimation or notice which the inhabitants of Colombo ever had given to them of any intention on the part of the local government to set up the title of the Crown to buildings, erections, inclosures, or encroachments on ground immediately "adjoining" any street or road; and which, if it is to be understood as pointing to the ground on which the verandahs stand, you will at once perceive corroborates the fact, that in no former instance was any notice ever given, any notion entertained, or any Ordinance promulgated to the effect that such adjoining ground, or the erections upon it, was or were subject to being taken possession of by the Crown, and that that was only a position taken up for the first time in 1844.

You will likewise perceive how small a colour that Ordinance can afford to the general and sweeping statements made by the Colonial Secretary; and I feel persuaded you will look with the most watchful jealousy at the liberty to put into operation an enactment so violent as that which I now give you an extract of, in the most restricted and limited manner in which it could by possibility be put into operation, and which could not be tolerated or thought of in England for a day. I know it has occasioned the utmost irritation in the minds of the people of Ceylon, and they have told me they can view its provisions as nothing short of despotism and tyranny.

It is impossible that either the inhabitants of Colombo or I can know what may have been placed upon the minutes of the Executive Council, or upon any private records of the local Government, and therefore I cannot reply to any assumption drawn from them by the Colonial Secretary; but if anything has been placed there that is to be regarded as inimical to the interests, or as militating against the equitable and legal rights of the inhabitants, I most respectfully and earnestly solicit that you will be pleased forthwith to direct that a copy of whatever in that respect may be relied upon by the local government, be furnished to the committee of the inhabitants of Colombo.

As to the proceedings which have been resorted to in the courts of law, the Colonial Secretary ought to have mentioned the cases in which those proceedings were had. I have only heard of two such cases; the one, against Mr. John Vanderstraatan, and the other, against a Mr. Gambs with respect to this property near the Belfry, and in both of which cases the local government was defeated at law.

Moreover, on the very last occasion on which the local government attempted to remove evident projections, the owners of those projections applied to the courts of law, upon which the local government abandoned its attempt.

With regard to the ancient titles to premises in Ceylon, necessarily enumerating the whole and exact extent of properties conveyed, and ear-marking and describing the slip of ground on which the verandahs stand, if even it had been really sold and conveyed to parties, as is assumed by the Colonial Secretary, the local government must know that that is unsound, and not the fact. Even after the British took possession of the island, when it must be presumed a much more strict and regular mode of proceeding was adopted than was observed during the time of the Dutch government, it was customary for our local government to grant to purchasers of waste lands only a certificate or ticket; and it is not to be inferred that the slip of ground on which the verandahs stand (even the few erected since that period) was described upon that ticket, because, by the law of the island, the payment for the verandahs could not be endorsed upon it.

Again, the houses, since the erection of the verandahs, have passed into 20, 30, and (in some instances) more different hands. Is it then to be wondered at, that in very many cases those bits of tickets, to whatever extent they might have described the properties, should be lost, and not now forthcoming? And does not that show with what peculiar delicacy and care any proceeding, to be consistent with the honour and dignity of the Crown, ought to be conducted in reference to them?

But

erection, enclosure, or encroachment shall have been raised or made, the production of every deed, document, and instrument upon which such person founds such claim; and if the occupier of such premises, not being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the surveyor-general, or commissioner of roads, or any of their assistants; or if such alleged owner shall refuse to produce, within 10 days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said premises, and which shall be in his possession; or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the surveyor-general, or commissioner of roads, or any of their assistants, upon application, in whose possession they are; or if any person having in his possession any such deed, document, or instrument, shall refuse to produce the same within 10 days after having been requested so to do in writing, by the surveyor-general, or the commissioner of roads, or any of their assistants, every such occupier, alleged owner, and person so refusing, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding 5*l*. And it shall be lawful for the surveyor-general, or the commissioner of roads, or any of their assistants, to enter upon any premises upon which any such building, erection, enclosure, or encroachment shall have been raised or made as aforesaid, and upon any other premises whatsoever which it may be necessary to enter for the purposes of the survey hereinafter mentioned; and to make such survey of all such premises as may be necessary to enable the surveyor-general, or the commissioner of roads, or any of their assistants, to ascertain whether such building, erection, or enclosure is an encroachment upon any street, road, thoroughfare, or public place within any town, or any public road, or navigable river, lake, or canal, or upon any land adjoining thereto, and belonging to Her Majesty:" Provided, &c.

534

Appendix, No. 10.

But if the Colonial Secretary really thinks, without personal knowledge on the subject, that title-deeds, and the records of legal proceedings, are carefully kept in Ceylon, and upon that assumption feels he may draw an inference unfavourable to the interests of the inhabitants, he has only to take the trouble, that he may be informed, to walk into the Registrar's office of the Supreme Court of Colombo, and he will at once learn that the records of the proceedings of that court, and the very many title-deeds of valuable properties, which in the legal proceedings of the island are required to be deposited there, are kept in a manner so loose, so irregular, and so unsafe (as I have myself examined into and seen), as would be a discredit to any marine storekeeper in one of the humblest streets or alleys in London. Further, the registrar of that court will tell the Colonial Secretary, as he has told me, that many most important title-deeds have been defaced and mutilated, and others entirely lost by the system which prevails there (and over which the inhabitants can have no control); a system which I feel convinced you would not allow to be continued for one hour, after detailed information of it and its consequences was brought before you in the shape of a complaint.

In respect to the local government's never having disavowed its title, as representing the Crown, to the ground on which the verandahs stand, by the Ordinances No. 14, of 1820, and No. 4, of 1834, all "dwelling houses and shops" are assessed on the annual value of such houses and shops; and as no man can imagine that any house or shop in Ceylon would be of the annual value it is now of if it had not a verandah, those verandahs have been, since 1820, yielding a considerable revenue to the local government, as from the private property of the individuals who hold them, and who have been paying, and who continue to pay at this moment, the assessed taxes upon them to the amount of their full value.

During Sir Edward Barnes' government the local government purchased the entire premises at the fort end of Main-street, for the express purpose of removing actual obstructions. After that purchase, and after the local government had abated those obstructions, it sold the premises again, minus what had been taken off them to enlarge the street. Was not that one of the strongest recognitions that could have been made on the part of the local government of the right in the owner of those verandahs to the verandahs?

During the governorship of Sir R. W. Horton the local government purchased some verandahs in St. Sebastian's, for the express purpose of widening that street.

At another time the local government purchased an entire section of the fort called the Patch, consisting of houses and verandahs, for a large sum of money; but it never thought of asking for a reduction of the price of those premises on the plea that the verandahs were encroachments, or erected upon ground to which the Crown had a title.

Subsequently the local government purchased two houses and their verandahs, in the fort for officers' quarters, where a jury convened at the instance of the local government, under an Ordinance, assessed the sum to be paid for those two houses and their verandahs at 2,000*l.*; but no hint was ever given by the local government that the value of the verandahs was to be excluded from the full estimate of the price of the premises as they stood at that time.

So again, and very recently, two houses and their verandahs were bought by the local government in Maliban-street, for the sake of opening up a communication between Second Cross-street and the New Road, by the side of the Lake; but a reduction from the amount required to be paid for those houses and verandahs was never sought on the allegation that the verandahs were previously the Crown's property, or the ground on which they stood. And are all these not "disavowals" of the Crown's right or title to the verandahs? Or are they proofs of the accuracy of the Colonial Secretary's statements, that the local government has never disavowed the Crown's right or title to the verandahs, but, on the contrary, advertised that right or title on every possible occasion?

Moreover, no instance is known in which the local government has ever laid claim to a single verandah for its necessary removal, without having made a fair compensation for it to the owner.

Next, as to the price proposed to be charged for the verandahs which owners may be required to purchase. If they are obstructions they surely cannot be allowed to be purchased that they may be continued; and if they are not obstructions, I can scarcely understand how or why the local government should be allowed to force parties to purchase distinct titles to them, except upon the principle I have already adverted to, namely, that of asserting the Crown's right to such grounds, and in which case a mere nominal value could only be thought of; but in that case, or in any view, the price proposed is infinitely too high.

In reference to this the local government has issued no less than three "Gazette" notices or advertisements, and by every one of which it has varied its proposed price*.

One

* First Gazette advertised Price, 28 March 1846:—

All streets, roads, and lanes will be divided, according to their local advantages, into four separate classes; and in all cases in which the Government may determine to sell to an occupant any of the land encroached upon by him, he will be required to pay for the same at the following rate per square foot:

If the land be situated in a street of the first class	-	-	-	2 <i>s.</i> 6 <i>d.</i>
If in the second	-	-	-	2 <i>s.</i> - <i>d.</i>

535

Appendix, No. 10.

One is inclined to think that if those who advised his Excellency to adopt such a course had earnestly desired to have brought the proceedings of the local government into derision and contempt, a more effectual method could hardly have been resorted to. These advertisements go far to show how rash and inconsiderate the scheme altogether was, and how crudely digested.

I am informed that in 1829 the local government sold ground for building upon, in Colombo, at a penny per foot; in 1834, at five-eighths of a penny, and at one penny three-farthings; and that since those periods the sales have been at about the same rates. Therefore, if the value of building land in Colombo had increased since then, even to the extent of 100 per cent., the sum now proposed to be charged is considered most extravagant and oppressive.

It is well known, likewise, to the local government, and capable of the most convincing proof by the inhabitants of Colombo, that the streets of that town are now in the same lines, and of the precise same breadths or width as they were in the Dutch time. And the local government itself states, in its own Gazette advertisement of the 17th February 1846, that "in some parts of the town encroachments of long standing exist in streets of more than sufficient width." So that those verandahs, if even encroachments, are not recent, and not requiring to be taken down for the widening of the streets.

With a view to save your time, I have endeavoured to avoid entering upon anything which I have considered to be settled between us; but if there are still any points on which you may desire to have further explanation from me, I shall be more than happy to have the opportunity of rendering it, and also to have the honour of waiting on you again before my Lord Torrington quits England for Ceylon.

If not, upon the facts and for the reasons I have now submitted, I trust you will, in your wisdom, consider it to be necessary that the regulations complained of should be still further modified beyond what you have already been pleased to assure me they shall be, if not entirely annulled; and that at any rate you will come to the conclusion, that you have enough now before you to require that you should put an immediate stop to any proceeding whatever being taken under such regulations, until after you shall have had my assertions of the facts displaced by something more definite and conclusive than the local government has as yet supplied you with.

With the utmost humility, I conclude that at all events you will, in your communication to the local government on this subject, in justice to the inhabitants and in honour of the Crown, feel that you ought to state that unless the local government is fully prepared to disprove any allegations of the facts, it must not proceed, after hearing from you, to carry into operation its regulations.

With unfeigned thanks for the trouble you have allowed to be imposed upon you, and the very kind and considerate attention you have already given to this case, and are still willing to bestow upon it,

I have, &c.
(signed) *Thomas Young M^cChristie,*
Agent for the Inhabitants of Colombo.

— No. 8. —

(No. 7.)

My Lord,

Downing-street, 23 April 1847.

I TRANSMIT to your Lordship the copy of a letter addressed to this department by Mr. M^cChristie, on the subject of the regulations which the Government of Ceylon have lately issued, affecting the verandahs of houses in Colombo,

27 March.

As

If in the third	-	-	-	-	-	-	-	1s. 6d.
If in the fourth	-	-	-	-	-	-	-	-s. 9d.

Second Gazette advertised Price, 28 July 1846:—

The Government agent for the Western Province has to give notice that the rates at which encroachments within the gravets of Colombo will be sold, have been reduced by the Governor in Council as follows:

First class to	-	-	-	-	-	1s. 6d.	} per square foot.
Second ditto	-	-	-	-	-	1s. -d.	
Third ditto	-	-	-	-	-	-s. 9d.	
Fourth ditto	-	-	-	-	-	-s. 6d.	

Third Gazette advertised Price, 6 October 1846:—

The Government agent for the Western Province has to give notice that the rates at which encroachments within the gravets of Colombo will be sold, have been further reduced by the Governor in Council as follows:

First Class to	-	-	-	-	-	9d.	} per square foot.
Second ditto	-	-	-	-	-	6d.	
Third ditto	-	-	-	-	-	4½d.	
Fourth ditto	-	-	-	-	-	3d.	

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Appendix, No. 10. As Mr. M^cChristie states that it had been intimated to him from this department, that those regulations would be modified to the extent mentioned in his letter, and that he had so apprised the inhabitants of Colombo, it is necessary that I should explain to your Lordship what occurred on this subject.

In July 1846 Sir Colin Campbell transmitted two petitions against the measures proposed by the colonial government with respect to the verandahs, and reported certain concessions which he had made to meet the wishes of the petitioners.

On the receipt of Sir Colin Campbell's despatch, I referred the subject to the Land and Emigration Commissioners, who furnished me with a report, and concurring in the views taken by the Commissioners, I forwarded a copy of their report to Sir Colin Campbell, for his information and guidance.

Mr. M^cChristie having placed himself in communication with this department on behalf of the petitioners, he was apprised verbally of the substance of the report made by the Commissioners, but he was not led to expect any departure from the course therein proposed.

There are several statements, however, in Mr. M^cChristie's letter, which seem to require explanations from the colonial government, and I have therefore enclosed a copy of it for your Lordship's consideration and report.

It is not my intention that any measures which may be in progress with respect to the verandahs should be interrupted, unless you should be satisfied that Mr. M^cChristie's conclusions are correct. I should not, however, object to an arrangement by which the occupiers of verandahs which can be shown to have existed for more than 20 or 30 years, should be allowed to obtain a title to them on payment of a slight registration fee, or, in case public convenience required the removal of their verandahs, that they should receive some moderate rate of compensation for them. Such compensation might be made out of the money arising from the sale of more recent erections, or in default of this, might be raised by a rate on the inhabitants of Colombo.

The Viscount Torrington.

I have, &c.
(signed) Grey.

— No. 9. —

Queen's House, Colombo, 10 July 1847.
(Received 30th August 1847.)

My Lord,

I HAVE this moment received (within two or three hours of the departure of the mail), for transmission to your Lordship, the accompanying volume of papers, purporting to be drawn up by a committee of householders interested in the Verandah question, at the head of which stands the name of Mr. Elliott, the editor of the "Observer," of whom I have made mention in another despatch* upon this subject.

I forward this mass of documents to your Lordship without a moment's delay, lest it should afford ground for complaint that I had purposely detained them. I might fairly remark upon the want of proper courtesy shown to me, in putting into my hands such a thick volume of papers at the very last moment, when it is impossible for me to study their contents. I would however beg your Lordship (although it could scarcely be necessary to do so) to receive with some allowance the various statements submitted. As far as a very hasty glance can enable me to judge, it appears to me that they have raised all kinds of unnecessary difficulties, which the Government have been all along prepared to smooth down. They complain of the hardship of having to pay for or remove verandahs which have existed for a great length of time, say even 50 years. But I assure your Lordship that the Government have not insisted upon either payment or removal in cases where verandahs have existed for so long a time. It is quite impossible that the Government can publicly notify in the "Gazette" that they will receive oral testimony alone as in all cases sufficient to guide their proceedings, for in that case even written documents would be destroyed on purpose to enable the people to swear what suits their purpose better. I have it from the Queen's Advocate himself, that the falsification of documents here is so common that even they must often be rejected in Court; and I have the same authority, added to that of many others, for saying that testimony on oath can rarely be received. Undoubtedly there are instances in which oral testimony can be received, and such the Government may properly take into consideration when the proper time arrives; but for obvious reasons it is impossible that any public notification can be given either with respect to this or to the question of compensation.

I am most anxious that the rights of property should be respected to the utmost degree; and I would remind your Lordship that the Government gain no direct profit or advantage whatever from dealing boldly (as I trust your Lordship will authorize me still to do) with this question, for, as will be seen from the notice in the "Gazette," the whole of the receipts from the sale of encroachments at the moderate rate proposed, is to be applied to purposes of local improvement.

In my former despatch I have proved to your Lordship that from the period of the Dutch occupation up to the present time, constant notifications have been issued in successive proclamations, warning the people against encroachments.

I enclose to your Lordship extracts from the written opinions of Mr. Granville, when collector,

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Page 513.

* No. 37, 28 June 1847, page 516.

537

collector, and Mr. Anstruther, when Colonial Secretary, upon this very subject, taken from the minutes of the Executive Council.

The settlement of this matter proposed by the committee in their letter to your Lordship is utterly impracticable, owing to the absolute impossibility of placing reliance upon simply oral testimony.

I may also observe that the payment of 9*d.*, 6*d.*, 4½*d.*, and 3*d.* per square foot is exceedingly moderate in respect to the divisions of the streets to which the several classes of payment apply; and, moreover, that small payment is to be distributed over two years.

But in some of the remoter and poorer parts of the town, perhaps, two additional classes may be made of 2*d.* and 1*d.* each.

With regard to the legal decisions of the district judges in the cases of Gambs and Verstraaten, quoted in these papers*, a perusal of these cases will show that they were only given against the Crown because the buildings were not proved to be encroachments at all. The Government failed in proof, because they had at that time no power of compelling the production of title-deeds.

* Printed at pages 510 to 513.

At this time the Government do not make any claim upon the inhabitants for verandahs which are not encroachments. A most rigid examination into all title-deeds and written documents is always instituted, and an abstract of each is kept in the town surveyor's office.

I think it my duty to request your Lordship's full support for the cautious and equitable but determined carrying out of this measure; and I trust that the agitation, which I conceive has been purposely raised to test the spirit of my Government, will, under your Lordship's directions, fail in this instance of its hoped-for effect.

I have not descended to notice the personalities applied to myself.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) Torrington.

Enclosure, No. 1.

TO the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State.

May it please your Lordship, Colombo, 7 July 1847.

WE venture once again to trespass upon your Lordship's attention with regard to government measures respecting verandahs, but under far more painful circumstances even than before.

Our agent, Mr. M'Christie, by the copy of his letter of the 27th March 1847, to the Under Secretary of State, led us to believe (as did Mr. Hawes also by his assent thereto) that the verandah question would be immediately settled upon fair and equitable principles; but understanding that your Lordship ordered some inquiries here into certain statements contained in Mr. M'Christie's letter, we appointed a deputation to wait upon Lord Torrington. That deputation's report (copy of which we annex*) has awakened very painful feelings in our breasts, as we doubt not it will also in your Lordship's mind.

* Page 505.

It will be seen by that report, that we are quite prepared to substantiate all Mr. M'Christie's material assertions; and in order that there may be no mistake in this respect, the deputation have placed on record our willingness and ability to do so if afforded an opportunity, in a letter (written subsequently to the interview with Lord Torrington) to the Colonial Secretary, of which the following is a copy:

"Sir,

"Colombo, 28 June 1847.

"With reference to our interview with Lord Torrington, on the 24th instant, we beg leave to state for his Lordship's information, that having carefully read over Mr. M'Christie's letter of the 27th March, to the Under Secretary of State, we are prepared to support all the assertions contained therein materially affecting the merits of the verandah question, the accuracy of which the local Government may impugn.

"Had we been informed that his Excellency intended to call upon us at the interview for particulars or proofs, we should have been (as we then stated) prepared with them.

"There certainly are a few minor declarations, which are more liable to misconception than inaccurate, and which may therefore require explanation, though really not affecting the question.

"We also respectfully beg to be furnished with copies of any documents which it may be his Excellency's intention to forward to the Secretary of State in answer to Mr. M'Christie's assertions, particularly of Mr. Granville's and Mr. Anstruther's letters, alluded to by Lord Torrington at the interview, in order that we may submit our remarks upon them for the information of Her Majesty's Secretary of State.

"We would at the same time beg to be furnished with a copy of Mr. Perring's (a late King's Advocate) opinion to Government, on the removal of ancient buildings in towns; a document to which at a former time we called the attention of Government.

"Presuming there can be no objection to this reasonable request,

We have, &c.
(signed) "C. Elliott. James Alvis.
R. F. Morgan. J. B. Misso."

Appendix, No. 10. To that letter we received the following reply :

“ Colonial Secretary’s Office, Colombo,
30 June 1847.

“ Gentlemen,

“ Having submitted to the Governor your letter of the 28th instant, his Excellency desires you to be informed that compliance with your request to be furnished with the papers applied for would only uselessly prolong discussion upon a measure which, in his Excellency’s opinion, admits of no further question.

“ I have, &c.
(signed) “ W. C. Gibson.”

It now only remains for us to say, that if your Lordship order a Commission to take evidence upon oath, we shall be prepared to confirm Mr. M’Christie’s statements; and we trust your Lordship will receive with caution any contradiction of those statements until we have been heard in support of them, or in explanation of any negation of them.

It is to us unaccountable that your Lordship should refer Mr. M’Christie’s letter for inquiry to the Ceylon Government, seeing that this gentleman makes no important statements but what was previously made by us in our letter of 26th October 1846, to the Colonial Secretary. It is possible that that most important document, which takes in the entire subject, has never reached your Lordship; for if it had been forwarded in due course, doubtless it would have been accompanied with the remarks of the local government, and your Lordship would not now require comment upon Mr. M’Christie’s assertions, which are mainly repetitions of what we had therein already stated. Nor is this rendered the less probable by the information of the deputation, who state (see their statement) that when they referred to that letter of ours, Lord Torrington did not seem to have it amongst the documents lying before him. Lest then, by any accident, that letter of ours should have been overlooked, we annex a copy, and entreat your Lordship’s particular attention to it.

Mr. M’Christie’s assertions generally speak as to matters of fact, in which names of persons, places, or special instances are given, and admit of no contradiction; they are provable by evidence on oath; they were all previously made by us in our letter to the Colonial Secretary here, who never ventured to contradict them to us. We showed the inaccuracy of his previous statements, which by silence he then appeared to abandon as untenable: is it, we repeat, possible your Lordship never saw that refutation of ours?

We gather from Lord Torrington’s indistinct allusion in conversation with the deputation, that your Lordship has been led to doubt three statements made by Mr. M’Christie on our authority. Upon these therefore we would offer a few remarks:

1st. That the verandahs generally have stood since the Dutch time, and that the streets are generally of the same breadth. In confirmation of this we can produce about 50 or more old and respectable inhabitants, some of them notaries public, proctors of the Supreme Court, government clerks, &c., who can swear that regular verandahs in the fort and pettah of Colombo have generally stood from before the cession of Colombo to the British; and that the streets are generally of the same breadth as they then were, excepting where some back streets have been encroached upon, or where the British Government have widened or opened streets; that the same persons will further speak positively to numerous particular verandahs as having thus existed from the time of their youth; that is, periods varying from 50 to 80 years. This we say we can prove, and desire to be put upon the proofs.

2d. That Government never gave notice to the inhabitants generally of its intention to resume verandahs. One indisputable fact which we can prove by the evidence of Government itself, corroborates this assertion; and it is this: that Government did not know, until lately, that the regular verandahs were not included in the title-deeds. How, then, could they give notice of what they did not know to exist? This, however, does not rest upon mere assertion on our part, for Sir Emerson Tennent, in a speech which he made in the Legislative Council in June 1846, respecting his fees, quoted a letter from the town surveyor, Captain Pickering, dated 13 October 1844 (a copy of which is annexed), which proves that it was then (in 1844) first suspected that verandahs stood on spare ground. Well then may Mr. M’Christie be surprised at the repeated declarations of the Colonial Secretary as to warning, &c. &c. respecting what was not known to exist.

Your Lordship, we are sure, will not admit, though Lord Torrington maintain, that official communication passing between Government departments, or even notices based thereon to individuals, respecting particular encroachments, and which were removed, were sufficient notice to the inhabitants generally. The Government Gazette has ever been the medium of such general notices to the people, and it is for Government to show that in it any general notice was given to the inhabitants of the intention of Government to resume the verandahs. Nay, if required, we shall prove the negative, and show by the evidence of clerks, notaries, and proctors, that no such notice was given, either in the Gazette or otherwise.

3d. That Government was defeated in every attempt to remove such encroachments. This perhaps requires explanation. It should perhaps be, that Government were defeated in every contested case when they attempted to remove ancient verandahs. Doubtless obstructions have from time to time been removed, as in all towns; and perhaps some of very long, possibly too of immemorial standing; but when this was attempted last, about 1834, on some verandahs of immemorial construction, the owners successfully resisted at law. These cases are named in our letter, and repeated by Mr. M’Christie; but we now submit

to your Lordship copies of the judgments of the courts. Two of these your Lordship will perceive are decrees quieting the occupiers in their possession. The third, an order of Chief Justice Marshall, upon a motion for injunction; and it is well known that Sir Charles Marshall at the time expressed so strong an opinion, and the King's Advocate did the same to Government, as to the illegality of such removals, that the Government of that day desisted.

Appendix, No. 10.

Your Lordship will perceive that we have been denied a copy of Mr. Perring's opinion. Your Lordship will, however, be pleased to observe that these attempts were to remove obstructions (and that too only after the parties had refused to accept compensation), and that never till now was it heard that people were called upon to buy, under pain of destruction, their ancient verandahs, "in streets of more than sufficient width."

Your Lordship will, perhaps, be surprised that on the title of prescriptive possession (which your Lordship is aware has been held good against the Crown at 60 years) the people have not appealed to the courts of law. But we have dissuaded them from such a course, from an extreme unwillingness to place ourselves in such a hostile attitude to the Government. Again, they are in a most unfavourable position in consequence of the extraordinary and unheard-of powers which the Government has assumed by virtue of the Ordinance it lately enacted, No. 16, of 1844. Any surveyor-general, or assistant, or such officer, is authorized to demand the production of any title-deed from persons whose building he considers encroaches upon a street or road, to take it to his office, and there examine it, when the *onus probandi* shall rest with the owner, and be independent of prescription; and such surveyors may, after a mere notice, summarily enter a building and break it down.

Again, most of the people, that is, those least able to endure the demand, are dependent either directly or indirectly, for temporal existence, upon Government, some one or more members of each family being generally Government clerks.

Your Lordship, with English ideas of independence, and respect for it, will, perhaps, hardly understand that dependence should impair rights.

We would only remind your Lordship, that the social condition of Ceylon is very different from that of England. No Government clerk here dare, or at least believes he dare, thwart the wishes of Government respecting his verandah; aye, or his whole property, if demanded from him.

Believing that your Lordship would never allow advantage to be taken of such circumstances, our advice to the people has been to pay the first instalment under protest, when demanded from them; and it consists with our knowledge that many have been obliged to borrow the money; the usual interest upon such loans being from 12 to 18 per cent. per annum. Lord Torrington will doubtless inform your Lordship, as he did our deputation, that he has driven through the town and seen the necessity for the measure. But we are just as anxious as his Excellency can be, that the streets, where obstructed, should be widened, and drainage more attended to. A grave mistake it is to imagine that we are opposed to the pulling down of whatever may be necessary for these purposes. But your Lordship, or any other person who has never seen the town, is just as competent as Lord Torrington to form an opinion on the principles which ought to guide the measure; the principles of equity and fair dealing, respect for the moral and legal rights of property, for which we alone are contending.

Lord Torrington drove through some of the streets, and was, we understand, taken to those which certainly require opening; but how could Lord Torrington or any other stranger form any opinion as to the titles (even though good valid deeds) of the occupants? Or as, suppose, his Excellency drove along Sea-street, how could he know that the very irregularities he saw were made by Government in 1834, taking away all modern erections; and still more, how could Lord Torrington know that the poor submissive people in this street actually allowed Government recently to take a considerable piece off the rear of their little premises, to construct a new road along the sea beach? Your Lordship is, however, aware that the removal of verandahs for the widening of streets is the minor question involved, the more grave one being the compulsory purchase of verandahs not required for such purposes, they being, in Government language, "in streets of more than sufficient width." And of this your Lordship is as competent to form an opinion as any person who has inspected the streets.

We have repeatedly been told of the necessity of putting an effectual stop to encroachments upon Crown land; a sentiment in which we fully concur; but we are confident your Lordship will never sanction the indiscriminate punishment of the innocent with the guilty, as this measure would entail.

Surrounded by those who conceived the measure and carried it forward, and (according to his Excellency's admission) whose personal feelings are now staked in the question, it was improbable that Lord Torrington could come to any other determination, especially as his Excellency did not afford us an opportunity of first stating our side of the case. It is therefore, perhaps, not to be wondered at that Lord Torrington has ordered the work of destruction or ruin to commence forthwith by the following notice, which we cut from the "Government Gazette":—

"His Excellency the Right honourable Viscount Torrington having had under review the proceedings for the removal and sale of encroachments upon the property of the Crown within the town and gravets of Colombo, as set forth in the several notices which have appeared in the Government Gazette, under date the 10th February, 28th March, 23d July,

Appendix, No. 10. 17th August, and 6th October 1846, has been pleased to direct the following notification to the inhabitants :

“ His Excellency is impressed in the strongest manner with the necessity which calls for an immediate check being applied to the extension of these trespasses on Government property, and for the removal of all such as interfere with the health and convenience of the public, or obstruct the thoroughfares and drainage of the town. His Excellency is fully satisfied of the propriety and efficiency of the steps taken for this purpose by his predecessor in the Government, and he desires it to be made known that instructions have this day been issued to the assistant civil engineer and surveyor-general to proceed without further delay to carry those measures into execution without alteration in any particular.

“ The terms on which permission to purchase will be granted in the cases of verandahs which there exists no immediate necessity on the above grounds for removing, will be those fixed by the notice in the Gazette of the 6th October 1846, payable by instalments as therein specified. And all sums so received will be applied to strictly local purposes for promoting the health and convenience of the inhabitants of Colombo.

“ All buildings on encroachments which parties neglect or refuse to purchase within one month from the service of a notice of permission to do so, will be immediately taken down, and the land resumed by the Crown.

“ All such encroachments as interfere injuriously with the width of the streets, or the course of the channels and drainage, will be removed; and no verandah purchased from the Government will on any account be permitted to be enclosed otherwise than by an open railing, as stated in the notice of the 17th February 1846.

“ All verandahs which can be shown by the production of title-deeds or other documentary evidence to have been in the possession of the parties prior to the British occupation of Ceylon are exempted from the operation of this order, and if required for public purposes they will be dealt with under the Ordinance.

“ By his Excellency's command,

“ Colonial Secretary's Office, Colombo,
“ 26 June 1847.”

“ *J. Emerson Tennent,*
Colonial Secretary.”

We are confident your Lordship will never sanction the unreasonable and unheard of requirements to produce documentary evidence in support of prescriptive possession, and that your Lordship will order credible oral testimony (the only evidence that can possibly exist) to be admitted. We are however most grievously disappointed indeed if, after Mr. M'Christie's letter to Mr. Hawes, Lord Torrington has not in some way mistaken your Lordship's instructions. From that letter we understand that Mr. Hawes, in your Lordship's name, pledged himself to a settlement of the question on fair and equitable principles. In that behalf we tendered to Lord Torrington the following proposed settlement, which we now submit to your Lordship:—

“ Proposed Settlement of the Verandah Question:

“ First Class, or Verandahs required for public purposes :

“ If possessed for any period under 10 years, to be removed without any compensation to the occupiers.

“ If above 10 and under 15 years, compensation at one-quarter the assessed value to be allowed.

“ If above 15 and under 20 years, one-half value compensation.

“ If above 20 and under 25 years, three-quarters value compensation.

“ If above 25 years, full compensation.

“ Second Class, or Verandahs not required for public purposes :

“ If possessed for any period under 10 years, occupiers to pay the full assessed value of the ground.

“ If above 10 years and under 15, to pay two-thirds value.

“ If above 15 and under 20 years, one-half value.

“ If above 20 and under 25 years, one-quarter value.

“ If above 25 years (a quarter of a century), occupiers to be left in quiet possession.”

We repeat what we told Lord Torrington : Extend the several periods to anything fair and reasonable, and then throw the proof upon us ; and accept only such proof as would condemn an individual for a capital offence ; that is, clear, oral evidence of respectable persons upon oath.

Your Lordship will further perceive that, contrary to Mr. M'Christie's understanding with Mr. Hawes, the same amount of fees are to be levied, and the last valuation, ranging from 9d. to 3d. a square foot, is adhered to. On the latter we would repeat that it is far higher than any charges made previously for land sold by Government ; and that the rate ought in some degree to coincide with the value of the land at the time each so-called encroachment was made ; from 1d. to 3d. per foot we submit would be about fair.

If your Lordship is pleased to accept of this proposal, a graduated scale as to time and price, we guarantee the cheerful submission of a loyal and grateful people.

We have, &c.
(signed) *C. Elliott (M.B.C.S.)* and Others.

REPORT.

Appendix, No. 10.

THE deputation appointed by the committee of the householders of the town, fort, and four gravets of Colombo, to wait upon the Right honourable the Governor, in reference to the verandah question, submit the annexed statement of what took place at the interview.

That statement, however, being intentionally a bare narration of what was said, cannot be supposed to furnish evidence of Lord Torrington's manner, which was in a high degree discourteous; but as an adequate idea of it cannot be conveyed in words, we would here offer a few remarks.

It will be seen that Lord Torrington endeavoured to draw us into a concurrence with every assertion of Mr. M'Christie, however minute, before telling us his Lordship's conviction of that gentleman's inaccuracy. It would not satisfy his Lordship that we concurred in, and were able to support every material statement affecting the question made by that gentleman. No: we must speak to every particular, and even expression; but as no two independent minds can be expected to arrive at such an entire concurrence, and as Mr. M'Christie stated facts said to have taken place in England, we therefore declined to declare, without reading it, what parts we could fully and entirely concur in, but we maintained our ability to substantiate all its material statements, or what would perhaps be better still, every statement contained in the committee's letter* of 26th October 1846 to the Colonial Secretary, on which chiefly Mr. M'Christie's statements are based.

* Vide page 485.

Having failed to pledge us to every minute particular and expression used by Mr. M'Christie, Lord Torrington condescended to inform us that that gentleman had made gross misstatements and brought serious charges, and had even made an intentional omission. The former we doubted, but we certainly congratulated ourselves on not having allowed ourselves to be drawn into an approval of an intentional omission.

It seemed to us that Lord Torrington appeared equally anxious to catch at any word or expression of ours that could be construed into a repudiation of Mr. M'Christie, or an acknowledgment that he was not acquainted with the facts; an attempt in which his Lordship was equally unsuccessful.

The Governor's language and manner when speaking of our agent, Mr. M'Christie, were exceedingly painful and offensive to us; and the committee will understand the astonishment we experienced when on retiring we could, in our copy of the letter in Mr. M'Christie's own handwriting, perceive no such omission as the Governor had discovered and considered intentional, and to serve his, Mr. M'Christie's, own purpose, and which Lord Torrington said was characteristic of that gentleman's statements. There, as the committee may perceive, is the identical third in the fourth class valuation, to which his Excellency specially referred.

Nor was Lord Torrington much more scrupulous in reference to ourselves. We, and the committee of which we are a part, were the only recognised advocates of the householders. We were prepared to prove by evidence all our statements; and yet his Lordship told us "falsehoods" had been uttered. We submit that the amenities of life forbid, either in social or official intercourse, the use of such expressions offensively, no matter to whom applied, when addressing parties connected with the measure. We almost wish we could attribute Lord Torrington's manner to the excitement of the moment, but we defy any one present to say that in either words or otherwise we were not respectful to his Excellency throughout the interview. We regret that we were not made aware of Lord Torrington's intention to treat us with indignity, for if we had been, we certainly should have saved his Lordship the trouble by staying away. We still more regret that if, as private individuals, we were not entitled to ordinary courtesy, we did not at least receive it by virtue of our office as the representatives of a large and respectable, though many of them very poor, portion of the community. If Lord Torrington had no respect for us individually, we could wish that his Excellency had not in this manner insulted the community in us.

The committee will perhaps wonder at, and wondering, applaud, the extreme forbearance that enabled us to endure this ordeal unmoved; that we neither abruptly left the room nor retaliated. Though frequently provoked, and meditating either, or indeed both these courses, we were restrained by two great considerations that overcame personal feeling. It was evident that Lord Torrington's passions were deeply engaged in the matter, and indeed his Excellency gave us to understand that the cause had, in his opinion, been already damaged by personal considerations. We therefore plainly saw that any such manifestation on our part would, with Lord Torrington, only prove highly detrimental to the poor, the needy, the dependent, and the oppressed, the widow and the orphan, in whose cause we were engaged. But there was even a higher motive still for our patient endurance, and it was this: we were conscious that we were in the presence of the representative of Her most gracious Majesty.

If the committee consider that we failed in properly representing the cause entrusted to us, we beg, in justification of ourselves, to refer to our statement, by which it will be seen that Lord Torrington had previously made up his mind upon the subject, and merely granted us the interview to announce his fixed determination, without affording us an opportunity of adducing any arguments on behalf of the householders; a mere desultory conversation only, with many painful interruptions, having taken place.

(signed) C. Elliott.
R. Morgan.
Jas. Alwis.
J. B. Misso.

PARTICULARS of an Interview between the Right Honourable Lord *Torrington* and the undersigned Members of a Deputation from the Committee of the Householders of the Fort, Town, and Four Gravets of *Colombo*, held agreeably to appointment, at the Queen's House, Colombo, on Thursday, 24th June 1847; written immediately after the interview.

THE Governor was attended by his private secretary, Mr. Bernard; the civil engineer, Mr. Norris; and the town surveyor, Captain Pickering. His Excellency received the deputation sitting, chairs being provided also for Mr. Bernard, Mr. Norris, and Captain Pickering. The deputation had to stand during the interview, which lasted about an hour.

His Excellency began by asking if we formed the deputation of the Verandah Committee, to which we answered that we did. He wanted to know what our object was, and added that he was prepared to listen to anything we had to say.

Mr. *Elliott*. We were informed by our agent, Mr. M^cChristie, that the Secretary of State had referred the verandah question to your Lordship, and also the communication made by that gentleman to the Secretary of State.

The *Governor*. Do I understand you to say that Mr. M^cChristie is your agent?

Mr. *Elliott*. Yes, my Lord, in this matter. (Mr. *Elliott* proceeded.) That we were prepared to render what explanations were necessary; that in the full confidence that the Government were prepared to enter into an adjustment of the matter on fair and equitable principles, and with a view to obviate any further difficulty, we had prepared a certain proposal, on which we thought an arrangement satisfactory to both Government and the people could be come to. We had the proposal ready, and would submit it to his Lordship.

(Mr. *Elliott* continued.) Taking the Colonial Secretary's statement, that it was notorious that the majority of the verandahs are of modern construction; and taking the order of Governor Stewart Mackenzie, that a person who had a small patch of garden, with a few trees at the end of his house, should receive handsome compensation, if deprived of it by Government, (although it was an encroachment upon the street) because it was admitted by the superintendent of police that he had been in possession 22 years; taking, Mr. *Elliott* said, these as the basis, we proposed the following scheme:

Proposed Settlement of the Verandah Question.

First class, or verandahs required for public purposes:

If possessed for any period under 10 years, to be removed without any compensation to the occupiers.

If above 10 and under 15 years, compensation at one-fourth the assessed value to be allowed.

If above 15 and under 20 years, one-half value compensation.

If above 20 and under 25 years, three-fourths value compensation.

If above 25 years, full compensation.

Second class, or verandahs not required for public purposes:

If possessed for any period under 10 years, occupiers to pay the full assessed value of the ground.

If above 10 years and under 15, to pay two-thirds value.

If above 15 and under 20 years, one-half value.

If above 20 and under 25 years, one-fourth value.

If above 25 years (a quarter of a century), occupiers to be left in quiet possession.

Lord *Torrington* said nothing in reply to this; but called upon us to state whether or not we were prepared to substantiate every expression and statement made by Mr. M^cChristie, as our agent, in his letter of 27th March 1847, to the Secretary of State.

Mr. *Elliott*. Expressions are matters of individual taste or opinion, but all the material statements affecting the verandah question we are able to substantiate.

His Lordship said he must press upon the deputation the question whether we concurred in every statement.

Mr. *Elliott*. Perhaps not. Speaking from memory, he recollected that Mr. M^cChristie had made a mistake in calling the registrar's office of the Supreme Court the place for registering deeds, instead of the District Court; but all Mr. M^cChristie's material statements are correct, and we would, if called upon so to do, support them by evidence. We could not from memory speak to particulars, and state precisely in what we did not concur.

The *Governor*. Here am I, fully prepared to hear what you have to say, and you are not prepared to prove Mr. M^cChristie's statements. I have devoted much time and attention, and gone over the whole laboriously, I may say cleverly, and now you tell me you are not prepared to go on with it. I really must call upon you to state expressly what parts of Mr. M^cChristie's letter you do not concur in.

Mr. *Elliott*. We concur in all his material statements.

The *Governor*. Prove them.

Mr.

Mr. *Elliott*. How can we? Are we to summon evidence? Will your Lordship hear evidence? If your Lordship appoint a day to hear evidence we shall come prepared with it; at present we can speak only from our own knowledge. Appendix, No. 10.

The *Governor*. Why did you not bring proof in support of the statements made by your agent?

Mr. *Elliott*. We did not know that we would be called upon to adduce evidence on this occasion.

The *Governor*. Do you stand by all that he said, sir?

Mr. *Elliott*. It is just possible that Mr. M'Christie (being a stranger to this country, and having only a short time before him to master the facts) has fallen into a few trifling inaccuracies; of course those cannot be supported.

The *Governor*. Oh then! you allow Mr. M'Christie is not acquainted with the facts. It was very improper for him, being ignorant of facts, to have acted as he did. He has brought charges against Government and individuals. He has made statements directly opposed to facts, and used very strong expressions. I must again ask, are you prepared to stand by them?

Mr. *Elliott*. In our correspondence there is not a single disrespectful expression. We understood Mr. M'Christie's letter to pass over all such parts of the question as he and the Under Secretary of State were agreed upon, and merely entered upon such as the local Government and ourselves (or Mr. M'Christie upon our information) were at issue. But as your Lordship seems to allude to the entire question, we beg to refer your Lordship to our full statement of it, contained in our letter of 26th October 1846 to the Colonial Secretary. (The Governor not having this document before him, his secretary sent for it, and afterwards a file of newspapers, in which it was printed, was brought from the Colonial Secretary's Office we believe.)

Mr. *Elliott*. We can substantiate by proof any and all the statements contained in this letter. (The letter was not, however, read.)

The *Governor*. What parts of Mr. M'Christie's letter do you not concur in?

Mr. *Morgan*. In our reply, my Lord, to the letter of the Colonial Secretary, we have stated a series of facts which we are fully prepared to substantiate. Mr. M'Christie, in his letter, reiterates some of those facts; these we are prepared to substantiate. We are not prepared to support every expression of Mr. M'Christie, or every conclusion which he has drawn from the facts, but what particular parts of his letter we cannot support we are now unable to specify, as the letter is a lengthy one, and we did not expect to be called upon to make such specification. If your Lordship pleases, we shall submit in writing a statement of what we are prepared to support, and what we cannot support.

The private secretary here whispered in Lord Torrington's ear (as he did occasionally); and the Governor did not accept this offer.

Mr. *Elliott* submitted that Mr. M'Christie's letter should be read, and we would state what we did not agree to.

Mr. *Bernard* thought this was the proper course, and began to read the letter, to the end of the 2d paragraph, where Mr. M'Christie speaks of the understanding come to with the Under Secretary of State.

Mr. *Elliott*. We cannot substantiate that assertion, for instance, because it merely narrates what is said to have passed between the Secretary of State and Mr. M'Christie. This is an instance of what we when cannot substantiate some of his statements. We were not present, and have no personal knowledge. Copy imperfect.

The *Governor*. Yes; but it was founded upon your representations. You talk of immemorial possession; what do you mean; how long is it to be?

Mr. *Elliott*. Possession time out of mind. Say 60 years.

(The regular reading of Mr. M'Christie's letter was then given up at the 2d paragraph.)

The *Governor*. No person having immemorial possession has been disturbed. Captain Pickering assures me of this.

Captain *Pickering*, on being appealed to, remarked, Not a person who has immemorial possession has been interrupted.

Mr. *Elliott*. The notice in the Government Gazette calls upon all parties, and as there are many persons in immemorial possession, of course they are included.

The *Governor*. You can't show a single instance.

Captain *Pickering*. Not a single one.

Mr. *Morgan*. We did not expect to be called upon to adduce instances; but speaking from memory, I'll mention some; Mrs. Schrada's house, next to Mr. Martensz's; Mr. Lampher's in the same street.

Captain *Pickering*. Oh! but they have no documents to show their immemorial possession. Nobody has been disturbed who has documents to support their possession.

Mr. *Elliott*. If there were documents, the question of immemorial possession could not arise. It is only in the absence of documents that the aid of possession is required.

The *Governor*. How then would you show immemorial possession?

Appendix, No. 10. Mr. *Elliott*. By oral testimony; the only method by which prescriptive possession can be proved.

The *Governor* laughed. How can you show immemorial possession without documents?

Mr. *Elliott*. We can adduce evidence from the oldest inhabitants in the town; at present I would, for instance, refer to Dr. *Misso* here.

Dr. *Misso*. I am more than 50 years old, and I recollect most of these verandahs in existence from my infancy; the verandahs alluded to are all in a line, and continuous with the Government buildings; the Pettah Hospital, for instance; in fact, they existed since the Dutch time.

The *Governor*. I can show by the Dutch law that the verandahs were not allowed to stand.

Mr. *Bernard*, the Secretary, here read an extract from the Dutch Governor Van Eck's Resolutions of Council.

Mr. *Elliott*. That's a portion of the letter from the Colonial Secretary to us.

The *Governor*. No, sir; it is the Dutch law.

Mr. *Elliott*. Yes, but it is embodied in the Colonial Secretary's letter.

The *Governor*. No, sir, I tell you no; it is literally the Dutch law.

Mr. *Misso*. Yes; the Colonial Secretary himself quotes from the Dutch law.

Mr. *Elliott*. Will your Excellency allow us to read our remarks upon that in our reply to the Colonial Secretary?

The *Governor*. That is the Dutch law, and requires no comment. If the Dutch law did not allow these verandahs to be built, they must have been built subsequently, and no prescription will avail against the Crown.

Mr. *Misso*. These verandahs are built, in accordance with the Dutch regulations, in a line with the "principal buildings." They are necessary additions to the houses, without which the houses will be exposed to the vicissitudes of our climate, and the inhabitants would suffer in their health and comfort.

Mr. *Bernard*. To show that prescription does not run against the Crown, I will relate an instance from my experience in other colonies where this has been held. The Government sold land on a quit-rent, payable at certain periods; the payment was not enforced for a length of time; and when the Crown wanted afterwards to enforce it, it was held, that although the lapse of time would bar the right as between private individuals, and although it was a case avowedly of great hardship, still the right of the Crown was not barred, and the people were made to pay, and their property was even sold to recover the money.

No person thought it necessary to reply to Mr. *Bernard*.

The *Governor*. Mr. M^cChristie states in his letter that the Government allowed the people to possess, and sanctioned it. Such was not the case. The Government always asserted their right, and warned the people that encroachments would be removed. But this, I suppose, is like all his other statements.

Mr. *Elliott*. My Lord, we are prepared to substantiate that part of Mr. M^cChristie's letter. The Government cannot show that they have made any such assertion, or given any such warning.

Mr. *Bernard* here, at the Governor's desire, read portions of two letters, which, so far as the deputation could understand them, were a letter of Mr. Granville's, when collector, and as far as we could catch, referring to some 40 huts or encroachments at St. John's River, which appear to have been pulled down.

The other document was Mr. Anstruther's, respecting encroachments in Sea-street, which the civil engineer (who was present), on being appealed to by Dr. *Elliott*, admitted were generally also removed at the time.

Mr. *Elliott*. That was no warning to the people; they were mere letters from different officers of Government, of which the people knew nothing. These documents have evidently a special reference.

Mr. *Bernard* here adverted to a certain notice, which one of his letters says was given to about 40 encroachers of the St. John's River, upon which the encroachments were removed.

Mr. *Elliott*. We are not aware, my Lord, of the particular circumstances of the cases referred to; it appears, however, that the obstructions or huts were removed at the time; but the letters contain no notice to the inhabitants of the town generally.

The *Governor*. These letters are public records and are sufficient notice to the people, and show Mr. M^cChristie's statements to be incorrect.

Mr. *Elliott*. We assert that not only Government gave no notice, but that by their acts they encouraged the people to build their verandahs as they have done. If your Excellency goes 50 yards from where you sit you will perceive how Government have encroached, even beyond the people.

The *Governor*. Indeed, sir, I cannot do anything of the kind.

Mr.

Mr. *Elliott*. I was not asking your Excellency to go; I was merely putting a suppositious case, by which your Excellency would be satisfied that the Government are the greatest encroachers of all.

The *Governor*. We are not going now to discuss abstract questions, sir. I have Mr. M^cChristie's statement before me, and I am called upon by the Secretary of State to report upon it. I must keep you to that statement. Are you aware that Mr. M^cChristie entirely omitted the fourth class (which is third) in his enumeration of the valuation of the verandahs; doubtless for some purpose of his own; perhaps on the same principle you mention, of his being ignorant of the facts.

Mr. *Elliott*. We are prepared to prove all his material statements, or rather all the statements contained in our letter to the Colonial Secretary, which Mr. M^cChristie reiterated in his communication to the Secretary of State. The whole matter can be most easily settled, my Lord, if our proposal be accepted as the basis of settlement. Your Lordship can extend the several periods as you may deem fair and reasonable.

The *Governor*. Indeed it can. I perfectly agree with you there; it can be most easily settled; and I shall settle it very easily indeed, as you will perceive shortly. I will now tell you my views on this question. Having received a despatch calling upon me to report upon Mr. M^cChristie's letter, I first applied to Sir Emerson Tennent, who told me that in consequence of the abominable treatment he had received, and the way in which his motives were impugned, he must decline interfering, and left me to form my own judgment, referring me, for any information that I may require, to Mr. Norris and Captain Pickering. I have looked into the subject fully, and gone to the pettah in order to look at the verandahs and judge for myself. I have read over all the documents, and I see no reason for departing from the determination come to by my predecessor and Sir Emerson Tennent. I am convinced that the soundest judgment was exercised in reference to this matter, and that they came to a very wise conclusion. I am sorry to perceive that this has been the cause for personal attacks upon Sir Emerson Tennent. His character has been vilely aspersed, and falsehoods uttered respecting him. It was said that he had received enormous fees, which is perfectly false. And I must say that I think the cause has been greatly injured by the conduct of its advocates, which, to say the least of it, was most injudicious. I am determined to carry out most rigorously the measures, and if people will not purchase when permitted to do so, to break down the verandahs at once. The rights of the Crown must be vindicated. It is not only in the pettah, but in every part of the island that I find attempts made to usurp Crown land, and rigorous measures must be pursued in order to prevent them. As the representative of Her Majesty I am determined not to allow an inch of her ground to be unlawfully taken from her; and verandahs, I repeat, will be immediately pulled down unless purchased; and when purchased it must be only on the condition mentioned in the advertisement, that they shall not be enclosed. I have myself perceived the way in which these verandahs are enclosed, and I am determined that that shall also be put a stop to. Beyond railings of a certain height, no enclosure will be permitted.

I am convinced that the houses will rise in value by this measure, for increased care to the drainage and sewerage must improve the value of the property.

The valuation fixed is very low, and you must be aware that land has been sold in the pettah for much higher amounts.

It is to be regretted that any individual hardship should result from the measure, but I am satisfied that the people will ultimately perceive that the measure will be beneficial to them.

Mr. *Elliott*. Does your Lordship want the statement of our proposal?

The *Governor*. Oh, no! You may take it back, sir.

Mr. *Elliott*. We must take the liberty of assuring your Excellency that you are misinformed upon many material circumstances, as can be easily shown.

The *Governor*. I am not misinformed, sir, and I cannot be. I have not trusted to hearsay, but looked into public records and judged for myself, and cannot be misinformed.

C. Elliott, M. R. C. S. L.

Richard F. Morgan,

Advocate of the Supreme Court.

J. B. Misso,

Consul-general for Portugal and the Algarves.

James Atwis, Proctor of the Supreme Court.

First Discovery that Verandahs were not in Title Deeds.

Sir,

Colombo, 13 October 1844.

I HAVE the honour to inform you that, having had occasion to call upon several people in the town to show their title-deeds, in order that I might remove such encroachments as interfere materially with the drainage of the streets, I have usually found that the greater part of the verandahs are built upon public ground. To sweep away all these encroachments would be attended with enormous expense to the Government, and still greater inconvenience to the inhabitants; but there are some which must not be allowed to remain, from their injury to the drainage; these, and such as cause the streets to be inconveniently

546

Appendix, No. 10. narrow, should be taken away. In many instances, however, the removal of these verandahs, which are encroachments, would not be attended with any public advantage, and I believe that nearly all the proprietors would gladly pay their value to save them. I would therefore recommend that I may be authorized to employ surveyors to make minute surveys of portions of the town, beginning with the pettah; that these surveys may be compared with the title-deeds, in order that encroachments may be ascertained, and such arrangements made for their removal or sale as may be judged expedient.

To T. B. Norris, Esq.
Civil Engineer. I have, &c.
(signed) W. H. Pickering,
Assistant Surveyor-general.

DISTRICT COURT of Colombo, No. 1, South; Monday, 15th February 1836.

(No. 1110.)

Present:—David Anderson Blair, Esq., Judge; Don Johannes Franciscus Dias Modliar, Permanent Assessor; Gammed Deputerigey Juanis, Witanegey Simichy Appoo, Sworn Assessors.

THE district judge states that he is prepared to give judgment in this case on the question argued on the 30th ultimo.

Mr. Wilmot objects to any judgment being given on the question as to whether this case falls within the provision of the ordinance, in respect that this point was not urged at the first stage of the case, and that the parties went to issue on the point whether the building was an encroachment on Government property or was the private purchased property of the defendant.

The Court overrules the objection now taken to judgment being given, as the Court deems itself bound to consider and decide whether the case falls within the provisions of the ordinance or not. The Court therefore proceeds to give judgment.

This case presents itself in the form of an application from the surveyor-general for an order of this Court to empower him, under the provisions of the 29th clause of the Police Ordinance, to remove an entire house, situated in the main street Pettah, and which house the applicant avers to have been built on Government ground without the express sanction of Government. The application further concludes for a fine to be imposed on the defendant for not removing the said house on notice being given to him to do so. The applicant admits the house in question to have been built prior to the passing of the ordinance founded on, and it is a matter of general notoriety that the building was made upwards of 30 years ago.

As the question is one of considerable importance with reference to the Police Ordinance and will be fully discussed in appeal, the district judge will confine himself to a very brief notice of the grounds on which his judgment rests.

And first, with regard to the fine, the 24th clause of the ordinance subjects persons neglecting or refusing to remove certain encroachments, after written notice, to discretionary fine or imprisonment.

These encroachments are comprehended under two classes:

1. Building on or enclosing, or appropriating any waste or other ground belonging to the public, or dedicated to public purposes, without the express permission in writing of the Government agent or other competent authority.

2. Buildings, enclosures, or encroachments made in the public streets and highways without the express sanction of Government.

The first class is introduced by the word "shall." The second class by the words, "which have been hitherto made or have taken place."

The district judge is of opinion that with regard to the first class, the provision of this clause of the ordinance is prospective, and with regard to the second class, retrospective; and consequently that the mere act of building on or enclosing, or appropriating any waste or other ground belonging to the public, or dedicated to public purposes, if the said act has been done prior to the passing of the ordinance, does not subject the person refusing to remove the same, after written notice, to fine or imprisonment.

Secondly, with regard to the right of the surveyor-general to apply to this court for authority to remove the house in question. The 29th clause confers on the District Court authority to arm the surveyor-general with such power; and it contains both a general and particular description of the several public nuisances to which that power is to be applied.

The general description is twofold:

1. All public nuisances endangering either the public health or safety.

2. Any obstruction, projection, or encroachment on the streets, roads, or public communication,

The particular description is fourfold:

1. An unenclosed well.

2. Any building, obstruction, or projection which the surveyor-general or superintendent of police shall consider to be an encroachment on the streets, roads, or public communication.

3. Hedges, trees, or bushes, calculated to conceal thieves or inconvenience passengers, &c. &c. &c.

4. Any

4. Any other public nuisance in the ordinance before mentioned.

The clause then authorizes the court to direct and empower the surveyor-general or superintendent of police to cause any such public nuisance to be forthwith removed.

To entitle the applicant therefore to obtain the authority of this court for the removal of the house or building in question, it must be shown that it is a public nuisance such as is set forth in the 29th clause of the ordinance. But this is not even averred; all that is averred is, that the building in question is "wholly an encroachment on Government ground in the main street of the Pettah of Colombo;" which just means this, that the house in question was built without the permission of Government on a piece of Government ground contiguous to the main street of the Pettah. But to bring the building within the provisions of the clause as an "encroachment," it is not sufficient, in the opinion of this Court, to show that it is an encroachment on a piece of Government ground situated in such and such a street. It must be shown to be an encroachment on the street itself. The building of a house by a private individual upon Government ground may be invasion of the rights of the Crown, but it is not necessarily a police nuisance. It is so if it obstructs or projects or encroaches upon any public street. Such is not the fact in the present instance. The district judge has personally inspected the premises. The house in question stands wholly off the public street. The most forward part of it, the outer verandah, does not even extend by four feet so far as the drain of the street.

On these grounds, the Court refuses the application of the surveyor-general.

(signed) *D. A. Blair, D. J.*

Friday, 19 February 1836.

Mr. Wilmot notifies his intention to appeal; and moves that the case be forwarded to the Supreme Court, after office copy of the proceedings have been furnished to the party aggrieved.

The Court refuses this motion, on the grounds stated in the case No. 1030.

IN the Supreme Court of the Island of *Ceylon*.

WILLIAM THE FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

From the District Court of Colombo, No. 1, South, No. 1110.

The King, on the Prosecution of the Surveyor-general, Complainant and Appellant, v. Mr. G. W. Gambs, Defendant and Respondent.

(Seal.)

THE proceedings in this case having been read, it is considered and adjudged that the judgment of the District Court of Colombo, No. 1, South, of the 15th day of February 1836, refusing the application of the complainant, be affirmed.

Witness, the Honourable William Norris, Esquire, Chief Justice of Colombo, the 30th day of March, in the year of our Lord 1836, and of Our Reign the sixth.

(signed) *V. W. Vanderstraaten, Registrar.*

DISTRICT COURT of *Colombo*, No. 1, North; Monday, 29th February 1836.

(No. 1115.—Criminal Case.)

Present:—D. A. Blair, Esq., Judge; Don Johannes Franciscus Dias Modliar, Permanent Assessor; Mr. John Jumeaux, Mr. John Hesse, Sworn Assessors.

The Superintendent of Police v. Mr. J. L. Vanderstraaten.

Mr. Wilmot, for Plaintiff; Mr. Staples, for Defendant.

Resumed from the 27th instant.

THIS is an application on the complaint of the superintendent of police, for authority, under the Police Ordinance, to remove the verandah of the defendant's house in St. Sebastian-street, alleging the same to be "an encroachment on the public street." That allegation has been denied by the defendant, who has undertaken to show that the said verandah is not an encroachment on the street.

In the case of *The King v. Gambs*, now pending in appeal, the district judge had occasion to state briefly the view which he then took of the 24th and 29th clauses of the Police Ordinance. The difference between the case of Gambs and the present case is, that in Gambs' case it was not even alleged that the building sought to be removed was an encroachment on the street, and consequently it was wholly unnecessary for the defendant to adduce evidence to refute what in the first instance was not even averred. In the present case it is averred that the building sought to be removed is an encroachment on the public

Appendix, No. 10.

street, and consequently it became necessary for the defendant to adduce evidence to show that the building in question is not such an encroachment as alleged by the complainant. Evidence accordingly has been adduced by the defendant, and the result of that evidence is to satisfy the whole Court, composed partly of assessors chosen by the parties themselves, that the street in which the said building is situated has existed in the state in which it now is for the last 60 or 70 years, that is, within the memory of man; and not the slightest evidence of any kind has been offered to show that at any period prior to the memory of the witnesses called by the defendant the ground upon which the verandah of the defendant's house stands ever formed a part of the public street. With such evidence therefore before it, not attempted to be impugned, the district judge can come but to one conclusion; viz. that the defendant has shown that the building in question is not such an encroachment as is alleged. To come to an opposite conclusion,—and there is no medium,—would be to sanction a proposition, repugnant at least to common understandings, that the mere averment of the complainant is to be taken against the contrary fact, traced back to the early knowledge of witnesses of unimpeachable integrity, of 80 years of age.

Assuming that the building in question is not erected upon what is, or ever was, the public street, the present case rests upon the same principle as the case of *Gambis*. The building may be an encroachment on Government property, or on other ground not included in the title deeds of the defendant, but not being an encroachment on any street or public communication, and not being proved, nor indeed even alleged, to be a public nuisance in any other respect, the question is, has the Court power to authorize its removal, under the provisions of the 29th clause of the Police Ordinance?

The district judge remains of the same opinion which he delivered in the case of *Gambis*. He has heard nothing to induce him to doubt its soundness. He considers the Police Ordinance to have been passed, not for the peculiar protection of land belonging to Government, but for the purpose of improving the police of Colombo, for the protection of the rights and interests of the community at large. By this ordinance, the roads, streets, and other public communications within the gravets are placed, as a branch of the general police, under the care and superintendence of the surveyor-general and superintendent of police, with reference to all obstructions or other nuisances committed upon them by the owners of houses or other persons. But this control, necessary and desirable as it is for the public safety and convenience, is confined to the streets as they exist, or have existed in time past. The ordinance gives no power to these public officers to remove at their pleasure existing buildings, for the purpose of enlarging, widening, altering, embellishing, or straightening the public streets. That such a power might often conduce to public comfort; that the public would be benefited by having every street frequented by elephant carts, if the Cyclopean machines to which they are yoked can be so called, 70 feet wide (the criterion of the surveyor-general), may be perfectly true. But no such provision is made by this ordinance. All that it provides for, at least in the opinion of the district judge, is that, through the powers vested in these officers, the public, in so far as the public streets and highways are concerned, shall be secured in the full and undiminished enjoyment of what has been hitherto appropriated to their use. The ordinance gives the public right to no more.

The district judge has felt it his duty to refer to the proceedings in the case of *The King v. J. A. Perera*, and particularly to the judgment and the reasoning of the learned senior puisne justice, by whom the decision of the District Court, No. 7, North, was affirmed in appeal, on the 16th November 1835. After a careful consideration of that case, the district judge is of opinion that it entirely differs from the present one, in respect that it was there sworn to in evidence "that the verandah in question is a projection into the street over the drain," and the judgment of the Supreme Court rests on the fact that the verandah in that case "is an encroachment built, as is shown by the clear evidence of the defendant's own witnesses, upon the public drain." Now, although it may be contended that the drain is not the street, it will hardly be disputed that the drain is an appendage to the street, and essentially necessary for the maintenance and preservation of the street; an encroachment, therefore, on the public drain is virtually an encroachment on the street, inasmuch as it is an encroachment on what necessarily and essentially belongs to the street. The district judge therefore believes, conscientiously believes, that in the view which he takes of the present case, he is not about to pronounce a decision at variance with that in the case of *The King v. J. A. Perera*. He never willingly would do so, and he would sincerely regret inadvertently doing so; for whatever his own private opinion might be on the legal construction of an ordinance, he never would allow it to weigh for one moment against the deliberate judgment of the supreme appellate tribunal.

The decision of this Court is, in that the defendant has shown that the verandah of his house is not an encroachment on the street, and that it is not even averred by the complainant to be a public nuisance in any other respect, the application of the said complainant for the authority of this Court to remove the same be refused.

The assessors state that they entirely concur in the decision of the Court.

(signed) *D. A. Blair, D. J.*

(A true copy.)

(signed) *G. W. Stork, Secretary.*

(Examined.)

(signed) *J. H. Merteir.*

549

Colombo, Monday the 3d day of November 1834.

Appendix, No. 10.

The Supreme Court of the Island of Ceylon meets.

Present:

The Honourable Sir Charles Marshall, Knight, Chief Justice; the Honourable William Rough, Serjeant-at-law, Senior Puisne Justice; the Honourable William Norris, Esq., Second Puisne Justice.

The fourth Criminal Session for the year 1834, for the district of Colombo, opened according to appointment.

From the district court of Colombo, No. 1 North, No. 592. The King on the complaint of the Surveyor-general, respondent *v.* Kandemoele Aratchigey Dona Ana, defendant and appellent.

For breach of the 25th and 29th clauses of the Ordinance, No. 3 of 1834.

Mr. *H. Staples* is heard for the appellent.

Mr. *Wilmot* is heard for the respondent.

Mr. *Staples* is heard in reply.

The district judge being in court, and having stated that the defendant has had no opportunity of showing that the verandah in question was not an encroachment upon the public street, as stated in the notice of the Surveyor-general of the 1st of August last, it is ordered that the defendant be at liberty to adduce any evidence to that effect which she may think proper; which evidence will be returned, with the opinion of the district court thereupon, to this court, together with the rest of the proceedings.

The terms of the 29th clause of the Police Ordinance, No. 3 of 1834, justified the district court in considering that it was bound to issue the order directing and empowering the removal of nuisances, without having evidence against the application; but after mature consideration of the words and of the general tenor of the clause, this court is of opinion that the owner of the premises complained against must be allowed an opportunity of showing that they are no encroachment or nuisance in any other respect. Without such opportunity, indeed, the necessity of any application at all to the district court would not be quite obvious. It is therefore recommended that on all future occasions when application is made by the surveyor-general or superintendent of police for the order of removal, such order be issued in the shape of a rule to show cause, returnable within a reasonable time, why the object of complaint should not be removed in terms of the Ordinance.

But there is another and much more summary remedy which any party who really feels himself aggrieved by the notice may avail himself of, by moving this court for an injunction under the 49th clause of the charter, which would be granted at once if sufficient grounds were verified by affidavit for that purpose; and such inquiry would then be directed as would enable the court to decide whether the injunction should be dissolved or be declared perpetual.

Witness the Honourable Sir Charles Marshall, Knight, Chief Justice, &c.

Enclosure, No. 2.

EXTRACT from a Minute in Council of Mr. *Granville*, the Collector; dated 29 Nov. 1834.

"It is generally known that most of the verandahs in Sea-street are encroachments on the road, and many have sprung up within my own recollection; they were originally of cadjan, and have since been constructed of durable materials.

"They ought, I think, to be removed at all risks; and as Government has, from want of vigilance, encouraged their increase for years, it ought to indemnify those persons whose titles to the land cannot be refuted by positive proof: there are not, I believe, many such.

"In 1820, when I was collector, I endeavoured to check these encroachments, and warned the inhabitants that many of their verandahs were advanced on the road, and removable at the pleasure of the Government. Several, however, have been since erected, in spite of the efforts of my successors to prevent them.

(signed) "Wm. Granville."

A true extract.

(signed) *W. D. Bernard*, Private Secretary.

Colombo, 10 July 1847.

Enclosure, No. 3.

EXTRACT from Minute in Council of Mr. *Anstruther*, Colonial Secretary; 26 Nov. 1834.

"So far back as 1828, I myself gave notice to some of these persons to remove their verandahs; and I have good reason to believe that my successor, Mr. Forbes, again gave written notices; and some of the verandahs have, I believe, been since repaired. Supposing these

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Appendix, No. 10. these verandahs to have stood so long as is stated, Mr. Norris is very much to blame in removing them without reference to Government; but I notwithstanding consider their removal a great public benefit.

“The streets which Mr. Norris has attempted to improve were a disgrace to the town and most inconvenient to the public, though increased traffic in the streets calls imperatively for the improvement, and I think the improvement ought to be continued for that reason, and still more for the public health. I have inspected many in that vicinity, and it is perfectly astonishing that an epidemic is not the consequence of the crowd and filth that is to be found there. Prescription does not hold against the Crown, and the regulation conferred on the Crown no new rights; but in making the improvements required by the public health and convenience, compensation should be given wherever there is a fair and equitable, though not a legal right. To give such compensation is consistent with the known and invariable practice of the Government; and if all these statements were true, it is somewhat extraordinary that no claim to compensation has been made.

(signed) “P. Anstruther.”

A true extract.

(signed) W. D. Bernard, Private Secretary.

Colombo, 10 July 1847.

— No. 9. —

37, Great James-street, Bedford Row,
31 August 1847.

My Lord,

I HAVE the honour to inform your Lordship, that yesterday I received from the committee of the inhabitants of Colombo, the copy of a petition or memorial which the committee state they have forwarded to your Lordship (with other documents and papers), detailing amongst other things, that a deputation from the committee have had an interview with the Governor of Ceylon, in reference to their complaints against the local Government's measures touching the verandahs of the inhabitants' houses.

The committee urge me to solicit another opportunity of waiting on your Lordship on the subject, and which I earnestly beg to be honoured with, at your Lordship's earliest convenience, after you may have had time to read the documents, which no doubt will have reached you by the last mail.

In the hope of being favoured with that opportunity, I am most anxious not to intrude further at this moment; but still, under the extraordinary circumstances of this case, I cannot resist taking the liberty of making one or two observations.

I earnestly implore your Lordship carefully to read over all the documents now forwarded to you by the committee, as well as my letter to Mr. Hawes of the 27th of March 1847. The former, I believe, will put your Lordship very thoroughly into possession of all that has transpired; and I am confident your Lordship will not fail to mark the spirit, as well as the letter of the whole.

When I call to mind the most courteous, and I may take the liberty of adding, the most kindly manner, in which I was received by your Lordship upon this affair, and by Mr. Hawes on two occasions, and by the latter assured of Her Majesty's Government's most friendly feeling for the inhabitants of Ceylon, and its readiness to listen to their complaints, and to deal with them upon just and equitable principles, I cannot venture to draw the contrast between all that, and the way in which the deputation from the committee (who, like all Her Majesty's loyal subjects, felt they were entitled to an opportunity of respectfully laying their whole case, against what they conceived to be an invasion upon their rights, before the most distinguished personage on earth, if they desired to do so) were received by his Excellency (as appears from the printed and authenticated report of what transpired), and the manner in which the important subject was discussed and treated by his Lordship; but must and will safely leave that for the present, to the great experience and calm consideration of your Lordship.

My letter to Mr. Hawes of the 27th of March is divisible into two portions: a summary of what I conceived to be settled between him and myself (of course subject to your Lordship's approbation), at our first interview; and my statements in opposition to those which I understood from Mr. Hawes had been received by your Lordship from the local Government, and to the accuracy of which I dissented.

With respect to the first part of my letter, I distinctly asked Mr. Hawes, upon my subsequent interview with him, if he agreed in the accuracy of my representation, in my letter to him, of what had taken place between us. His answer was, that he was not prepared to say that I had inaccurately represented anything, but that upon the whole he thought I had rather exaggerated what had passed. I expressed my regret to hear that, and begged he would point out wherein I had even exaggerated, saying, if he would do so, I would immediately either withdraw or modify the expression. He referred me to my third enumeration of what I had considered to be settled, in which I used the expression, that the instalments should extend “over a number of years.” I immediately said, that undoubtedly I understood those to be the words he had made use of; and I added, the local government itself had proposed that they should extend over three years. Whereupon he observed, “Oh then, if you consider three years covers that expression, that is a different thing.” I said three years certainly would cover it, though I hoped that would not be the limit; but still,
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537

if he wished that or any other expression I had used to be altered or withdrawn, I was willing instantly to make the alteration, or to withdraw it; but he said "Oh no, certainly not." Appendix, No. 10.

This all transpired in the presence of another gentleman who was with Mr. Hawes, and who, I was informed, was another of Her Majesty's Secretaries. With humility, I confidently therefore submit to your Lordship, that I had a right to conclude that the four points enumerated in my letter, as agreed upon between Mr. Hawes and myself at our first interview, were, at our second meeting, acknowledged by that gentleman to be correctly represented; and that they then only remained for your Lordship's subsequent approval.

As to my statements in opposition to those of the local Government, they were founded on documents furnished to me, and the committee are at this moment prepared, willing, and desirous to prove them. They have asked for the opportunity to do so; but the local Government, as they inform me, has refused to grant them that privilege, and will, I presume, report to your Lordship without the advantage of the information that would thereby be obtained, and which must have any effect but that of shortening the discussion, or allaying the irritation already caused by what has been done.

How then his Excellency could, in his haste, charge me before the deputation with "improper" conduct, making "statements directly opposed to facts," and of an omission "doubtless for some purpose of his [my] own," is not for me to explain; but it is due that I should pledge myself to your Lordship, that I am sensible of no improper conduct on my part in this transaction, that I have had no purpose of my own to serve, no purpose but that of fairly and honourably representing and protecting the interests of my clients; that I have made no statement except upon data put into my possession as facts, none but what men of as great respectability, and of as strict veracity, as are in the island of Ceylon, are ready to swear to the truth of, or what I know myself to be true; and that as to the particularized (and insinuated wilful) alleged omission on my part, for some purpose of my own, I can only refer your Lordship to my own letter, that you may ascertain whether his Excellency is accurate or not.

When the deputation was before the Governor, from the unexpected character of the reception they met with, and the way in which they were interrogated by his Excellency, one of the gentlemen at the moment thought, from memory, I had in my letter of the 27th of March, in mistake called the Registrar's Office of the Supreme Court the place for registering title deeds; but I made no such mistake, and my statement in that part of my letter is correct. Title deeds of properties in litigation in the Supreme Court are required to be taken there, and are kept there pending the litigations in that court. Moreover, they are mutilated and injured by the system adopted there, as I can show your Lordship by title deeds in my possession, which I had to get an order of court granting me leave to withdraw, upon filing copies thereof, owing to their having been torn, injured, and in danger of being lost or totally destroyed where they were.

With respect to the "abominable treatment" his Excellency states Sir J. Emerson Tennent has received, and on account of which Sir J. Emerson seems to have taken pet and left the Governor to collect his information principally from Captain Pickering (who, I am informed, was the suggester of the sweeping measure complained of, *vide* his letter 13th October * 1844), and to find another secretary to lay the deputation's letter of the 28th June last to Sir J. Emerson before the Governor, and to reply to it on the 30th of June. I can only say, that I know nothing of the nature of the alleged abomination, nor can I understand his Excellency when he insists upon immemorial possession or prescriptive right being to be proved by the production of documents; but your Lordship will note and appreciate all that.

* Page 509.

Whenever it may please your Lordship I shall be ready to wait on you.

I have, &c.
The Earl Grey, &c. &c. &c. (signed) Thomas Y. M^cChristie.

— No. 10. —

Sir,

Downing-street, 23 October 1847.

WITH reference to your letter of 31st August last, respecting the measures adopted by the Governor of Ceylon, on the subject of the verandahs in the town of Columbo, I am desired by Earl Grey to acquaint you, that, after considering most fully and carefully the representations which you have made on that subject, together with the reports from the Governor*, and from several public officers† in the colony, transmitted by the Governor; Lord Grey has come to the conclusion, that the measures proposed by the local Government for the improvement of the town of Columbo, especially those in reference to the verandahs, should be approved and sanctioned; and his Lordship has, accordingly, expressed to the Governor an opinion to that effect.

* Lord Torrington, No. 52, 10 July 1847, page 500.
† Ditto, No. 37, 28 June 1847, page 516.

Thos. M^cChristie, Esq.

I have, &c.
(signed) B. Hawes.

552

Appendix, No. 10.

(No. 37.)

My Lord,

Queen's House, Colombo, 28 June 1847.

(Received 30 August 1847.)

SCARCELY a month has yet elapsed since my assumption of the duties of this Government, and within that short period of time so many questions of intense practical interest, requiring careful and immediate attention, have pressed themselves upon my consideration, that I feel it my duty to bring each of them in succession under your Lordship's notice with as little delay as possible.

Among these I propose to select as one of the earliest, because most complicated, the question of the administration of the public lands of the colony, with regard to which I have reason to believe that most extensive and systematic encroachments have long taken place, and are at this moment in progress in almost every part of the island, and with most consummate effrontery.

As a first step towards the solution of this serious difficulty, I have taken up the question of encroachments by the building of verandahs upon portions of the public streets in the town and suburbs of Colombo; to which my attention was drawn by your Lordship's despatch, No. 7, of the 23d April last, enclosing the copy of a letter addressed by a Mr. M'Christie to one of your Lordship's Under-secretaries, upon which I am directed to report.

I have examined with the utmost attention every public document which had reference to the so-called "verandah question." I have personally visited, in company with the Assistant Civil Engineer and Surveyor-general, the various localities to which this matter relates, and I have conferred with a deputation of four of the resident inhabitants, who requested an interview* with me; and I now proceed to state to your Lordship the conclusions at which I have arrived.

* Vide page 506.

First then, with respect to Mr. M'Christie's letter, I have been unable to discover any material fact stated in it which is not clearly disproved by the evidence of public documents; neither is the general tone of it less objectionable than its statement of assumed facts. That letter was recently published in one of the local newspapers, the "Observer," the editor of which, Mr. Elliott, has been the principal mover in the whole business, and who was himself the leader of the deputation which waited upon me, after the publication of the letter. Upon that occasion I put the copy of it which your Lordship furnished to me, into his hands, and requested him to state distinctly what portion of its contents he accepted as correct, and what portion he rejected as unfounded; or else, that I should be happy to place before him any documents he might require to satisfy his mind upon the subject. Your Lordship will learn with surprise that it was at once admitted that many of Mr. M'Christie's statements were incorrect; and although he was supposed to be sent home expressly to advocate this particular cause, it was stated that he had not been long resident in the colony, and was imperfectly informed.

It will be not less surprising to your Lordship that Mr. M'Christie's letter, supposed to have been composed in England, turns out to be nearly as possible a transcript of a rejoinder written by this very Mr. Elliott, and published in his paper in November last, intended to meet the excellent reply of the Colonial Secretary to a petition addressed to my predecessor in the month of May last year, by a considerable body of the inhabitants, at the head of which stands the name of Mr. Elliott. I refrain from dwelling upon numerous inconsistencies and mis-statements in the letter referred to, which are fully pointed out in the enclosed letter from Captain Pickering, R. A., the assistant engineer, to whose management the whole carrying out of the verandah measures was entrusted. The accompanying letter from Mr. Wodehouse, the Government agent of this province, will show to your Lordship that he entirely concurs in the statement of Captain Pickering. I think it merely necessary to assure your Lordship that the excitement among the inhabitants upon this question is by no means so great as Mr. M'Christie has represented it; that many of the most respectable inhabitants are decidedly in favour of a measure so advantageous to the public health, and so indispensable for public convenience. And I may also add, that when the first notification was published (a copy of which I enclose), Mr. Elliott himself stated in his paper that it was conceived in a "proper and statesmanlike spirit, and that the object was one in which the interference of the ruling powers was called for."

The concessions which Mr. M'Christie assumes that he obtained from your Lordship were precisely those which the local Government had already acted up to. Verandahs which can be proved by documentary evidence to have existed in the Dutch time, have not been removed unless absolutely required for public improvement; and in that case the parties are entitled to compensation, according to an award made by 13 jurymen, by the Ordinance No. 16 of 1843.

With regard to "recent" verandahs, it is difficult to define any precise meaning which Mr. M'Christie would apply to the expression. But payment upon a very moderate scale has been demanded for encroachments proved to have been made during the British occupation, distributed over a period of two years, in three equal instalments; the proceeds of which are to be applied solely to purposes of local improvement, construction of drains, &c. within the town itself, as shown by the notification of the 28th March 1846.

So far from a fee of two guineas having been demanded by the Colonial Secretary for each encroachment, it amounted in many instances only to 1s., and upon the average of all the encroachments, to not more than 2s. each; the proceeds of which were directed to be

Page 518.

14 June 1847.

17 June, page 522.

Notice of 17 Feb. 1846.

See Notice of 28th March, page 478.

533

be entirely applied to the support of charitable institutions, at the generous and disinterested request of Sir Emerson Tennent himself. Your Lordship is aware that all the colonial secretary's fees are henceforth, according to the Royal instructions, directed to be paid into the colonial treasury.

The suggestion of your Lordship, "That occupiers of verandahs which can be shown to have existed for more than 20 or 30 years, should be allowed to obtain a title to them on payment of a slight registration fee, or that, when the removal of their verandahs should be required for public convenience, some moderate rate of compensation should be given for them," had already received much attention from my predecessor, and had been partially recommended by the late Colonial Secretary, Mr. Anstruther, when the subject was in agitation many years ago. It is certainly deserving of all the consideration which the equity of the case, as well as the weight of your Lordship's authority, can demand for it. It will be my duty to devise some equitable mode of adjusting this question, although it is surrounded with many difficulties peculiar to the condition of the native population in this place, where parole testimony can rarely be received, where the obligation of an oath is little known, and where indeed simple affirmation has been substituted for the native forms of binding the conscience. The desire to strain every point to the utmost against the rights of the public and of the Crown, predominates universally among the natives, encouraged perhaps by want of vigour in the former proceedings of the authorities in these matters. False claims are readily set up, supported by strong parole testimony, the moment it is thought that any undue advantage can be wrested from the weakness of Government, or extracted from its benevolence. The virulent abuse which was heaped upon Sir Emerson Tennent by one of the local newspapers, and the false and unworthy motives which have been assigned to his actions, tend to bear out my assertion; and I am proud of being able to profit by this opportunity, to state to your Lordship my conviction, that throughout the whole of this business the Colonial Secretary has acted solely with a view to secure to the Crown and to the public the enjoyment of their just and reciprocal rights, and that the course which he has pursued and the various steps by which he has endeavoured to secure the object in view have been signalized by moderation and forbearance, and that the Government is in this respect more entitled to the thanks of the community than to the vituperation with which it has been sought to intimidate it into shrinking before popular clamour.

With regard to encroachments generally, I have myself within the last few days inspected several which are in progress at this very time, in every part of the neighbourhood, as well as in the town; in which latter I have observed public drains built over, and in other cases blocked up or diverted from their course. The cinnamon gardens have not escaped; and it is difficult to conjecture how or where this barefaced invasion of the rights of the Crown would lead, unless arrested by a strong and vigorous hand, and with determined promptitude.

The Dutch records show that encroachments in the town of Colombo demanded, even in their time, the most stringent measures on the part of government, under Van Eck, in 1763, and his successors, even to flogging added to fines, and the restoration of the land to the company. The English Government endeavoured by various enactments and police regulations in 1799, in 1806, in 1813, in 1827, and 1833 and 1844, to put a stop to the encroachments caused by the erection of verandahs along the streets; but in vain, although payment was in some instances exacted for them. Mr. Granville, the collector, stated in a minute, which I have read among the papers of the executive council, that he himself, in 1820, warned the inhabitants against these encroachments, and added his opinion that "the false claims to the margin of the streets should be set aside with a firm and steady hand." Mr. Anstruther, the late Colonial Secretary, stated in a minute of council, that he himself had given notice in 1828 to several persons to remove their verandahs, and added that "many of the streets were a disgrace to the town, and that fever was constantly generated in consequence of confined space and filth." In 1834, a committee was appointed to remove obstructions and to report upon encroachments. And if the government has erred at all in this matter, it has been rather on the side of leniency than severity; but admitting that it was unfortunate that vigorous and systematic measures were not until very recently followed up with persevering determination, I feel convinced that the time has now arrived when such measures can no longer be delayed without producing future embarrassment of the most troublesome and vexatious kind.

In conclusion, my Lord, it is my duty to report to your Lordship, that having satisfied myself by examination of public documents, by personal inspection of the localities, and by inquiry into the facts, that Mr. M^cChristie's statements are far from being correct, or, where at all correct, are capable of satisfactory explanation, I shall proceed with due caution, and with a just regard to the lawful rights of all parties, to carry out with energy the measures already in progress with respect to the verandahs. I am persuaded that the results will ultimately be satisfactory to the inhabitants, and that the first great step will have been taken towards securing the just rights of the Crown in other portions of the island.

The sum demanded for the purchase of the ground on which recent verandahs stand will appear to be extremely moderate, when compared with the value of building ground in the same localities; varying, as the former does, from only 3*d.* to 9*d.* a square foot; while the average of the latter is in some localities nearly 2*s.*, and in others upwards of 3*s.* per foot.

554

26 June, page 523-6.

I beg further to enclose a copy of a notification which I have caused to be issued within the last few days, upon this subject; and I assure your Lordship that the question of moderate compensation, in certain special and well-defined cases, will command my careful consideration.

The Right Honourable Earl Grey.
&c. &c. &c.

I have, &c.
(signed) Torrington.

Some REMARKS ON Mr. M'Christie's Letter, by Captain Pickering, R. A.; Colombo, 14 June 1847.

WITH regard to the first clause, in the examination of title-deeds care is taken to give the inhabitants full credit, not only for the ground which actually belongs to them, but for all encroachments which can be shown by any document (in the possession either of government or the occupier) to have existed in the Dutch time. Thus, "the owners of ancient verandahs, or such as may be supposed to have existed from time immemorial, are not called upon to purchase the ground over which they are erected."

Remarks of Mr. Wodehouse:
When has compensation been given for any verandah, known to be an encroachment, of whatever date? certainly not since these orders.

Neither are such verandahs compulsorily taken down, unless required for improvement of the streets, and then only on a fair and proper compensation being first made for them to their owners by the local government.

If a party should object to receive what may be considered a fair price for any property reserved for public purposes, the law requires that (one month's notice having been given) 13 competent persons shall be appointed to appraise the property required by government for public purposes, and the owner is paid according to such appraisement.

2dly. It is not possible to state the meaning which Mr. M'Christie applies to the word "recent," but it has never been the intention of government to remove any verandahs, recent or ancient, unless they are obstructions, or required for improvements, or unless the occupant of an encroachment upon the street would rather have it removed than pay for it; such a case has not yet occurred.

All just and equitable rights are preserved to the owner.

The course pursued is this: such encroachments as are obstructions are generally removed by the owners themselves; in some cases they have been removed by government, but in either case the materials are given to the owners.

The streets and side drains are then repaired by government.

3dly. Whenever an inhabitant is permitted to purchase government ground on which he has erected a verandah, the charge varies, according to situation, from 3d. to 9d. per square foot, and the amount is to be paid in three instalments within two years and one month after the notice has been served. The sum thus raised is to be applied in case of a tax, or other public payment, with which the inhabitants of Colombo must otherwise be burthened for the improvement of the town in which they live.

The measure is not only for the purpose of vindicating the Crown's right to the ground; it is a measure of necessity, caused by the overwhelming number of encroachments on streets in all parts of the town, the inconvenience of which has become unendurable from the immense increase of population and traffic during the last few years.

4thly. No such fee as two guineas in each case was ever proposed.

The encroachment fee, payable to the secretary of the district court, is 5s. in each case.

The fees payable to the colonial secretary for preparation of deeds on all grants of land not exceeding 5l., are 1s.; and on grants above 5l., four per cent.

As the greater number of encroachments to be sold will not average 5l., the colonial secretary's fee will probably not exceed 2s. in each case. Thus the whole fees in each case, both to colonial treasury and registrar, may fairly be estimated at 7s.

I am not aware of all the means that the government has at different times adopted, by the enactment of laws, issuing of notices, minutes of council, and proceedings in courts of justice on this subject; but the following instances will be sufficient to show that on some occasions, when the expression of an opinion has been called for, it has not failed to remind the public of the rights of the Crown, to warn them against the consequences of their trespass, and even to eject them when the public health or convenience required the immediate removal of their encroachments.

Instructions to Surveyors, 5th December 1760. By clauses 1 and 2, All persons are prohibited, under a penalty of five rix-dollars, from building houses without first calling a surveyor, who shall see that his survey is regularly observed. By clause 16, If by measuring, surveying, or by any other means, the extent of any premises is found to contain more than the title, such overplus shall be appraised, and the value secured in the company's chest by the surveyor.

By clause 18, No one is allowed to build in any narrow streets within the pittah or fort.

The resolution passed in Council, 10th September 1763, altered the 16th clause of the Instructions quoted above; and surveyors were no longer required to cause the value of the encroachment to be paid, but were to point out the encroachment by dotted lines in their survey figures, for the government to dispose of as it might hereafter think proper.

Resolution

535

Resolution in Council, passed 28th December 1786.

Appendix, No. 10.

Article 24, enacts that as some of the inhabitants, notwithstanding the punishments threatened by the authorities, erect verandahs in front of their houses, and afterwards convert the same into rooms, and again set up another verandah in front thereof, by which they not only, in an illegal and criminal manner, rob the company of their ground, but also commit great encroachments on the streets; such parties are therefore forbidden in future, under a penalty of 25 rix-dollars for the first offence, 50 rix-dollars for the second, and corporal punishment for the third.

The aldermen are likewise ordered vigilantly to look after such unlawful encroachments, and to see that such ground be given back to the company.

On 23d September 1799, Governor North proclaims His Majesty's will and pleasure to be, that the temporary administration of justice and police in Ceylon should be exercised, as nearly as circumstances would permit, in conformity to the laws and institutions that subsisted under the ancient government of the United Provinces.

Police Regulation, No. 14, of 1806, Art. 27. Whenever any buildings are erected the constables to see that the streets be not encroached upon.

In 1818, a similar step to that now complained of was adopted*.

* By clause 38 of No. 5, of 1813.

The following verandahs, encroachments upon streets in the Pettah, were sold by the Government:—

In China-street, 7 for	- - -	2,065	Rix-dollars.
„ Bankshall-street, 53 for	- - -	11,609	ditto.
„ Coffee-street, 24 for	- - -	2,200	ditto.
		15,874	
	Rix-dollars -		

Of this sum, 12,716 rix-dollars were realized by Government.

In 1820, Mr. Granville, the collector, endeavoured to check encroachments, and warned the inhabitants that many of the verandahs were advanced on the road, and removable at the pleasure of government.

In 1827, 46 encroachments made by the proprietors of houses, in the 4th Cross-street, on St. John's Canal, behind their premises, were sold to them by the government for 1,905 rix-dollars.

In 1833, the government agent for the Western Province, the surveyor-general, and superintendent of police, were appointed a committee for superintending the improvements of the town of Colombo.

Their duty was to prevent all future encroachments on the streets, and to take measures for the removal of such of the encroachments already made, as might be inconvenient to the inhabitants, and all nuisances.

When the parties had not, in the opinion of the committee, any equitable claim to compensation for the removal of encroachments, the government proctor was to be directed to proceed at once, if legal steps should be necessary, but in all cases when the parties had in the opinion of the committee a claim to remuneration, the matter was to be submitted to government.

All applications for the purchase of land within the town were to be referred to the committee for report, and they were to propose such improvements as they considered necessary for the convenience of the inhabitants and salubrity of the town.

In 1834 several verandahs were removed by the surveyor-general, and others were removed, under his directions, by the owners themselves.

In 1834 also, the Ordinance referred to by Mr. M'Christie was passed; the first part of the 24th clause, which he has quoted, is prospective and the latter retrospective, but any doubt as to the meaning of the clause is set at rest by the 25th, by which it is enacted that if any owner or occupier of any building, or other person, shall within the said town, fort, or four gravets of Colombo, build, place, or hang up or continue any penthouse, porch, shed, or other projection so as to overhang, jet into, or encroach upon any street or public thoroughfare, or shall place, make or continue any stall, bench, booth, bazaar, or other obstruction, so as to encroach upon any street or public thoroughfare within the limits aforesaid, and shall refuse or neglect to remove the same when required, &c., shall be punishable by fine or imprisonment.

By the 29th clause also it is enacted, that for the more certain and ready removal of nuisances, and encroachments on the streets, roads, or other public communications within the said town, &c., it shall be lawful for the surveyor-general or superintendent of police to remove any buildings, obstructions, or projections, which the said surveyor-general or superintendent of police shall consider to be an encroachment on the said street," &c.

The Ordinance No. 12 of 1840 provides, that all persons being possessed of, and having cultivated land for a certain number of years, cannot be summarily ejected, "provided always," (see sec. 9.) "that nothing in the preceding or the first clause of this Ordinance contained, shall extend to any public road, street, or highway;" thus securing to the government at all times the right to remove encroachments on streets, roads, &c.

The next Ordinance on the subject of encroachments is No. 13 of 1843, which repeals that of 1834, and empowers the surveyor-general to demand the production of title-deeds, and to make surveys of premises for the purpose of ascertaining and removing encroachments; and then comes No. 16 of 1844, the last clause of which defines "roads," to

556

Appendix, No. 10.

“include the pathways, drains, and embankments, ditches, and all such portions of land adjoining the same, which have been specially reserved for the protection or benefit of the road; and all waste land or grounds lying on the side of any such road, being part of the road which has been used and accustomed to be used as a public passage.”

The 23d section, which Mr. M'Christie has quoted, is not the first intimation respecting ground immediately adjoining any street, &c.

It is only a repetition of the first part of the 42d clause of the previous Ordinance, No. 13 of 1843.

Besides, by the 24th clause of the Ordinance, No. 3 of 1834, which Mr. M'Christie has quoted at length in a previous page of his letter, “It is enacted, that if any person shall within the town, without permission of the government agent, build, or cause to be built, any building of whatever nature, on any waste or other ground, belonging to the public or dedicated to public purposes, every such building, enclosure, or encroachment shall and may be demolished.”

Waste or other ground, here certainly includes ground adjoining any street, &c.

The 23d section of Ordinance No. 16 of 1844, is meant to authorize the surveyor-general, commissioner of roads, or their assistants, to demand the title-deeds and to survey premises, whenever any of them may believe there is an encroachment upon a street, &c.

I am not aware of any other efficient mode (of ascertaining the existence of encroachments) that could be adopted.

I believe one objectionable part of it is, that it obliges the owner of property in many instances to state that his title-deed is mortgaged; but to obviate as much as possible the necessity of calling a second time for these deeds, an abstract has been made and kept of those which have been examined during the last 12 months.

Another objection is the invasion of premises by surveyors.

A survey of the principal part of the town has, however, been completed during the last year, and it is hoped that it will be unnecessary for future public purposes to re-enter the premises already surveyed, except in a very few instances.

One case did occur of opposition to the survey, and that was by a public servant, with whom Mr. M'Christie resided.

It is but justice to the people to state, that scarcely an instance has occurred of their having shown any opposition to the surveyors in the execution of this duty; and it is equally due to the surveyors to add, that this may in a great measure be attributed to the considerate manner in which they performed their task.

Notwithstanding, however, all that has been done by the Government to prevent the progress of encroachment upon the streets of Colombo, its measures have not at any time, from 1760 to the present day, kept pace with the aggressions of the inhabitants.

Three of the removals, already mentioned as having taken place under the surveyor-general's directions in 1834, were by order of the district court.

I do not know what occasion is alluded to; I believe on the east side of Sea-street.

The ancient titles to premises in Ceylon almost invariably exhibit the whole and exact extent of properties conveyed and “ear-marked” or described in the upper left-hand corner, the slip of ground which was really sold and conveyed to parties, whether verandahs stood on them or not.

Hundreds of examples may be seen among the Dutch records.

After the British took possession of the island, I have reason to believe the mode of proceeding was not so strict nor so regular.

I have no recollection of having seen in the course of my examination of titles any certificates except those of quiet possession granted by the Supreme or district court, after proof of long possession, and such certificates give no claim against the Crown.

The only tickets I have met with are a few receipts from the Government agent for money paid by instalments for the verandahs in Bankshall-street in 1818, and in some other streets in the pettah since that time.

Many of these tickets or receipts may be lost, but the books in the Government agent's office show which of those verandahs have been paid for, and great care is taken to give to the possessor of such property all that belongs to him.

It is perfectly true that many most important title-deeds have been defaced and mutilated and others entirely lost, or destroyed by insects, in the office where the Dutch records were kept; some of them have been during the last year transferred to the Government agent's office, and a person employed to separate deeds having reference to landed property from judicial papers.

It is also true that the assessors have hitherto had no means of ascertaining whether the verandahs attached to houses are encroachments or not; but supposing them to be so, considering that the persons in possession have neither purchased nor paid rent to Government for them, it does not seem unjust, while they have the use of them, to charge assessed taxes upon their value; still less when they receive rent for them from tenants, as is the case in very many instances. The funds raised by the assessment are, moreover, available for the payment of the police of the town, and for no other purpose.

Sir Edward Barnes purchased the premises in Main-street as stated, and having rounded off the corner, rebuilt the verandahs, and then resold the premises, including a small garden attached to the house, and projecting into the Front-street.

This garden has lately been built upon by the owner, so that the encroachment, now become private property, is nearly as bad as ever.

Three verandahs, which I have reason to believe were encroachments, were removed at this time, and compensation given for them by Government.

The Patch was purchased by Government, and barracks built upon it. I believe the people had title-deeds in almost every case, but no questions arose about encroachments, and

and no reductions were made on that account; some of the premises were purchased by private agreement, others by assessment. Appendix No. 10.

If the Government did not claim all that was their due upon making these purchases (and I believe it is true in these and in other instances also), it does not follow that such neglect on their part amounts to a disavowal of the right of the Crown even in these cases, and certainly not in any others; they are rather exceptions to the Rules and Ordinances, and practices which have been quoted in a former page of these remarks.

I have removed many at various times in 1844, 1845, and 1846, without any compensation whatever having been given by Government to the persons who occupied them.

The prices at first proposed, 2s. 6d., 2s., 1s. 6d., and 9d. were certainly not more than the actual value of building-ground in the pectah, though they are probably more than the average value in other parts of the town.

This is very probable, for I have seen a letter from the surveyor-general written in 1834, with respect to the sale of a piece of ground sold to Mr. Hesse, in Prince-street pectah, his outer verandah having been built upon it. This is most likely one of the sales to which Mr. M'Christie alludes, as 1½d. per square foot was the price paid for it. Mr. Norris, the surveyor-general, states, that Government suffers very heavy loss by such nominal appraisements, and mentions as an example a small slip of ground situated in Main-street, and sold in May 1831 for 15s. A verandah had since been built upon it, and this being an inconvenience, he intimated to the proprietor that he would recommend to Government that it should be re-purchased for 15L, but the owner refused to dispose of it for that sum.

This verandah now, in 1847, is assessed at 16L 4s. per annum.

I do not think any inhabitant of Colombo will venture to assert that the streets of that town are now in the same lines and of the precise same breadths or widths as they were in the Dutch time.

I have no hesitation in saying, that some of them are not of the same width that they were last year, and such is the determination to encroach, that several verandahs in Fishers' Quarter, which were removed by the occupants themselves under my direction, since January last, are now rebuilt on the same spots where they then stood.

In the above remarks I have confined myself as much as possible to the chief points in Mr. M'Christie's letter. The whole subject may be briefly stated as follows:

The Government has relinquished, upon certain conditions, its claim to land which has been possessed, cultivated, and improved for a certain time; provided always, that such land shall not be an encroachment upon any street, road, &c.

The right to resume such encroachments it has at all times retained, and many times carried into effect.

But notwithstanding its orders against such encroachments, and its efforts to resist their progress, they have increased and are still increasing in number and extent, and to such a degree as to perpetuate, if not to create, diseases of various kinds.

In some crowded places, cholera, small pox, and fever are almost always to be found, and frequently several of the inhabitants in such localities are obliged to desert their houses for weeks together.

In other parts it is dangerous to walk or drive along the streets for their narrowness, and from the number of people and carriages that throng them.

Elsewhere lanes and drains have been blocked up and built over, or the courses of the latter turned.

Rooms, and even houses, as well as verandahs, have been built upon ground which was formerly a portion of the street, and this not only in the Dutch but in the English time.

Take, for example, the streets in Hulfsdorp. They were laid out and the premises sold in 1809; few of the houses are even yet paid for; but the encroachments in these streets are such, that in a great many instances the original survey, as it appears on paper, bears no resemblance to the present enclosed ground.

No one in Colombo will venture to say that a stop can be put to such practices, or that the town can be restored to a proper state, without considerable trouble and expense.

The means (I presume) can only be raised by a tax upon the inhabitants, and that does seem a most equitable tax from which those are exempted who derive no especial or pecuniary advantage, and to which those contribute who retain their encroachments, and benefit by them in exact proportion to their value and extent.

I believe also that this is not only the most effectual method of improving the town, but the cheapest tax to the inhabitants (for that purpose) that could be imposed upon them.

And further, I believe that the proposed improvements will add to the value of the property of the inhabitants, much more than the amount which they are now called upon to pay.

(signed) *W. H. Pichering*,
Assistant to Civil Engineer and Surveyor-general.

Appendix to Captain *Pichering's* Letter of 14th June 1847.

P.S.—Having replied to Mr. M'Christie's letter in the accompanying paper, I consider it my duty to add, for the information of Government, that although persons whose encroachments have been or may be removed under the present regulation for improving the town, have no legal claim whatever to compensation for such removal, they were, in reality, the greatest sufferers by the measure, even under the original price charged for encroachments; and since they cannot now participate in the boon granted by Government to others in the

Appendix, No. 10. reduction of those prices, it appears to me that if it should be the intention of Government at any time to grant any further indulgence, they whose encroachments are removed are the class most requiring consideration.

I wish also to mention that to ascertain how long an encroachment has existed, I conceive to be, in five cases out of six, an impossibility.

The test should be the title-deeds, and survey figures attached thereto.

These ought to consist of,

- 1st. The original deed of gift or sale by Government.
- 2dly. The deeds of transfer, from that time to the present, on stamped paper.
- 3dly. Notarial remarks on each of these, when and to what extent portions of the premises may have been transferred to other persons.
- 4thly. Authenticated surveys of the premises accompanying the original deed, and each transfer of the premises, or of any part thereof.
- 5thly. Duplicate copies of the above, registered in the district court.

I have reason to believe that this is the course supposed by Government to be followed, but I know that in many cases nothing of the kind takes place.

In some instances the stamp duty is evaded by the mere handing from one purchaser to another an old Dutch deed; the best title that a man can have, it is true, if it agrees with the premises, but there is no guarantee for this.

In others encroachments are sold as private property, and three square perches in the course of two or three transfers become five, in consequence of the premises being surveyed as they stand, including all encroachments.

Formerly these surveys were registered in the surveyor-general's office, but they were then worse than useless, for no authentication took place with reference to former survey.

In such, and other ways, a road is opened to the practice of dishonesty and fraud, and, it is to be feared, the purchaser is often deceived as to the extent of the property that he pays for.

(signed) *W. H. Pickering.*

(True copies.)

(signed) *H. Keyt, Assistant.*

Enclosure, No. 2.

Government Agent's Office, Colombo,
17 June 1847.

Sir,

I HAVE the honour to acknowledge your confidential letter of the 8th instant, as well as that, No. 252, of the same date, enclosing the copy of a despatch from the Secretary of State, as also other papers referring to encroachments within the gravets of Colombo.

I enclose a Report drawn up by Captain Pickering, which so completely disposes of the various statements contained in Mr. M'Christie's letter to the Under Secretary of State, as to render unnecessary any observations from me respecting it.

I have given my best attention to the suggestion made at the conclusion of the Secretary of State's despatch, and although fully aware that his proposal to grant compensation for the removal of encroachments of many years duration, would, if carried out, cause much satisfaction, yet I am unable to see how under existing circumstances that can be done without injustice to individuals, or an undue abandonment of the rights of the Crown.

It would be impossible to procure documentary evidence of the duration of any encroachments, inasmuch as in numerous instances transfers have been made of property adjoining encroachments of 20 or 30 years standing without any allusion to the existence of them; on the other hand, if the principle of granting compensation were more liberally acted upon, and extended to cases of known recent occurrence, a most inconvenient precedent would be established, and it would be difficult hereafter to assert and maintain the just rights of the Crown. I may safely add, that parol evidence could in no degree be depended upon in such a matter.

I have, &c.

(signed) *P. E. Wodehouse.*

The Hon. the Colonial Secretary.

(A true copy.)

(signed) *H. Keyt, Assistant.*

Enclosure, No. 3.

NOTICE in Government Gazette of 21st February, dated 17th February 1846.

Vide page 477.

Enclosure, No. 4.

THE NOTICES of 28th March, 23d July, and 6th October 1846.

Vide pages 478 and 479.

539

Enclosure, No. 5.

NOTICE is hereby given, with reference to the Notices of the 28th March and the 23d July last, that the under-mentioned streets in the pettah of Colombo have, under the authority of the Governor in Council, been classified as follows :

FIRST CLASS :

Bankshall Street,		Keyser Street,
Main Street,		Front Street.

The first Divisions of the First, Second, and Fourth Cross Streets, on the North and South sides of the Main Street.

SECOND CLASS :

Prince Street,		Coffee Street,
Maliban Street,		Third Cross Street.

The remaining Divisions of the First, Second, and Fourth Cross Streets.

THIRD CLASS :

The Fishers' Quarter.

(signed) P. E. Wodehouse,

Government Agent's Office, Colombo,
17 August 1846.

Government Agent.

Enclosure, No. 6.

NOTICE.

His Excellency the Right Honourable Viscount Torrington, having had under review the proceedings for the removal and sale of encroachments upon the property of the Crown within the town and gravets of Colombo, as set forth in the several notices which have appeared in the Government Gazette, under date the 17th February, 28th March, 23d July, 17th August, and 6th October 1846, has been pleased to direct the following notification to the inhabitants :

His Excellency is impressed in the strongest manner with the necessity which calls for an immediate check being applied to the extension of these trespasses on Government property, and for the removal of all such as interfere with the health and convenience of the public, or obstruct the thoroughfares and drainage of the town. His Excellency is fully satisfied of the propriety and efficiency of the steps taken for this purpose by his predecessor in the Government, and he desires it to be made known that instructions have this day been issued to the assistant civil engineer and surveyor-general to proceed without delay to carry those measures into execution without alteration in any particular.

The terms on which permission to purchase will be granted in the cases of verandahs which there exists no immediate necessity on the above grounds for removing, will be those fixed by the Notice in the Gazette of the 6th October 1846, payable by instalments, as therein specified; and all sums so received will be applied to strictly local purposes for promoting the health and convenience of the inhabitants of Colombo. *Vide* Notice of 17 February 1846.

All buildings on encroachments which parties neglect or refuse to purchase within one month from the service of a notice of permission to do so, will be immediately taken down, and the land resumed by the Crown.

All such encroachments as interfere injuriously with the width of the streets, or the course of the channels and drainage, will be removed, and no verandah purchased from the Government will on any account be permitted to be enclosed, otherwise than by an open railing, as stated in the Notice of the 17th February 1846.

All verandahs which can be shown, by the production of title-deeds or other documentary evidence, to have been in the possession of the parties prior to the British occupation of Ceylon, are exempted from the operation of this order, and, if required for public purposes, they will be dealt with under the Ordinance.

By His Excellency's command,

J. Emerson Tennent,
Colonial Secretary.

Colonial Secretary's Office, Colombo,
26 June 1847.

Appendix, No. 11.

MEMORANDUM with reference to the Past and Present Social Condition of the Entire Population of *Ceylon*. By Major *Skinner*; and referred to in his Evidence.

Appendix, No. 11.

THE coast of Ceylon has been more or less in the possession of European powers for the last three centuries; their permanent authority, however, scarcely ever extended beyond a few miles from the sea shore until 1815, when the Kandian territory fell to our arms. The rebellion of 1817 and 1818 kept the country in so unsettled a condition, that we cannot be said to lay claim to the uninterrupted possession of the whole island for more than the last 31 years.

In endeavouring to trace the effect of our government on this interesting country and its population, I will divide this period of 31 years into three eras, during which, respectively, I have observed the most marked changes in the social condition of the people.

The following Officers have administered the Government during this period:

			Years.	Months.	Days.	
First Era, 6 years	To Feb.	1820	Sir Robert Brownrigg*	2	-	-
	„ Ditto	1822	Sir Edward Barnes	2	-	-
	„ Nov.	1822	Sir Edward Paget	-	9	-
	„ Jan.	1824	Sir James Campbell	1	2	-
Second Era, 14 years	„ Oct.	1831	Sir Edward Barnes	7	9	-
	„ Ditto	1831	Sir J. Wilson	-	-	10
	„ Nov.	1837	Sir Robert Horton	6	-	-
Third Era, 11½ years	„ April	1841	Mr. Stewart Mackenzie	3	5	-
	„ Ditto	1847	Sir Colin Campbell	6	-	-
	„ May	1847	Sir J. E. Tennent	-	1	-
	„ Ditto	1849	Lord Torrington	2	-	-

* Government commenced in 1812; whole period eight years.

Sir Robert Brownrigg's attention for the two years from the suppression of the rebellion of 1818 to the date of his handing over the government to Sir Edward Barnes, was sufficiently occupied in the restoration of order and in systematizing the machinery of government for the recently conquered provinces, the population of many districts of which had been reduced to a condition of extreme wretchedness by their prolonged struggle to expel us from their mountain fastnesses.

The task of organization had, however, been sufficiently accomplished by the date of Sir Robert Brownrigg's departure, to admit of Sir Edward Barnes at once proceeding with those works which his judgment pronounced to be the first and most necessary step to secure our possession of the country, and to remove from the minds of its inhabitants any idea which the disaffected might be encouraged to entertain of their ability to drive us from it, and, above all, for the development of the resources of our newly acquired possessions.

So inaccessible were the interior districts at this time that Kandy was only approachable by narrow jungle paths, so steep and rugged as to be quite impassable for any description of vehicle, and often dangerous as a bridle path. Commissariat supplies and ammunition, &c. &c. were, from necessity, carried to the capital, and numerous outposts of the interior, on men's backs.

With such energy and judgment, however, did Sir Edward Barnes proceed, that within 12 months from the date of the order for surveying and tracing his new roads, one line of 84 miles, from Colombo through the principal grain district to Kandy, was so far opened, and his transport department so complete, that his supplies for troops, and his post, were conveyed by wheels to Kandy with ease and celerity.

The

The means employed in the construction of the first 200 miles of road by Sir Edward Barnes, were a splendid body of pioneers which he raised, such of the native troops as could be spared for and were adapted to, the work, and the gratuitous labour of the inhabitants, which, according to their own laws, they were compelled to render to the State.

The machinery of the native executive in the interior, established on the suppression of the native government, was composed generally of the head men who served under their late king; and no doubt, in calling out the regulated quota of the population for the public works, the same partiality and bribery prevailed which was known to have existed under their own government; every pains were however taken to guard against abuses, and the works were prosecuted with such vigour that the period during which there existed the greatest demand for compulsory labour was of short duration, while the effective result of the labour in the benefit it conferred on the country compensated, as much as anything could do, for the exercise of so arbitrary a power. Although those roads of Sir Edward Barnes were surveyed, traced, and opened, through a closely wooded mountainous country, with a rapidity which allowed no time for the correction of errors, they fortunately exhibit no mistakes; they have mainly contributed to raise the colony to the importance she has attained, and on them she is still dependent.

After administering the government for two years, in February 22, Sir Edward Barnes handed it over to Sir Edward Paget; who, in November of the same year, gave it over to Sir J. Campbell, by whom it was retained until Sir Edward Barnes' return, in January 1824. During the absence of the latter from the colony every effort was made by the two officers who held the government in the interval to advance the work which had been commenced in 1820; during the progress of these operations, with our comparatively imperfect knowledge of the country, and with a people too timid and too recently overawed by the force of arms to offer resistance, much injustice and oppression may have been endured. The cholera and small pox made their first visitation to the country about the year 1820, and swept off great numbers in the interior; they were considered as the visitations of Providence for their treachery to our government. All things, in fact, combined to make these first six years, from 1818 to 1823 inclusive, a period of great depression and suffering to the Cingalese population.

Within what I have denominated the second era of my acquaintance with Ceylon are comprised the second government of Sir Edward Barnes, and that of Sir Robert Horton, from January 1824 to October 1837, nearly 14 years, during the first 10 of which nothing could exceed the contented, happy condition of the people. The native population, sensible of the benefits he had conferred on their country, hailed with joy Sir Edward Barnes' return to resume the government; he continued progressively to perfect the several works which in 1820 (when Lieutenant-governor) he had commenced. Rajakara, or the gratuitous services of the people, he availed himself of with moderation, particularly in those districts wherein the greatest efforts had been made by its means since 1820. His personal intercourse with the official head men and chiefs, and their families, was frequent; his conduct towards them was kind and encouraging, evincing an interest even in their private and domestic affairs, all tending to uphold their respectability and influence, while his knowledge of every district, and his frequent progresses through them, induced every member of his government, whether in the metropolitan or rural districts, to exercise the same line of conduct towards the natives, and compelled them to acquire the most intimate knowledge of the country, to prevent their appearing less informed than he was himself; he had no fears that the authority and influence of the native chiefs would be exercised prejudicially, and by protecting and upholding it strengthened his own government and preserved order in all classes of society. His government was characterized by its decision and great energy; during the early part of it he was compelled to exact much gratuitous service from the people, still he won the affections of all classes to his person, and their attachment to his government; his name is honoured throughout the land, as well by peasant as by chief. A handsome statue has been erected at Colombo to his memory, although, owing to delays in England, it was not sent out until 17 years after he had ceased to exercise authority in the country. On its erection natives from all districts flocked to it; during the nights offerings were so frequently left at its base, that we were obliged to enclose it with a railing to prevent its being converted into an idol. I mention this fact as evidence that there is not that deficiency of gratitude and want of feeling, on the part of the natives, of which they are sometimes accused.

The first supposed interruption to the contentment and loyalty of the Kandian population occurred in 1834, towards the close of which reports of disaffection in some of the districts were made to Government, with such precision and minuteness of detail as regarded the time and mode, and such exaggeration as regarded the means of an intended attack, that on the night on which it was said the preparations were completed by the rebels in Kandy, and on the eve of the supposed insurrection, the troops were turned out in silence, and at a given signal before daylight, certain officers, of whom I was one, were told off for the apprehension of the most influential chiefs and priests, Government supposing, from the information it had received, that the temples and houses of the chiefs were prepared for resistance; each officer was provided with a military party. My own inglorious office was the seizure of the first adigar, "Moligodde," in whose walawa (or palace) there was such an entire absence of preparation, either offensive or defensive, that the martial array by which we were supported (suggested by the false and exaggerated information on which Government had acted), gave to the whole affair, when daylight dawned upon it, a character of extreme burlesque.

Appendix, No. 11.

Moligodde, however (with certain others), was tried for high treason; was acquitted; he has since died from the effects of intemperance, a vice acquired in his European intercourse. His son, a fine youth of about 21 years of age, has fallen a victim to the same propensity, and the name of a once high and powerful family is now extinct.

My own impressions have been, that the reports of this intended insurrection were wilfully exaggerated by informers, who hoped by their zeal, and the importance of their information, to ingratiate themselves with Government. The result of the state trials, at the beginning of 1835, was seriously to impair the influence and authority of Government in the minds and affections of the people.

With the exception of this supposed intended insurrectionary movement, things went on very prosperously. Government gave many substantial proofs of the liberality of its policy.

It abolished its right to exact compulsory gratuitous labour, or Rajakarra, from the people; a new charter of justice was proclaimed; newly organized councils (executive and legislative) were established; savings banks opened; entire liberty conceded to the press; while liberal means were assigned for, and great encouragement given, to the education of the natives; so that altogether the 14 years between 1824 and 1837 inclusive may be said to have been looked upon as an era of prosperity and happiness to the people.

There was, however, a marked difference between the paternal character of Sir Edward Barnes' Government and that of Sir Robert Horton's, and with each succeeding Government that character has, unfortunately, been more widely departed from. Sir E. B. saw in the position of a newly-conquered jealous people, and in the character of the varied population of the country, a necessity for winning the affections of the people, and of gaining their attachment to our institutions by kindness and conciliation, and by evincing, what in truth he felt, a personal interest in the individual and collective prosperity of the various classes of society.

The third era or division of the period I am glancing over, embraces the 11 years from 1838 to 1848 inclusive. Mr. Stewart Mackenzie governed the colony for 3½ years; Sir Colin Campbell for 6 years, and Lord Torrington for 2 years.

During these 11 years a great change has occurred in the whole aspect of the affairs of the colony; the social condition of its people has been no less affected by it than has been its commercial importance.

While granting some of these changes are doubtless of a salutary nature, it is a subject of humiliating regret that on the mass of society they have had a contrary and demoralizing tendency. Amongst the causes which have led to this result, must be enumerated the vice of intemperance into which the people have been led, the demoralizing effects of the sudden influx of enormous capital, and the encouragement to indulge in the most litigious spirit which ever afflicted the taste of a people. While these evils have been operating on the social condition of the people, unfortunately the authority of the Government and native executive has been exerting but very feeble counteracting influences.

That the vice of intemperance has become an enormous evil, and that it is rapidly gaining ground, there is left no room for doubt. A revenue of between 50,000*l.* and 60,000*l.* a year is derived from the sale of anack farms. Renters purchase from Government the monopoly of the taverns of a district; the conditions requiring the renter not to sell his spirits under 4*s.* a gallon, he purchasing it from the distillers at an average of 1*s.* 2*d.* a gallon. The competition for these anack farms is so great that they are seldom sold much under their value. It is of course the object of the renter to sub-let as many of these taverns as possible; they are established in every district, almost in every village of any size throughout the interior, often to the great annoyance of the inhabitants, and in opposition to the head men. To give the people a taste for the use of spirits, it is often, at first, necessary to distribute it gratuitously, the tavern keepers well knowing that with the use the abuse of the indulgence follows as a certainty. I have known districts of the population of which, some years ago, not one in a hundred could be induced to taste spirits, where drunkenness now prevails to such an extent that villagers have been known to pawn their crops upon the ground to tavern keepers for anack. We know the train of evils which are the inevitable consequences of intemperance in the most highly civilized societies; but deprive the poor, uncivilized, uneducated native of his great redeeming virtue of sobriety, and you cast him adrift at once, an unresisting victim to all the vices of humanity.

Government, by the tempting item of its revenue derivable from the anack farms, has been induced tacitly to allow, if it has not, through its agents, positively encouraged, the use of spirits throughout the land; it justifies itself by the (intended) restrictive price under which rate it forbids it to be sold by retail. It would have been more consistent with the duty of a paternal Government to have limited the number of taverns in the rural districts, or, at least, not to have allowed them to be forced upon the people against their wish.

It is during the last 11 years that the influx of European capital, and the extensive cultivation of coffee, has thrown a large amount of specie into circulation in the interior; I think it is estimated at three millions sterling. As a very large portion of the money has been paid in specie for labour, it followed that temptations to, and examples of intemperance and vice of every kind were rife; the most profligate of the low country Cingalese flocked from the maritime provinces into the interior, and spread far and wide their contaminating influences over a previously sober, orderly, honest race. Robberies and bloodshed became familiar to the

Kandyan

Kandyan in districts where a few years before any amount of property would have been perfectly safe in the open air. Appendix, No. 11.

The superintendent of police, a very shrewd observer, whose official duties afforded him the means of possessing the best information on the subject, not long since assured me that what with law, proctors, and intemperance, there would not, ere long, unless the present state of things was changed, be a respectable Kandyan family left in the country. My own observations for years past had, long before the date of this communication, brought me to something of the same painful conclusion.

Probably in no people in the world does there exist so great a love of litigation as in the Cingalese. It is much encouraged by, if it does not altogether owe its existence to the state of their law of inheritance, by the result of which property has become so subdivided that the 120th share of a field or the 99th share of a small garden (containing perhaps not half a dozen trees) becomes the fruitful source of legal contention. With their own government the result of an appeal to law depended less upon the merits of the case in dispute than upon the relative means and inclination of the parties to pay for a favourable decision; hence a lawsuit was too frequently the corrupt instrument of revenge in the hands of the rich and powerful, where no better means of indulging a vindictive spirit of animosity or tyranny presented itself. Witnesses can, even in these days, be obtained for evidence of any character. Perjury is made so complete a business, that cases are as regularly rehearsed in all their various scenes by the professional perjurer as a dramatic piece is at a theatre. So long as the courts of the colony were more those of equity than law, and were unclogged by quibbles and delays, this litigious spirit appeared to be on the decline; the presiding judge sifted his own evidence, and if he possessed a knowledge of the character of the people, a fictitious case was less easily "got up" than it can be now.

The prevailing system of our little district courts admits of the proctors feeding upon their clients for years. I have repeatedly, at uncertain intervals, been summoned to attend a district court as a witness in a case which had been before the court 10 or 11 years; on my appearing in obedience to my summons to give evidence, I have been told that the case was again postponed; and so I conclude it will continue to be deferred, until, by the death or departure from the country of the most important of the defendant's witnesses, it may be found expedient to press for a decision of the case.

I have seen instances wherein the judicial stamps have far exceeded the value of the case under adjudication, and which by numberless vexatious postponements have been protracted over a period of many years, to the ruin of both plaintiff and defendant; the proctors by their fees, and the Government by the sale of judicial stamps, being the only gainers.

If private individuals have suffered from the nature and system of our law courts, Government has been no less victimized; their cases are postponed for years, and the unsuccessful issue of their suits is proverbial.

A tabular abstract of the business of the several district courts of Ceylon, under the following heads, for the last five years, would exhibit curious results:

- Case, when instituted.
- Case, when decided.
- Value of case under litigation.
- Cost of stamps.
- Number of postponements.
- Number of cases on the books of the court.

These evils may, I hope, be in some degree mitigated; I shall hereafter refer to the means by which I think it may be accomplished.

While the foregoing demoralizing influences have been operating on the social condition of the people, the authority and moral influence both of the European public servants, and of the native chiefs, have been sadly on the decline in too many of the districts.

With the introduction of the supposed endless stream of capital which poured into the colony, simultaneously came a number of European settlers of every grade and age, in the various capacities of capitalists, planters, agents, superintendents, overseers, &c. &c. Amongst those were not a few whose habits and conduct tended much to diminish the respect in which the English character had previously been held by the natives, while a most fatal error committed by Government, in allowing its public servants to embark in the seductive speculation of coffee, by placing too many of them in the general category of "planters," weakened the moral influence and authority which they previously possessed, no less than it tended to circumscribe their pecuniary means of independence and usefulness, and finally in too many instances ruined their finances. It also placed their interests in rivalry with their duty, which in Ceylon (where so much depends on the individual example, influence, and energy of the public functionary) demands, and had previously received their undivided attention and time.

During the feverish excesses of this delusive speculation, little could be thought of but the wealth and prosperity to which, by its means, and the instrumentality of European capital, the colony was to be raised. Money was abundant. For a time the price of coffee was remunerative, trade was brisk, and the revenue flourishing. It was no matter of surprise that, under these circumstances, few were to be found with sufficient boldness and calculating foresight to predict anything like a doubt of the boundless elasticity of our colonial prosperity.

As European capital was to accomplish such prodigies, it was but a natural consequence that European interests should gain the ascendancy.

Appendix, No. 11.

The natives who had previously had comparative little acquaintance with the precious metals, during the last 10 or 11 years found it, in the coffee districts, pouring into the deep recesses of their forests with a kind of Calafornian superfluity, and too frequently accompanied with its attendant evils; the cultivation of the staple article of food of the country (rice) declined; large tracts of land were thrown out of cultivation, while in one province alone was there to be seen any attempt to increase the means of irrigation, or to extend or improve the cultivation of native productions. Intercourse between the European local public functionaries and the natives had become less frequent, while the native chiefs were placed in a position anomalous and invidious for some years past. A vague idea has prevailed that their influence and authority has been too great; and under an impression that it was necessarily subversive of the stability and efficiency of our own authority, the policy has been to allow it to decline; and without any avowed determination to destroy it, we have practically discouraged and undermined it.

The authority and influence of the European over the native, to be as general, effective, and beneficial as it ought to be, must necessarily descend, railway like, in an unbroken gradient from the governing through the various grades of the governed, rather than by abrupt leaps and disjointed falls. Masses of the machinery of the social order cannot be cast off and heedlessly strewed in the way without danger; but we have placed the chiefs and headmen (a most important fraction of that machinery) in a position in which they are in various degrees calculated to impede rather than to facilitate the progress of good government; we have rendered them discontented; their respectability, and influence (for good) with the mass of the people is generally impaired, and they are becoming alienated in feeling from the Government.

Under these circumstances, society in its various, but especially in the lower grades, has been for the last 10 or 11 years becoming demoralized, and so palpably so of late, that it required no great power of discrimination to predict, 12 months before it manifested itself in open revolt, the anarchy to which some of the districts were approaching.

In brief recapitulation then, it may be said, of the last 31 years, that the first six were to the native population a period of trial and depression; the next 14 of contentment and prosperity; the last 11 of a fictitious prosperity, as transient as it was locally partial, of eventual bankruptcy to European capitalists, and, as regards the natives, of demoralization more or less in most, ending in anarchy in some districts.

While the causes I have referred to were hastening the native population into various degrees of disorganization, want of intercourse with, knowledge of, and sympathy in the people, kept many of the local European functionaries so completely in the dark as regarded their (the people's) social condition, that the warning which I gave (12 months before the late insurrection broke out) of the state of anarchy to which the two rebellious districts (Seven Korles and Matella) were approaching, was disregarded if not disbelieved.

The same want of knowledge of the real state of public feeling in the country appears to me to have excited exaggerated fears in the Government when disorders overtook it, and prevented its rightly distinguishing between the feelings which prompted the people to meet in large, but orderly and peaceable assemblages, to obtain information of the intentions and objects of Government (the necessity for which explanation it was the duty of the local officers to have anticipated), and those feelings which in other districts urged the disaffected to open rebellion.

Had there existed less ignorance of the social condition of the people, the late troubles might easily have been averted, even at the eleventh hour; while to that ignorance is to be attributed the (in my humble judgment) exaggerated view taken of the nature and extent of the disaffection, and the consequent severity of the punishments inflicted on those implicated in the revolt. Although amongst the latter were to be found headmen and priests, there was that, in the nature of the whole affair, and in the character of its ringleaders, to stamp it as the result of disorganization and inefficiency in the system and machinery of our executive Government, rather than as originating from any general and serious disaffection of the people. Had the higher classes been the authors of it, they would not have condescended to select as their leaders a set of low country vagabonds, of inferior caste, for whom they entertain the greatest possible repugnance and contempt.

I have known the districts of Seven Korles and Matella, when such was the deference and respect for the authority of Government and for its agents, that the mere suggestion of a wish, on the part of the latter, would ensure the readiest and most cheerful obedience from the entire population, but unfortunately our authority and influence have been most wantonly frittered away.

A year or two ago I visited the Seven Korles on a tour of duty, when I found one of the principal headmen of the district obliged to abandon his own village, and compelled to reside in the bazaar of Kernegalle (the revenue, judicial, and police head-quarters of the district), a mile beyond the precincts of which he dared not ride, unless armed and protected by an European gentleman; ruffians, who had escaped from gaol, or had evaded the law, and for whose apprehension rewards were advertised by Government, had fortified the huts in which they were living at a short distance from Kernegalle, and defied alike the Government agent, fiscal, and native headmen, to capture them; but a few years since, the authority of an unarmed messenger would have sufficed for that, or any other fiscal duty.

No stronger illustration need be adduced of the extent to which, by local mismanagement and apathy, we have destroyed the prestige of our own authority, and the influence of the native chiefs.

But for the great sacrifice of life, liberty, and property, which have resulted from the late insurrection

insurrection, it might be regarded as a fortunate event, if by its means the Government has been aroused to a sense of the defective system which produced it, and which would finally have resulted in still more general anarchy, had not the state of disorganization thus early developed itself. Appendix, No. 11.

Lord Torrington has been blamed as the cause of the late insurrection; but with the general disorganization, which alone led to the outbreak, his Lordship had no more to do than had any other Peer of the Realm. It was on the first month of his Lordship's arrival in Ceylon, that on my return to the seat of government, from a long tour made by order of his predecessor, on a special duty, as I have before stated, I pointed out the state of anarchy to which I foresaw the Seven Korles and Matelle districts were approaching, and represented the general disorganization which I thought would result from a perseverance in our existing system of internal government.

The nature of my duties compelling me to visit the various provinces and districts occasionally, almost periodically, the retrograde movement in the good feeling and order of the natives, in most of the districts, has perhaps appeared to me, after intervals of absence, in stronger relief than it may have done to the resident civil functionary; but if those evils and dangers which I foresaw were unobserved, or unrepresented by the local authorities, surely his Lordship (a perfect stranger to the country) must stand excused that he should not have been inspired with an instinctive knowledge of the true condition and feeling of a people amongst whom he had but just arrived.

The mischief done has been too progressive for the last 10 or 12 years to admit of degrees of responsibility for the result, attachable to any particular government, being defined; the errors of omission have been as productive of evil, if not more so, than those of commission.

The population of Ceylon amounts, it is conjectured (we have no accurate census) to 1,500,000; its area to about 24,000 square miles, of which I should conjecturally estimate 18,000 are inhabited, 6,000 uninhabited.

There are six provinces of unequal area and population.

To each province there is a government agent (political and revenue) with, on an average, three assistants; the staff of native officials is numerous.

One-eighth area of the island is mountainous; one-eighth hilly; three-fourths comparatively flat. The whole covered either with heavy forests or dense jungles, except in occasional open plains, and in those comparatively small patches cleared for cultivation.

Vegetation is so rank and rapid that a piece of ground cleared for cultivation will in three years, if neglected, be covered with thorny impenetrable jungle; the country is much intersected with rivers, the higher portions beautifully watered, and commanding the means of irrigation, if properly managed, at all elevations; the villages are imbedded in these close jungles or forests, and, except where they lie contiguous to a main road, are very inaccessible.

There are no large native towns, except those of the principal military and civil stations; the largest villages may number from 100 to 150 houses; but on an average they may be rated at from 12 to 15.

The head quarters of the civil, political, and revenue officers is, in five cases out of six, situated on the border of his province, and not unfrequently at a remote corner of it; he is the representative of the Government, and for executive detail is dependent on the various grades of native officials, who receive their "acts" or "commissions" of appointment from Government: they are numerous, and the functions of the respective grades, in all their minuteness, are well understood by themselves; their authority and efficiency depends far more upon the moral influence and respect which they command from, and which is generally yielded to them by their countrymen, than from any legal recognition of their powers.

The population being so generally diffused in small and secluded villages over an (at present) inaccessible country, it follows that the order, good government, and general improvement of the people in the rural districts, no less than the authority and influence of the Government, must very materially depend on the efficiency of the headmen to have upheld their respectability; and to have supported, while we directed, within proper limits, their legitimate influence and authority ought to have been our policy; but unfortunately a vague, and I humbly conceive most erroneous impression, has prevailed, that, consistently with the maintenance of our own authority, it has been inexpedient to uphold that of the higher classes of natives, which, as I have before stated, has in some parts of the country declined to an inconvenient extent, weakening our own control over the people, and leaving large sections of the rural districts with a mere nominal government, without any sufficient restraint on the vicious and disorderly of the lower classes.

These remarks, though they are of too general, are fortunately not of universal application; there is one special, bright, and encouraging exception to the rule (as there are other minor ones) in the Northern Province, where the converse of what I have just described prevails, and where the progressive improvement, general good order, respectability of the higher classes, and deference to authority (both European and native), mark the happy result of the wise and benevolent policy of the man whose enlightened government of that prosperous province has raised it to its present condition.

One of the principal objects assigned as a reason for desiring to diminish the influence of the higher orders of natives, has been a desire to destroy the distinctions and prejudices of castes; but nothing, in my opinion, has been more exaggerated than the supposed evils resulting from it in its very modified form in Ceylon. The common acceptation of the term in

Appendix, No. 11. Ceylon differs from that which it signifies in India, where, I believe, the distinctions of castes are more of a religious than a secular character.

In Ceylon a high-caste family means one of ancient and aristocratic descent, and is as well applied to Christians as to heathens; it no doubt also applies to professions, trades, and occupations, but in this respect it is fast dying away. Nothing is so much calculated to retard its extinction as attempts to forcibly suppress it; nothing being so certain to excite the opposition of those who fancy they have anything to lose by it as an open invasion of so old a national prejudice. Members of some of the highest families in Ceylon have assured me of their willingness to allow these prejudices and distinctions to die off gradually, while they complain bitterly of the precipitancy evinced in the desire to suppress them.

Education and civilization are the only sure and legitimate means of eradicating it, by elevating the native character above the considerations of caste rather than by (in effect) lowering the higher orders in the estimation of the inferior classes.

It is also urged that the lower classes are kept in a state of bondage to the hereditary chiefs, to whom they yield more readily allegiance than to Government. I have known the country from its first emancipation from the oppressive tyranny of its native government; my duties have kept me in frequent intercourse with every province, and almost every district, for many years, enabling me to observe the transitions of the natives from their state of feudal vassalage to their present condition of perfect independence. The lower classes have shown anything but an insensibility to the advantages of the privileges granted to them, and are now as well aware as Europeans are of the inability of the Government or the chiefs legally to call upon them for any service whatever, and are very little disposed to submit tamely to exactions of any kind.

Respect, approaching to veneration, for aristocracy, in a pure, ancient, and unblemished family descent, pervades every class; their fastidiousness with respect to it in their family alliances is one of their strongest characteristics. An ancient family may be reduced in circumstances, and denuded of all official rank and authority, but we cannot deprive it of the large amount of consideration and influence which will be rendered to its members by their countrymen; and why should we deprecate or desire to subvert this element of social order? We may rest assured that any sudden attempt to do so will only recoil, and deservedly so, on ourselves. Whenever there is reason to complain of the chiefs (this term applies to men of family and property, whether in office or not) possessing too much influence, or exercising an undue authority, it is conclusive evidence of the culpable absence of the directing and controlling authority of Government, arising from the want of energy, ability, or zeal of its representative.

No one will, I presume, contend that the country can be governed without the instrumentality of native subordinate officials; and if practicable, would it be just to desire it? Admitting that in justice the natives ought, and from necessity they must participate in the executive of the country, who should the Government so reasonably look to for assistance, and who would the people so naturally desire to see placed in authority, as members of families they respect, and who hold the largest stake in the country? I do not mean to say that office should be held by them to the exclusion of merit in other grades, but maintain that rank, wealth, and ancestry should be no disqualification; we cannot prevent their commanding consideration and influence, which we may easily turn to the advantage of Government and benefit of society, failing in which, they may perchance prove antagonistic to both.

The experience of Indian Government, where some of the large collectorates are little inferior either in area or population to the whole island of Ceylon, proves what may be done by properly controlled and well-directed native authority, and why should the natives of Ceylon be considered less worthy of confidence and authority? It is said the whole policy of our Government, and the nature of its institutions, are dissimilar to those of India, and that despotism and corruption are so characteristic of the Ceylonese, that he is unfitted for carrying out our liberal system, which strikes at the root of all his predispositions; but this my experience enables me to deny. Supposing, however, it were true, will a remedy to the evil be found in still further depressing the native gentleman in his own as well as in the estimation of others? We have no alternative but to use the native as a means for carrying out our government, and the higher he stands in his own esteem, and in the respect of others, the more effective instrument shall we find him.

My confidence in the integrity and intelligence of the native gentleman, has induced me to raise many of them in my own department to appointments of equality, in responsibility and trust, with European officers; the expenditure of very large sums has been entrusted to them, and I am happy to say, that in no single instance have I had to complain of misappropriation of funds, or other irregularities, but of which there were unfortunate instances amongst my European assistants who both by birth and education were gentleman.

To Ceylonese occupying positions on the bench, at the bar, and in the church, we may with great satisfaction and security refer for proof that there is no deficiency of integrity, intelligence, or independence in the native character.

The peculiar facilities which I have enjoyed of judging of the practical results to the colony generally of the administration of the various governors who have presided over it for the last 30 years, enable me to state that from nothing has it suffered more than from a want of personal knowledge of the country in the head, and often in many of the leading members of the Government.

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The population, soil, climate, productions, wants, interests, character, and circumstances of the various provinces and districts differ so materially from each other, that it is impossible to legislate for the whole, with impartiality and good effect, without a practical knowledge of them.

A governor whose experience and knowledge of the country is confined to Galle, Colombo, Kandy, and Newesa Ellia, and to the carriage roads connecting those places, can but coldly and indifferently enter into the propositions and plans (be they ever so able) of an agent for the improvement of the remoter districts, if they are at all at variance (which they constantly may be) with the preconceived views of the governor, founded on his limited experience, while the latter is unable to initiate any design for local improvement, or to take much interest in those which after a long and discouraging advocacy on the part of the agent, he (the governor) may at length have reluctantly sanctioned. No more effectual "drag" can be applied to the improvement of a colony, than a governor who contents himself with presiding at his office table from year's end to year's end, to be mystified with a confused jumble of unpronounceable proper names, which he can rarely identify or apply.

A greater interest is necessarily felt for things with which we are acquainted than for those of which we are ignorant, while the interests of the absent, are but too frequently sacrificed to that of those who are present; so it is in Ceylon; with a very limited knowledge of, and interest in, the remoter districts on the part of the majority of the executive government, the means available, whether for general improvement, for educational, or other purposes, are doled out with a penurious frugality to the remoter districts, while comparatively they are lavishly expended in the metropolitan districts; for this reason, I conceive it would be much for the general benefit of the colony if every province were represented in the legislative council by its proper government agent; while they should also have a voice in the central educational commission, for in no department is advocacy of the interests of the remote and rural districts more needed; in Colombo, and at some of the other principal stations, comparatively large sums are expended in affording to the population means of education, far more profound than the position in life and ultimate destinies of the majority of the recipients require, while in other districts educational means are culpably deficient.

Much has been said of the advantages to be anticipated from a representative form of government for Ceylon, but such cannot be seriously advocated by parties possessing a knowledge of the country, which is utterly deficient of the requisite elements for such a system; the only effect of any attempt at which, for years to come, would be to give European interests a more preponderating influence than they already possess. A paternal form of government is the only one at present suited to the country; the rights and interests of the natives being under the special care and support of the Government.

The most enlightened policy of the Imperial Government, and the best efforts of the local legislature, will alike fall short of, or be tardily productive of their intended benefits to the secluded population of the interior of Ceylon, unless properly carried out under the supervision of energetic government agents and their assistants, on whom must necessarily mainly depend the improvement of the country. In the case of the Northern Province we have an example of the extent to which the good effect of an agent's influence may be made to pervade every class and portion of a province, how the general improvement and good order of a people may be made to progress by the influence of one individual; but to obtain influence, there must be intercourse with, and knowledge of the people, and it is to a want of both these requisites, I repeat, that we have to attribute the retrograde or stationary condition of the native community generally for some years past. But if there be any justice in the charge which has been made of a decline in that active interest which the agents and their assistants ought to take in their provinces and districts, and of an absence in many of the latter of any evidences of improvement for some years past, it should be stated in extenuation, that those officers for several years, instead of receiving that encouragement which would awaken, or keep alive an ardent zeal for the advancement of their districts, have in the absence of any local means for improvements, and in their dependence on the Government, which was ill able to provide them, had everything to discourage them.

So unable, indeed, has the Government been to meet the appeals made to it for local improvements, and I fear in too many instances, so unable, from want of sufficient local knowledge of its chief officers, to discriminate between the relative importance of the numerous applications from various districts, that in many instances officers are deterred from suggesting improvements to Government from the improbability of their being sanctioned; where the merit of a government agent in the charge of a province consists (as I have known it to be estimated) in his giving no trouble, in being rarely heard of or from at head-quarters, where conscience will justify, policy will not unfrequently dictate, while the enervating effects of climate (when given way to) may confirm habits of passive indifference to all beyond ordinary routine in the public functionary, who is, or ought to be, the main spring of the social order over which he presides; but in such case the source of the evil is in a higher quarter than the government agent or his assistants.

The Labour Ordinance, by giving to every district means of internal improvement proportionate to its population, and by bringing the government agents and their assistants more continually in contact with the people, will give to all parties (if properly managed) a great common interest in, and a grand stimulus to improvements. No year ought henceforth to pass without a decided advance in a well-devised systematic plan of improvement in each district; but the local plan should be well considered and recorded long in anticipation of the means which will annually be available for their execution. If the labour of a district

568

Appendix, No. 11. is squandered away on ill-organized unprofitable works, it will soon disgust the people, who would, on the contrary, rejoice in the result of its proper application.

I have adverted to the possibility of checking the ruinous and demoralizing tendency of the indulgence of the natives in their love of litigation. There is no local magistracy in Ceylon corresponding with the country magistrates in England; there are justices of the peace, but they have only the power of committal, and have no collective judicial power; the district courts, police courts, and courts of requests (all expensive appendages of the Government) are situated, in some instances, 40 or 50 miles and upwards from portions of the population; one individual for a trifling suit may, in instances, if he chooses, withdraw from their village and necessary occupations one-half of its population as witnesses, the journey to and fro, and attendance at court, occupy perhaps not less than a week or 10 days; and it is uncertain how often this expense and annoyance may be repeated, while the prevailing system of postponements and procrastination in our courts is permitted.

In the native government existed a primitive and very simple institution, termed "Gangsaib," or "Gamsaib," whether of Indian or Ceylon origin I am uncertain; the first syllable of the word being the Cingalese for "village;" the second, the Hindoostane for "lord or master." The institution appears to have long existed in the north of India, as we hear of its having formed a highly-prized portion of the system of the ancient government of the Pungib.

These gangsaibs were composed of three or five elders, of one large, or of a convenient number of contiguous small villages; they were elected by the people, and held their meetings, transacted their business, under the wide-spreading branches of the venerable village tree, under which the villagers are wont to congregate for public discussions, &c. &c.

I do not know the exact powers these gansaibs may formerly have been invested with, but am convinced that their re-establishment in the rural districts, if merely for adjustment of petty disputes by arbitration and advice under the mutual agreement and application of parties requiring such intervention, and for their own little municipal arrangements, would be productive of an infinity of good to the people. Quarrels and disputes would be inquired into on the spot, where the circumstances would be generally so well known to the community as to prevent an attempt at gross, premeditated perjury being resorted to; and in nine cases out of ten, I should anticipate that parties would be contented with the opinion and advice of the gamsaib. It should, however, in all cases be eligible for the parties to appeal to higher tribunals; but when such an alternative is resorted to, the fact of the evidence having been previously rehearsed before the elders of the village, would, in most cases, deter parties from bringing forward false witnesses.

The want of this (I may almost term it indigenous institution) has been very frequently represented to me by natives. I have known many headmen who, at the request of the inhabitants, individually perform the functions of the gangsaib, while one (a most respected friend) who is justly esteemed for his high integrity and uncompromising honour, is obliged to devote nearly the whole of his time to this benevolent purpose. His "wallawa" (palace) is usually thronged with people from the surrounding districts, who, having a wholesome dread of the consequences of being drawn within the vortex of our law courts, agree to submit their cases to this good man; he hears all that is to be urged on either side, and with a short summary of the evidence, from which he draws his conclusions, gives his opinion or judgment.

I once asked him if he had the satisfaction of knowing that his pains were rewarded by their being preventive of ulterior litigation, or if it frequently occurred that the defeated parties took their cases to courts after his hearing. He said when he first commenced his system of arbitration there were two or three instances of parties who, dissatisfied with his opinion, resorted to court; but the evidence having been rehearsed, as it were, in public before him, and an audience whose local information prevented any attempt at gross perjury, it could not afterwards be much adulterated before the District Court; consequently, after repeated attendances, protracted, vexatious, and expensive law proceedings, the same decisions were legally pronounced, with this difference, that both parties were nearly ruined, and in some cases the defeated ones quite so. Of late, he said, parties rarely appealed from his decisions or advice.

The quarrels and disputes which lead to, and are both aggravated and perpetuated by these protracted law proceedings, might, in nine cases out of ten, be amicably settled had the parties ready means of seeking the intervention of any recognized referee. It becomes a point of honour with an Asiatic that his supposed grievance should be investigated. Give but a patient hearing to the most exasperated parties, listen to what they have to say, and you may depend on their adherence to your award, and most generally the adjustment of the apparently most irreconcilable animosities.

Now while the gangsaibs would accomplish this object with peculiar efficiency, they might be made to supply the present want of anything like municipal institutions, of which, in fact, they would form the basis. Arrangements regarding qualifications, elections, and functions might be easily made.

Simultaneously with the foregoing, let the number, duties, and powers of the headmen of each province, district, and village, after careful consideration, be revised and legally recognized. Give to the agents of Government and their assistants, as justices of the peace, (which they are,) a limited criminal jurisdiction while making their progresses through their districts (something of the kind they formerly possessed), in conjunction with the gangsaibs or elders of

569

of villages, as assessors; this jurisdiction might even extend to punishment for cattle stealing, which is carried on as a business by a set of lawless migratory thieves, and we should soon find crime and drunkenness yield to order and good government, to both of which nothing can be more prejudicial than too suddenly engrafting on society, in its most primitive state, institutions adapted to the highest existing state of civilization. Appendix, No. 11.

The people of Ceylon are shrewd, clever, and yet tractable; they are quick and accurate observers, and will readily confide in, and may easily be guided by men who they perceive really feel an interest in their welfare, and are capable of advancing it. It is only for the European to give himself the trouble of knowing, and allowing himself to be known (presuming him to be worth knowing) by the native, and the sympathies of either are pretty sure to be reciprocated, the former finding that complexion is not the surest test of virtue, and that often in the at first despised "black fellow" is to be found one of nature's perfect gentlemen.

Ceylon is a vast field of raw material awaiting and inviting the manufacturer, who, with a moderately skilful head, but with an honest and benevolent heart, may mould it to his will; preserve her from the indolent apathetic placeman (who in a luxurious climate stagnates almost to corruption), and with active rulers she may be made to the British Crown a "gem" indeed. Such are the convictions of 30 years' experience.

(signed) J. Skinner.

Devonport, 9 June 1849.

Appendix, No. 12.

PAPERS delivered in by *T. Y. M'Christie, Esq.*, 20 July 1849.

Appendix, No. 12.

— No. 1. —

(Circular.)

Colonial Secretary's Office, Colombo,
16 November 1848.

Gentlemen,

I AM directed by the Right honourable the Governor to make you acquainted, with the least possible delay, with the result of a very important discussion which has taken place in the Legislative Council, in committee on the Bill "to alter in certain respects the Ordinance No. 8, of the Year 1848, and to extend its operation to the Maintenance of Public Tanks and other means of Irrigation," which his Excellency has no doubt that you will use your best endeavours to make known throughout your province.

Before addressing myself to the matter of the Road Ordinance itself, I am to inform you of the course which the Governor has announced his intention of adopting upon other subjects in which the population of the island take a lively interest.

His Excellency has intimated his intention of proposing to the Legislative Council the entire repeal of the Ordinances "to require the owners of dogs to take out licences for the same," and "to make provision for the registration and licensing of certain traders."

The object which he proposed to himself in the introduction of the first of these measures was to provide a means of abating a public nuisance, without having recourse to the objectionable practice of dog killing. He has, however, found, that the measure is not likely to be attended with the success he had hoped for, and therefore, as a feeling of dislike to it has been evinced in some quarters, he has decided on its immediate abandonment.

The shop tax, it has been ascertained, will not produce any considerable amount of revenue, while it has been urged, that those upon whom it falls already contribute for the maintenance of the police, and will also be brought under the operation of the Road Ordinance.

The Governor has also announced his intention of proposing that the gun licences shall be converted from annual to into permanent licences. It is his firm determination to enforce a complete registration of all the fire-arms in the country, and he entertains a confident hope that that object will be attained by the course now proposed. You will, of course, understand, that all the licences which have been taken out will be held to be permanent.

The Governor thinks that the object of these concessions, accompanied, as he hopes they will be, with a speedy and satisfactory settlement of the long-pending question of the management of the temples and the temple lands, cannot be misunderstood. He believes that the hopelessness of any attempt to resist the Government by force has been clearly established, and that the people will appreciate that anxiety for their welfare and comfort which has led him, upon his own responsibility, but with the concurrence of the Executive Council, to abandon at once measures which he himself introduced, but of which he now sees reason to doubt the expediency.

While making these concessions, however, his Excellency is firmly determined to carry out, without delay, the Ordinance passed last session respecting the roads, and which he is satisfied is calculated, in a great degree, to conduce to the convenience and comfort of the whole community. And no trouble will be spared on his part in expediting the completion of the preliminary arrangements.

These cannot now be completed by the time originally proposed, and it will be necessary to make them available in the different districts from time to time as circumstances will admit. But the Governor cannot too positively discountenance any expectation, that the

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570

Appendix, No. 12.

people of a particular province or district will find it in their power to evade compliance with the Ordinance during the ensuing year by any wilful resistance or obstruction.

His Excellency looks upon the Ordinance as one calculated to promote the interests of the native population in a far greater degree than those of Europeans, and he hopes by a brief exposition of the line which the Government proposes to take on its first introduction, to win from the natives that cordial co-operation which is indispensable to the success of this as of all other measures.

The Ordinance does not enact, that all males must either work six days or pay the commutation in every year. It simply provides that they shall be liable so to do if required, and if their labour can be beneficially applied within the distance allowed by the Ordinance. It is not the Governor's intention to make a heavy demand for labour for the principal roads during the first year, but to leave a large amount at the disposal of the provincial committees, to be applied with discretion to the works which the native population will feel more immediately interested in.

It is clear that the labour to be furnished under the Ordinance cannot be made available to its full extent, either for the principal or the minor means of communication, without a certain amount of aid in money, to be granted out of the general revenue, whether for payment of superintendents, the purchase of tools, or other like purposes. And you will not fail to make it known that his Excellency intends to apply to the Legislature for a vote of money to be distributed between the several provincial committees, to be by them expended in aid of the operations upon the minor lines.

It is the Governor's hope that the provincial committees will exercise a sound discretion in the selection of the works to which the labour at their disposal is to be applied; and that they will not unduly urge the people to the construction of large roads in which they may not at first take a real interest. He looks to the committees, rather to awaken and keep alive a sense of the benefits which must ultimately result from improved means of communication, to watch for and ascertain the real wants and wishes of the people, and to guide and control them with a sound discretion.

In conclusion, I am to notice the introduction into the present Bill of the provision for making the labour available for public tanks and watercourses. The Governor is sensible that legislation, in a much more detailed form, will be required for placing upon a satisfactory footing every thing connected with the important matter of the grain cultivation, and his principal object in bringing it forward in its present shape, is to satisfy the native population that the government has turned its attention to a matter in which they are so deeply interested.

You will be supplied with translations of this letter, and the Governor begs that you will be good enough to give them an immediate and general circulation throughout your province.

The Provincial Road Committee,
for the Province.

I have, &c.
(signed) *W. C. Gibson*,
Assistant Colonial Secretary.

— No 2. —

STATE TRIALS, 27 Vol., p. 616; 39 Geo. 3.

Theobald Wolfe Tone was tried in Dublin Barracks by a Court Martial, on Saturday, 10 November 1798.

[Seven officers composed the Court.]

THE charges read against him by the Judge Advocate, implicated him as a natural born-subject of our Lord the King, in having traitorously entered into the service of the French Republic, at open war with his Majesty, and being taken in the fact, bearing arms against his king and country, and assuming a command in an enemy's army approaching the shore of his native land, for the purpose of invasion, and acting in open resistance to his Majesty's forces, with several other charges of a treasonable nature.

Mr. Tone pleaded guilty, and only prayed, that as he was a French officer, breveted *Chef de Brigade*, he might be put to the death of a soldier, and shot by a file of grenadiers.

On the following (Sunday) evening he was informed in prison that his conviction and sentence had been confirmed by his Excellency, but that his request as to the mode of his execution could not be complied with; that he must suffer the same fate as the other traitors, who had been executed, and that his execution must take place in front of the new prison, for the sake of a striking example.

This information broke down his fortitude, and on Monday morning he cut his throat with a penknife. He was not dead when found by the sentinel. The wound was dressed in the hope of prolonging his life till one o'clock that day, the hour appointed for his execution:

In the interim, a motion was made in the Court of King's Bench by Mr. Curran, on an affidavit of Mr. Tone's father, stating that his son had been brought before a bench of officers, calling themselves a Court Martial, and by them sentenced to death.

"I do not pretend to say," observed Mr. Curran, "that Mr. Tone is not guilty of the charges of which he was accused; I presume the officers were honourable men; but it is stated in the affidavit as a solemn fact, that Mr. Tone had no commission under his Majesty, and therefore no Court Martial could have cognizance of any crime imputed to him, while the Court

571

Court of King's Bench sat in the capacity of the great criminal court of the land. In times when war was raging, when man was opposed to man in the field, courts martial might be endured; but every law authority is with me, while I stand upon this sacred and immutable principle of the constitution, that martial law and civil law are incompatible, and that the former must cease with the existence of the latter. This is not the time for arguing this momentous question. My client must appear in this Court. He is cast for death this day. He may be ordered for execution while I address you. I call on the Court to support the law. I move for a *habeas corpus*, to be directed to the provost marshal of the barracks of Dublin, and Major Sandys, to bring up the body of Mr. Tone.

Lord Chief Justice [Kilwarden].—Have a writ instantly prepared.

Mr. Curran.—My client may die while this writ is preparing.

Lord Chief Justice.—Mr. Sheriff, proceed to the barracks, and acquaint the provost marshal that a writ is preparing to suspend Mr. Tone's execution; and see that he be not executed.

[The Court awaited, in a state of the utmost agitation, the return of the sheriff.]

Mr. Sheriff.—My Lords, I have been at the barracks in pursuance of your order. The provost marshal says he must obey Major Sandys; Major Sandys says he must obey Lord Cornwallis.

Mr. Curran.—Mr. Tone's father, my Lords, returns, after serving the *habeas corpus*. He says, General Craig will not obey it.

Lord Chief Justice.—Mr. Sheriff, take the body of Tone into your custody; take the provost marshal and Major Sandys into custody; and show the order of this Court to General Craig.

Mr. Sheriff (who was understood to have been refused admittance at the barracks) returns.—I have been at the barracks: Mr. Tone having cut his throat last night, is not in a condition to be removed; as to the second part of your order, I could not meet the parties.

[A French emigrant surgeon, whom General Craig had sent along with the sheriff, was sworn.]

Surgeon.—I was sent to attend Mr. Tone this morning at four o'clock; his windpipe was divided; I took instant measures to secure his life, by closing the wound. There is no knowing, for four days, whether it will be mortal. His head is now kept in one position. A sentinel is over him to prevent his speaking. His removal would kill him.

Mr. Curran applied for further surgical aid, and for the admission of Mr. Tone's friends to him. [Refused.]

Lord Chief Justice.—Let a rule be made for suspending the execution of Theobald Wolfe Tone, and let it be served on the proper persons.

[The prisoner lingered until the 19th day of November, when he expired, after having endured in the interval the most excruciating pain.]

— No. 3. —

TO the Right Honourable the Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

May it please your Lordship,

IN the Blue Book recently published for the information of the Houses of Parliament in respect of the affairs of Ceylon, there is printed the copy of a despatch to your Lordship, from Lord Torrington, the Governor of this island, in which his Excellency is pleased to state, with reference to the late disturbances in this country, that "efforts were made by one or two turbulent Europeans, supported and assisted by many of the peculiar class of people, called burghers, to kindle dissatisfaction in the minds of the Singalese natives, to make them believe that they are aggrieved, and above all to induce them, in various ways, to exhibit openly, by complaints and by tumultuous meetings, an appearance of dissatisfaction, calculated, and probably designed, to augment the influence of the leaders of the movement." In another of his Excellency's despatches, published in the same book, he states, "I shall repel with the most vigorous determination all the efforts of the burgher community (a class which I am not aware are to be found elsewhere) to make use of the native Singalese inhabitants to promote their own selfish purposes."

Before noticing the immediate object of this memorial to your Lordship, your memorialists beg to call your attention to the unwonted and offensive tone and style in which his Excellency has chosen to make mention of the burgher community. In one of his despatches to your Lordship, published in the same book, the burghers are described, without the least necessity for the description, as the "half-bred descendents of the Dutch and Portuguese inhabitants." Not ashamed of the condition in which some of your memorialists (for to many of the burghers the offensive expression is inapplicable) have been placed by the Almighty, still, surely the unnecessary and ungracious allusion to the natural condition of some of your memorialists, which is implied by the term "half-bred," must be repugnant to the fine and manly feelings of Englishmen; at any rate such language has never heretofore been used by gentlemen at the head of affairs in this colony; and coming from the representative of the Sovereign, is calculated to alienate the feelings of those to whom it is applied.

572

Appendix, No. 12.

Passing from the desire evinced by his Excellency to insult the burgher portion of the community, your memorialists respectfully solicit your attention to the attack made by Lord Torrington on the same class, as to their having kindled dissatisfaction, and as to their making use of the native Singalese inhabitants to promote their own selfish purposes. As loyal subjects of their most gracious Sovereign, your memorialists have felt themselves bound in duty to Her Majesty, as well as to themselves, to repel so unfounded a charge, so utterly inconsistent with their interests, their known disposition to the British Government, and their natural feeling in favour of the British people, of whom many of the memorialists are the descendants. Bad and unworthy members will be found in every community, though when there are such persons, it is alike cruel and unwise to condemn the whole body indiscriminately; but, nevertheless, your memorialists defy their worst enemies to produce a single instance to which, or name a single person in the burgher community to whom any part of Lord Torrington's unfounded aspersion can be applied with truth.

The burghers, my Lord, form a large portion of the inhabitants of this island; some of them hold high and responsible offices under Government, many are employed as clerks in the public offices, and there are others among them independent of Government, possessed of much property, in the security of which they are naturally interested. What interest, what "selfish purpose," can such men have, my Lord, to kindle dissatisfaction amongst the natives? Other Governors have spoken of them in the highest terms of commendation, but it was left to Lord Torrington, after so short a sojourn in the island, to traduce them.

Your Lordship will not be surprised that, even though the object of this memorial is merely to repel an unfounded attack on their loyalty, none of the burghers in Government employ have signed it. Those persons have not been asked to subscribe to it, inasmuch as they have been threatened by the Governor with instant dismissal and disqualification for Government employment, should they even write to the newspapers.

But this memorial bears the signatures (so far as the limited time to have it ready for transmission by the mail would permit) of all the respectable burghers not in Government service, including legal and medical men, merchants, and landowners; and as it can neither be just or politic that such charges upon a whole community should be made, even though secretly, by the Governor of a colony, if they are unfounded, your memorialists pray that your Lordship may cause a searching, open, and public inquiry to be made into the truth of the imputations cast upon them, and do justice accordingly.

(signed) A. N. Martensz,

And by several others.

— No. 4. —

From the *Ceylon Overland Observer*, January No. 1849.

The humble Petition of *Kotmala Unanse*, of the Malwatte Establishment, Priest of the Gonegodde (Vehare) Temple, in Seven Korles,

Respectfully sheweth,

THAT during the late rebellion the petitioner was apprehended and imprisoned, but upon trial before the Supreme Court was discharged as "not guilty."

That at the time of his apprehension his temple was entered by the British troops, and a large amount of property removed.

That on application to the assistant government agent at Kornegalle, petitioner has been furnished with a list of property consisting principally of his priestly robes and other dresses, which are said to have been "confiscated" and "sold by public auction" on the 29th August 1848, and that he has been paid by the government agent only 6*l.* 6*s.* 9*d.*, which is the net proceeds after deducting commission as exhibited in the annexed list, signed by the Assistant agent, Mr. Morris (and marked (A).)

That petitioner is not allowed by his religion to be disrespectful to Government, which he is taught to consider the fountain of justice, and could not therefore refuse that sum; but he now respectfully and confidently submits that 6*l.* 6*s.* 9*d.* is no compensation for the large amount of dresses, &c.

That a public auction under such circumstances, when the people had all fled from their houses, and to be a priest or to have any communication with a priest was sufficient to excite suspicion, is no criterion of the value of such property, as the list itself proves, where the first item is "4 yellow robes" which sold for "1*s.* 7½*d.*" though fully worth 12*s.*, and all the other items are in the same proportion.

That besides the articles in the above list there were in petitioner's temple a large amount of other property enumerated in list (B.) annexed; and though these articles may appear of small value to a European, to petitioner they were of infinite value, for besides the sacredness attached to some of them, they were the accumulated gifts of the pious during three generations of priests. The images and brass and copper ware and silk robes, and many other articles, possessed an intrinsic value, and the books cannot be replaced without considerable expense in employing copyists.

That petitioner is prepared to undergo any amount of personal suffering Government may be pleased to impose upon him, although he has done no evil; that it was his fate to be imprisoned,

573

imprisoned, and would have been his fate had he been hanged. But he cannot endure the indignity that has been offered to his religion, in his person, that his priestly habiliments and the images and furniture of his temple have been exposed as the property of the vilest criminal, that every thing has been taken from him except the dress he stands in.

Petitioner therefore humbly prays, in the name of the pious people who themselves and their ancestors furnished himself and his temple, that fair and equitable compensation may be made to him for the property he has been deprived of, which he is prepared to swear upon the sacred books was worth 150*l.*, or else that your Excellency will be pleased to allow him to lay aside his last and only robe, and order him to be executed.

Signature in Singalese.

The humble Petition of *Ratdalgodde Unanse*, aged 56 years, of the Asgria Establishment.

Respectfully showeth,

THAT whilst he was absent in Hapitigam Korle, his temple at Kolure was entered by the troops, and he was subjected in every respect to the same treatment as *Kotmalle Unanse*, part of his property having been sold by Government (C.) and part unaccounted for (D.) That he has received from the Government agent only 3*l.* 0*s.* 11*d.* out of 75*l.* worth of property of which he has been deprived; and that he therefore joins in the prayer of *Kotmalle Unanse*, either to receive fair and just compensation, or else that he may be ordered to be shot, as *Cadahapolle Unanse* was in Kandy.

Signature in Singalese.

(A.)

LIST of CONFISCATED PROPERTY Sold, belonging to *Kotmala Unnanse*, by Public Auction, on 29th August 1848.

	£.	s.	d.		£.	s.	d.
4 Yellow Robes	-	-	1 7½	12 Pieces of Cloth	-	-	2 3
4 ditto	-	-	2 -	3 ditto	-	-	2 7½
4 ditto	-	-	3 1½	4 ditto	-	-	1 7½
4 ditto	-	-	4 -	4 ditto	-	-	2 9
1 Box (No. 1)	-	-	1 7½	4 Robes	-	-	2 7½
10 Pieces of Cloth	-	-	9 -	1 Box (No. 4)	-	-	2 1½
10 ditto	-	-	2 6	12 Handkerchiefs	-	-	4½
10 ditto	-	-	2 -	12 ditto	-	-	7½
10 ditto	-	-	3 -	12 ditto	-	-	7½
4 ditto	-	-	2 -	12 ditto	-	-	6 -
1 Box (No. 2)	-	-	4½	12 ditto	-	-	7½
10 Pieces of Cloth	-	-	2 1½	24 ditto	-	-	1 3
10 ditto	-	-	3 -	26 ditto, and 4 Baskets	-	-	1 7½
10 ditto	-	-	1 6	9 Mamoties, and 2 pieces			
10 ditto	-	-	2 7½	irons -	-	-	3 4½
10 ditto	-	-	2 9	5 Hatchets	-	-	2 7½
10 ditto	-	-	3 -	24 Pieces of Cloth	-	-	2 -
10 ditto	-	-	3 1½	4 Robes	-	-	3 7
10 ditto	-	-	1 6	1 Box	-	-	2 9
10 ditto	-	-	1 7½	4 Planes	-	-	4½
10 ditto	-	-	2 -	12 Cups	-	-	6 -
10 ditto	-	-	2 3	12 ditto	-	-	4½
10 ditto	-	-	2 3	12 ditto	-	-	7½
10 ditto	-	-	1 6	12 ditto	-	-	4½
10 ditto	-	-	1 7½	16 ditto	-	-	1 -
2 Pieces of Cloth	-	-	3 1½	11 Plates	-	-	1 10½
1 Box (No. 3)	-	-	6 7½	1 Box	-	-	3 1½
10 Pieces of Cloth	-	-	1 -	Some Rags	-	-	6 -
10 ditto	-	-	2 -	10 Pieces of Cloth	-	-	2 4½
10 ditto	-	-	2 -	6 Soman, ditto	-	-	2 3
1 Box	-	-	1 -	6 Yellow Robes	-	-	2 7½
12 Handkerchiefs	-	-	1 -	4 Pieces ditto, new	-	-	2 1½
12 ditto	-	-	1 -	6 Ditto - ditto	-	-	4 -
12 ditto	-	-	10½	7 Ditto - ditto	-	-	2 -
12 ditto	-	-	10½	1 Box	-	-	4 7½
12 ditto	-	-	10½				
12 ditto	-	-	9 -				7 5 3
12 ditto	-	-	10½	Deduct proportionate Charges			
12 ditto	-	-	10½	a' 12¼ per cent. on sale,			- 18 6
12 ditto, and 4 Baskets	-	-	1 -	commission, &c.			-
12 Pieces of Cloth	-	-	2 6				
12 ditto	-	-	2 3				£. 6 6 9

Kornegalle, 2 December 1848.

W. Morris, Assistant Agent.

574

(B.)

LIST of PROPERTIES CONFISCATED from *Kotmala Unnansu*, for High Treason.

<p>105 Religious books. 1 Gold image. 1 Silver image. 3 Copper image. 1 Ivory image. 2 Small ivory box. 1 Ditto iron box. 6 Buddo relic. 1 Iron bowl. 1 Ditto copper. 1 Box 2½ cubits long, with clothes. 7 Ditto. 10 Small box. 3 Curtains. 3 Red Silk. 1 Curtain with red work. 2 Ditto. 2 Red clothes. 1 Bag with cloth. 2 Silk robes. 13 Girdles. 35 Plates. 250 Cups. 2 Lamps. 1 Ditto. 5 Spitting vessels. 7 Small pots in copper. 3 Plates. 1 Copper plate. 2 Copper decanters. 2 Silver spoons. 2 Decanters. 10 Styles. 4 Ditto. 16 Razors. 3 Wetstones. 2 Beetel boxes.</p>	<p>45 Bottles with ointment. 7 Red girdles. 20 Pillows. 2 Ivory knives. 1 Cloth umbrella. 3 Pairs of saddles. Stone to brush indigo. 30 Hoes. 16 Bilhook. 12 Axes. 8 Adzes. 12 Chisels. 5 Files. 2 Hand saw. 8 Planes. 1 Large. 16 Cork, with pills. 2 Copper box. 1 Ditto. 5 Walking sticks. A kind of beetel box. 2,000 Ola leaves. 205 Mats. 11 Mats with red works. 11 Large mats. 3 Pans. 8 Iron ball. 500 Cocoa nuts. 5,000 Areca nuts. 30 Amunams of paddy. 8 Measures of Naturine. 20 Common decanters. 5 Pans. 1 Salt bushels. 12 Medical books. 8 Books of astrology.</p>
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Value of these £.150.

There are numberless things that cannot be mentioned.

(C.)

LIST of CONFISCATED PROPERTY belonging to *Allow Unnansa*, sold by Public Auction, on 29th and 30th August 1848.

	£ ^s . s. d.		£. s. d.
Some irons - - -	- 2 -	1 bullock - - -	- 18 -
Some brass utensils - - -	- 14 -	6 pieces of robes and one basket - - -	- 3 7½
1 basket - - -	- 1 ½	1 brass pot - - -	- 5 6
1 bar and iron stand - - -	- 1 6		
4 pieces of robes - - -	- 2 1½		
4 ditto - - -	- 4 -		3 9 10½
1 box - - -	- 1 3	Deduct proportionate charges of sale, commission, &c. at 12¾ per cent. - - -	- 8 10¾
1 tom-tom - - -	- 1 -		
8 pieces of cloth and robes - - -	- 1 6		
4 pieces of robes - - -	- 3 -		
4 ditto - - -	- 3 3		3 - 11¾
1 bullock - - -	- 9 -		

Kornegalle, 2 December 1848.

W. Morris, Assistant Agent.

575

(D.)

Appendix, No. 12.

A LIST of PROPERTIES belongs to the *Rasdalgoda Allaura Unnansa*.

1 box of relic. 1 gold image of Budda. 2 copper images. 85 books of religious. 1 copper decanter. 1 stands of copper. 4 spitting vessels of copper. 35 yellow robes. 10 common robes. 1 copper pot. 8 bells. 2 small pots in copper. 2 bowl gilted fum gold. 2 stands lamp. 3 ditto. 2 hooks of iron. 10 bottles. 2 bullocks. 1 ivory pan. 15 pillows.	5 medical books. 3 books of astrology. 2 boxes of common articles. 35 paddy ammunu. 12 hoes. 10 bill hooks. 8 axes. 1 adze. 2 plates of iron for warming. 7 plates of copper. 2 iron bowls. 10 plates. 34 cups. 25 mats. 2,000 hola leaves. 2 large mats. 20 measure of salt. 5 bags. 30 plates of utensile. (value of these 75l.)
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And many other things that cannot be mentioned, but for these articles he received only 3l. 0s. 11d.

From the *Ceylon Overland Observer*, October No. , p. 440.

EXTRACTS from, and Abstracts of Papers connected with Courts Martial and Sequestration of Property in the Districts of Kandy and Kornegalle, laid on the table of the Ceylon Legislative Council, by Sir J. E. Tennent, Colonial Secretary, on the 4th October 1848.

RETURN of LANDS and MOVEABLE PROPERTY SEQUESTERED in the District of *Seven Korles*.

	Land: estimated Extent by Native Measurement.	Estimated Value of Land.	Moveable Property, chiefly Cattle and Grain. Probable Estimated Value.	Grand Total.
	<i>Ammopams. Pales. Koorneys</i>	£. s. d.	£. s. d.	£. s. d.
Up to 14th September, the property of about 90 individuals	203 1 1	2,432 15 -	582 14 10	3,105 9 10
From 14th to 28th September, ditto two persons	1 2 6	16 10 -	2 6 -	18 16 -
	254 3 7	2,449 5 -	585 0 10	
TOTAL extent and value of property sequestered at Kornegalle				- £. 3,034 5 10

RETURN of PROPERTY sequestered at *Matelle*, up to 21st September.

This return is so drawn up, that it does not enable the reader to see the total extent of land, and the value put upon it, as contradistinguished from immoveable property; we merely see that the estimated money value of lands, houses, and household sundries belonging to 143 individuals, is 1,710l. 4s.

The return of sequestered property at Dambool, although drawn up by Mr. Wm. Hall, is of an equally unsatisfactory nature with that of Capt. Watson; both these gentlemen might take a lesson in accounts from Lieut. Smith. The estimated value of lands, cattle, houses, &c. at Dambool, belonging to 29 persons, and two temples, with their tenants, is 2,905l. 4s. 11d.

Then come lists of "detached property" of the Maha Nileme and Gollehelle Ratemahatmeya, the unfortunate chiefs who have been so frequently arrested and liberated since the beginning of August, and the first of whom is the only survivor of the chiefs who signed the convention of 1818.

The lists, although very extended, are incomplete; the chief inventories, Col. Drought states, have been unaccountably mislaid, and in those laid before the Council, the extent

576

Appendix, No. 12. of land is given in some according to native measurement, in others the equivalent in acres is given, and in some the estimated value. The property belonging to those two chiefs evidently exceeds in value all the rest that has been sequestered.

The summing up seems to be as follows :

	£.	s.	d.
Kornegalle	-	-	-
Matelle	-	-	-
Dambool	-	-	-
Total	-	-	-
Add property of two chiefs, say	-	-	-
About	-	-	-

For the interest of readers at a distance, we may as well give a few items from the list of valuables belonging to the highest of the Kandyan chiefs. The Maha Nileme's property, seized and sequestered on the 6th of August, included, amongst sundries "too numerous to insert," the following articles:

Two silver beetel boxes, with gold and silver ornaments. (Boxes, not for holding insects, but for keeping that stimulating masticatory so dear to the natives, composed of leaves of the beetel vine, the areka palm nut, fine lime from shells, tobacco, hemp, &c.) One silver beetel pounder; four silver bangles; two gold ditto; two silver cups, and one silver jug; four bundles of coral beads; seven silver scabbards and knives; 16 gold buttons, with a chain; gold and silver rings set with rubies; blue sapphires and emeralds; bags of precious stones and coins; box containing ban-abooks and olas (religious writings); silver chatty, bowl, dish and spittoon; old brass pistol; old sword; boxes of calamander wood, tortoise shell, ivory; small silver carando (ear-ring), glass ditto; gold leaves and silver tassels; silver bera (amulet); iron areca cutter; an old worthless musket, &c., &c., &c.

And as evidence of the adoption of European customs, dinner set complete; two dozen finger glasses; two dozen champagne glasses; three dozen wine glasses, &c., &c., &c.

Last of all comes a "list of prisoners received into the custody of the fiscal (of Kandy), since the 28th of July 1848," of which the following is the "recapitulation":

Prisoners executed by court martial	-	-	-	2
„ convicted by court martial and transported	-	-	-	8
„ ditto Supreme Court ditto	-	-	-	17
„ acquitted ditto	-	-	-	17
„ discharged on bail	-	-	-	40
„ ditto without ditto	-	-	-	195
„ remaining in gaol on trial for ordinary session	-	-	-	39
„ died in the gaol	-	-	-	2
				320

Appendix, No. 13.

Appendix, No. 13.

CORRESPONDENCE respecting Sir *Emerson Tennent's* FEES as Colonial Secretary.

- No. 1.—Lieutenant-general Sir C. Campbell to Earl Grey, 7 October 1846 (No. 30.)
 Authority under which Fees were received; Sir E. Tennent applies for a fixed income in lieu of same - - - - - p. 540
- No. 2.—Earl Grey to Lieutenant-general Sir C. Campbell, 13 February 1847 (No. 118;)
 allowing 300*l.* per annum as a compensation for the fees - - - - - p. 542

—No. 1.—

No. 30.)

Lieutenant-general Sir *C. Campbell* to the Right Honourable Earl *Grey*.

My Lord,

Queen's House, Colombo, 7 October 1846.

I HAVE received your Lordship's despatch of the 20th August, No. 18, and have proceeded to carry into effect the instructions for completing the arrangements consequent on the separation of the office of civil engineer from that of surveyor-general.

In the course of this communication your Lordship has observed, "with reference to the directions relating to fees in your minute of the 22d November last, and the other communications to the officer in charge of the Survey Department, I am of opinion that all fees or receipts of every description, either for survey, or in respect of land grants, should be carried to the credit of the public, and that all charges attending the surveys should be defrayed from the local treasury."

Regarding

577

Regarding the fees for surveys as fixed by the minute alluded to, they have been settled at their present amount with the concurrence of the Executive Council, and are set out in the minute solely for the information and guidance of purchasers; but the amounts, when recovered, are always carried along with the purchase-money to the public account, and form no part of the emoluments of the officer at the head of the Survey Department.

It is indispensable to have some such graduated scale of payment, because many cases occur in which the expenses of a survey have to be dealt with apart from the cost of the land, and others in which the charge for the survey has to be carried to account, although the lands may have failed to be bought by the first applicant.

As to the fees which it has heretofore been customary to pay to the colonial secretary for the preparation and delivery of grants of land, I apprehend that it has escaped your Lordship's notice that these fees have always been paid to him, not by any local or colonial regulation, but under the immediate authority of Her Majesty, under the Sign Manual. They are directed to be paid, by his late Majesty's instructions, to my predecessor; and the same direction is conveyed to me, by the 42d clause of Her Majesty's instructions to myself. I think it necessary to call your Lordship's attention to this fact, as in the despatch now under consideration you state that your Lordship "has no power to sanction a departure from these instructions, no instrument of less authority than an additional instruction, under the Sign Manual, being sufficient to effect the change."

The alteration as now suggested by your Lordship, was proposed to me by Sir Emerson Tennent some time ago; but the matter being, for the reasons stated, beyond the jurisdiction of the colonial authorities, I had not the power to comply, consistently with the Royal instructions. I have now the honour to enclose a letter on the same subject from Sir Emerson Tennent; and, as the fees in question have always been an important item in the annual emoluments of the colonial secretary, I would beg to recommend to your Lordship's consideration the justice of compensating him for the loss of income which he will sustain by the change, by an addition to his fixed salary of 500*l.* per annum, being less than half the amount which the fees have produced during the last twelve months that he has received them.

By this means the colonial treasury will gain more than a similar amount at the present moment, and on Sir Emerson Tennent's retirement the whole may be carried to the public account, and the income of his successor be confined to the fixed salary attached to the office.

I have, &c.
(signed) C. Campbell.

Enclosure 1, in No. 1.

Sir,

Elie House, 5 October 1846.

I HAVE read the passage to which you have directed my attention in the despatch of the Right honourable the Secretary of State of the 20th August last, in which, with reference to your Excellency's minute of the 22d November 1845, for regulating the sale of Crown lands, his Lordship has directed that "all fees or receipts of every description, either for survey or in respect of land grants, should be carried to the credit of the public, and that all charges attending the surveys should be defrayed from the local treasury." As the despatch has reference to the affairs of the Survey Department, it is not quite clear whether it be the intention of Earl Grey to deal only with the fees collected by that department, or to include those received by the colonial secretary for the preparation and delivery of title deeds. But as I am anxious to believe that it is his Lordship's meaning to include both, inasmuch as the fees upon surveys are already carried to the public account, I have but to remind your Excellency that I recently called your attention to the propriety of adopting the course suggested in the present despatch, of carrying these fees to the colonial treasury, and of substituting such an addition to the fixed salary of the colonial secretary as may be considered, if not an equivalent, at least reasonable compensation for the withdrawal from him of this accustomed source of income.

For my own part, I have felt the collection of these fees to be so prejudicial to my personal consideration, that I should greatly prefer a much less amount paid direct from the treasury, to their continuance at their present amount and on their present footing.

Your Excellency was, however, precluded from acting on this proposal by the circumstance that these fees are not paid under any colonial or local regulation which your Excellency had power to annul, but under the immediate authority of Her Majesty, under the Sign Manual.

I need scarcely say that I shall have great satisfaction in seeing such a measure adopted. I find, on application to the auditor-general, that there is difficulty in furnishing the correct amount of fees received by my predecessor, owing to there having been no register kept in that office prior to 1844. The amount received by myself during the period that I have held the office, now nearly 12 months, has been 1,149*l.* 6*s.* 5*d.*, and though the change must be prejudicial to me in a pecuniary point of view, I shall cheerfully submit to a sacrifice of income to effect it.

His Excellency the Governor,
&c. &c. &c.

I have, &c.
(signed) J. Emerson Tennent.

(A true copy.)

J. Emerson Tennent.

578

(No. 118.)

Earl Grey to Lieutenant-general Sir C. Campbell.

Sir,

Downing-street, 13 February 1847.

I HAVE received your despatch, No. 30, of the 7th October, transmitting a letter from Sir Emerson Tennent, colonial secretary of Ceylon, on the subject of the fees payable to him in that capacity, under the authority of Royal instructions issued to the Governor of the colony, and proposing to commute those fees for a fixed addition to his salary.

When Sir Emerson Tennent was appointed colonial secretary, the salary of that office was raised from 2,000*l.* to 2,500*l.* per annum. It does not appear that any question was then raised in regard to fees, but I think it probable that if they had been taken into consideration, the augmentation of salary would not have been made. My opinion is, that the salary now assigned to the colonial secretary is sufficient, irrespectively of fees; yet, as no stipulation was made with Sir Emerson Tennent for the relinquishment of fees to which his predecessors were entitled, he has a fair claim to some compensation for the loss of them.

It has appeared to me that the fairest mode of regulating the amount of that compensation is to allow Sir Emerson Tennent, from the fees received at his office, as large an amount as the highest receipt shown in any one year by any "Blue Book," received before he went out; upon this principle the amount has been fixed, with reference to the Return for 1842-43, viz., 273*l.* 17*s.* 4½*d.*; and I have accordingly decided upon fixing the amount at 300*l.*

I have, therefore, to convey to you the necessary authority for granting to Sir Emerson Tennent, from the colonial treasury, a special allowance, at the rate of 300*l.* per annum, in lieu of fees, so long as he may hold the office of colonial secretary; but this allowance will not be continued to his successor in that office.

The necessary provision has been made in the instructions to your successor in the government of Ceylon for the payment in future into the colonial treasury of all the fees hitherto paid to the colonial secretary.

I have, &c.
(signed) Grey.

COPY of Mr. Selby's Letters of 7th and 16th April, and Lord Torrington's Answer.

My dear Lord,

Colombo, 7 April 1849.

In looking through the papers relative to the affairs of Ceylon, presented to Parliament in February last, a passage in your Lordship's despatch of the 14th September 1848 caught my attention, and is the occasion of the present letter.

That passage is as follows: "As it seemed probable that a vast number of people who were still absent from their villages were concealing themselves in the jungle through fear, and not from any participation in the rebellion itself, and as it appeared desirable also that a door should be opened, or a *locus pœnitentiæ*, for the return of many doubtful characters to their allegiance, I caused a proclamation to be issued, with the advice of the Queen's Advocate, calling upon the people to return to their villages and resume their usual occupations within 20 days, under pain of forfeiture of their lands."

The proclamation referred to is dated at the Pavilion at Kandy, the 18th of August 1848. Whatever its intrinsic qualities, I must be allowed to say that it was not issued with my advice, nor did I draw it up, nor approve of it afterwards. The praise or blame, therefore, which may be thought to belong to the advisers or framers of the proclamation is not due to me; and I rely with confidence upon your Lordship's sense of justice for the correction of a misstatement which has, doubtless through inadvertence, found a place in the despatch.

As my assertion is here opposed to the statement contained in your Lordship's despatch, I feel bound to afford your Lordship all the evidence in support of it of which I am possessed. This is happily so conclusive that it must, I think, carry conviction to your Lordship's mind; even should you, on calling the matter to your recollection, consider any confirmation of my denial necessary.

On the morning of the 22d August (the proclamation was issued on the 18th) I received from your Lordship's private secretary, Mr. Bernard, a note, enclosing a memorandum drawn up by Sir Herbert Maddock, and which it appears Sir Emerson Tennent had left in Mr. Bernard's hands on the 21st; and also a paper containing Mr. Bernard's observations on each paragraph of Sir H. Maddock's memorandum.

The sixth paragraph of the memorandum contains the following recommendation by Sir H. Maddock; and as he was then living with your Lordship at the Pavilion, and intimately conversant with your Lordship's policy and proceedings, and must therefore have been aware of the fact of such a proclamation as the one in question having been issued, it is impossible to doubt that his memorandum was written before the proclamation appeared, or at least that the latter was published in consequence of his advice. For there could have been no meaning in his recommending your Lordship to take a step which had been already taken;

taken; and assuredly his memorandum, if written after the proclamation, would have made some allusion to it. The paragraph runs thus:—

Appendix, No. 14.

“6. As there are still many persons absent from their homes who are known or suspected to have been in arms with the rebels, or to have accompanied the Pretender in his flight, it would be advisable if the commandant, with reference to his former notification, was now to issue another, calling upon such persons to return to their homes or deliver themselves up within some fixed period, say 15 or 20 days; and proclaiming that in case of their failure to return or deliver themselves up within the time prescribed, their lands, houses, and all other property will be liable to confiscation, and will be confiscated.”

Your Excellency will not fail to remark the great similarity of language between this paragraph and the proclamation, and the striking conformity, in all essential features, between the advice it contains and the measure adopted; and I think it more than probable that Sir Emerson Tennent, by whom the proclamation was drawn up, had Sir H. Maddock's paper before him at the time of drafting it, and that he afterwards handed it to Mr. Bernard, through whose caution it was subsequently submitted to me as the legal adviser of the Government. I may also observe that it is perfectly incredible that Sir H. Maddock should have thought it necessary to recommend the issue of such a proclamation by the commandant, had a similar one been already issued by your Lordship; but it is quite conceivable that he should have made this suggestion before the proclamation appeared, and that your Lordship, whilst concurring in the recommendation generally, should have thought it more advisable that the proclamation should be by the Governor, who was then on the spot, and not by the commandant.

But to proceed: Mr. Bernard, in sending to me on the morning of the 22d of August (three days after the proclamation) Sir H. Maddock's memorandum, wrote for my information the following observation upon the sixth paragraph:—

“On par. 6.—This has already been done by a proclamation of Government, re-issued also by the commandant.”

Surely, my Lord, commentary here would but weaken the effect of the text.

But what was the answer which I immediately wrote to Mr. Bernard, in reference to this proposal by Sir H. Maddock? Was it expressive of my concurrence in the measure? No, my Lord, the very reverse of that. What must my answer have been had I advised the proclamation? Would it have contained no allusion to that advice? Would it not have expressed my concurrence in Sir H. Maddock's sentiments, and in the policy which dictated the proclamation; or, if my opinion had in the meantime changed, would no allusion have been made to my previous opinions; and would not the reasons which had induced an alteration of my views have been stated? Would my reply to Mr. Bernard have been couched in such language as the following?—

6th. I have already stated (that is, in my observations on the first paragraph of Sir H. Maddock's memorandum) “that in my opinion the commandant has no power of decreeing or ordering confiscation of property; and I think, moreover, that under the circumstances of this island, and the gross ignorance of the people in the interior, the failure of persons to return to their homes from the jungle to which they have fled, within a given period, ought not to be considered as conclusive evidence of treason, and to be visited by the penalty of confiscation of their property by legislative enactment.”

Your Lordship will thus observe that on the 22d of August I wrote my opinion (and it was the only opportunity that was afforded me of placing my sentiments on the subject on record, and one of which I gladly availed myself) that not even by legislative enactment ought the penalty of confiscation of property to be visited on persons suspected of treason, who had fled to the jungle, and failed to return within a given period; and in a previous part of the same letter I had stated “that in order to the confiscation of the property of rebels, a conviction and judgment thereon by a civil court, or sentence of outlawry for non-appearance to answer to an indictment for high treason, or an act of the legislative authority, was necessary.” Is it then possible that three days before I should have advised the issue of this proclamation, utterly opposed as such a measure was to all my notions both of law and right policy?

On the Thursday following (24th August) I received from your Lordship a note, of which the following is a copy:—

“Your letter to Bernard respecting the whole question, I may say, of our policy with regard to the Kandyan rebellion, has caused me much anxious consideration. I shall be very glad to have a quiet consultation with you, Mr. Stewart, and Sir H. M., any hour most convenient to-day.”

Now may I not be permitted to ask your Lordship whether such would have been the tenor of your note if on Friday (the 18th) I had advised a proclamation indicative and declaratory of your policy respecting the confiscation of property, and on the following Tuesday (the 22d) had condemned the measure which I had so shortly before advised, without even assigning any reason for the sudden change of opinion, much less expressing my regret for misleading the Government in a matter of so great importance? Would not your Lordship have indignantly demanded of me, how it came to pass that I had committed the Government to a measure so extreme in its nature, without having first satisfied myself of its legality and propriety? But more than this; if your Lordship's policy had been governed by my advice, my letter to Mr. Bernard could hardly have caused your Lordship “much anxious consideration;” for in that case I should have been responsible for the

Appendix, No. 14.

measure, I had advised, and the consequences of my subsequent change of opinion must have fallen upon myself.

And here I must also be allowed to remark, that had the proclamation been indeed issued with my advice, your Lordship would not, I am persuaded, have omitted to inform the Secretary of State, when transmitting it to his Lordship on the 14th September, that though it was true the Queen's Advocate had advised its issue, he had a few days afterwards seen occasion to express his disapproval of the whole measure. Such a course would have been in truth indispensable as a justification of your Lordship's policy, and would likewise have been just towards me. The conviction therefore is forced upon my mind, that the words in the despatch, "with the advice of the Queen's Advocate," were inadvertently inserted, and in the hurry attendant on the departure of the mail failed to attract your Lordship's attention; for otherwise the circumstance of my letter to Mr. Bernard, written only three weeks before, and the proceedings of the meeting which had taken place a few days afterwards on the subject thereof (to which I shall presently more particularly allude), would have certainly induced your Lordship not to allow the despatch to be forwarded to its destination with the bare statement that the proclamation had been issued "with the advice of the Queen's Advocate."

In compliance with the wish expressed in your Lordship's note, Mr. Stewart accompanied me to the Pavilion on the afternoon of the day it was written (Thursday 24th August). There we met your Lordship, Sir H. Maddock, Colonel Drought, and Mr. Bernard. I then repeated, but at greater length and in more decided language, my entire dissent from the proceedings which had taken place with regard to the confiscation of property by the military authorities. I pointed out their illegality, and confirmed all the statements contained in my letter to Mr. Bernard. The Deputy Queen's Advocate (Mr. Stewart) expressed his concurrence in my views. Sir H. Maddock then remarked the absurdity of applying the doctrines of English law to a country like Ceylon; and some discussion took place with regard to the consequences which might ensue to the military authorities on the cessation of martial law. After some time your Lordship desired to be informed whether, as the confiscation of property that had taken place could not, in our opinion, be upheld, measures might not be adopted to compel the inhabitants generally of the disturbed districts to defray the expenses to which the Government had been put, and the losses which the planters and others had sustained by the rebellion; and the liability of the hundreds in England was mentioned as a case in point. I stated that the cases were not analogous; that I was not, at that moment, prepared to say positively whether such a measure would be advisable; but that, under any circumstances, it could only be done by an ordinance, and that long before the Legislative Council met I should be prepared to state positively to your Lordship my views on the subject. Mr. Stewart observed that he considered such a measure, under the circumstances of this island, could not be justified. The meeting then broke up. A day or two afterwards I informed your Lordship that I did not think a general imposition upon the disturbed districts would be either just or politic; and the plan was ultimately abandoned.

No. 1.

As the papers to which I have already referred throw much light upon the point at issue, and may serve to bring back to your Lordship's remembrance all the material circumstances, I take the liberty of annexing copies of the whole correspondence.

But in addition to the evidence which these documents afford that I was not the adviser of this proclamation, there is another consideration of such weight that, had I never penned a line upon the subject, the conclusion at which any unbiassed mind would arrive must be the same. It is this; that some time before this proclamation appeared, and at the very time of its publication, I felt most strongly, and had expressed both to your Lordship and to others (with whom I could converse on such subjects without detriment to the Government I served) the propriety of putting an end to martial law. Is it not extremely improbable, to say the least, that entertaining such views I should have recommended your Lordship to proceed with the confiscation of property after the rebellion had been suppressed, and the necessity of martial law had, in my judgment, ceased?

On this head I may mention first, the fact recorded by me in the minutes of the Executive Council on the 26th of September, a few days after my return to Colombo from Kandy at the close of the state trials, that "having been directed by the Governor to proceed to Kandy as soon as possible, for the purpose of collecting evidence against the rebels who had been or might afterwards be made prisoners, with a view to the trial of the more guilty at a special sessions of the Supreme Court, I had an interview with his Excellency before my departure from Colombo (on the 7th of August), at which, in consequence of the favourable reports received from Kandy, I suggested the propriety of the discontinuance of martial law; and with his Excellency's knowledge,* before leaving the Fort, drew up and handed to the Assistant Colonial Secretary the draft of a proclamation for declaring martial law to be no longer in force, so that the measure might not be delayed in consequence of my necessary absence from Colombo."

In the second place, I may call to your Lordship's recollection, that a day or two after my arrival at Kandy, I wrote to your Lordship urging again the discontinuance of martial law, as no longer necessary. I have not a copy of my letter, but your Lordship's reply, dated 12th August, contains the following passage, showing I think sufficiently the tenor

* The word was originally "concurrence;" but on the paper being read in Council, your Lordship stated that you did not concur, but only said that I might draw up the proclamation if I pleased; I accordingly altered the word "concurrence" into "knowledge." H. C. S.

of my communication: "I don't think any serious harm will result from allowing martial law to remain in force for a few days longer."

And in the third place, in my letter to Mr. Bernard of the 22d August, in opposition to Sir H. Maddock's suggestion that martial law should be continued in force till all the trials for treason had been brought to a close, I stated that in my opinion "Martial law ought not to be continued in force any longer than there is an absolute necessity for its continuance owing to the disturbed state of the country." Adding, "I cannot perceive what reasons can exist for maintaining martial law till the prosecutions for treason are brought to a close, if the country is quiet. On the contrary, I think the proceedings of the civil courts would be facilitated by the cessation of martial law."

Entertaining, as it is thus evident that I did, a very strong opinion against the continuance of martial law, may I not fairly ask whether it is conceivable that I should have advised a measure which implies good reason for its lengthened duration? No, my Lord, I felt (and my feelings did find expression in my conversations with those with whom I was free to speak unreservedly on such subjects) that it was mainly owing to their fear of martial law that the ignorant and timid inhabitants had fled to and remained in the jungles; and with such feelings it would have been indeed most criminal in me to have advised your Lordship, even had I supposed you possessed the power, to confiscate their property if they did not return home within 20 days.

They who felt differently, as I am well aware was the case with Sir H. Maddock, who thought that all who had fled were guilty participators in the rebellion, that there was not one loyal native in that part of the country, but that all were alike ungrateful for past benefits and unworthy of future favours, and that no measure short of the actual removal of the whole population, and the planting of colonies of Malabars in their place, would suffice for the attainment of the future peace and prosperity of the country; they, my Lord, who held such opinions may perchance find an apology for the proclamation of the 18th of August, and the previous confiscations; but for me, had I advised the proclamation, there could be none as a man, still less as a lawyer.

A proof scarcely less strong than any of the foregoing that I gave no such advice as the despatch attributes to me, is the fact that the Deputy Queen's Advocate, Mr. Stewart, is not aware of my having done so. We were living together at Kandy at the time the proclamation appeared; we were and have since continued on terms of the closest intimacy; my communications with him on all subjects connected with the rebellion, and especially on the confiscation of property, were of the most unreserved character. I showed him Mr. Bernard's letter, and my reply at the time the latter was written. We canvassed freely Sir H. Maddock's advice to your Lordship; repeatedly did I deplore to him the continuation of martial law, and often spoke of its effect in preventing the return of the people to their villages; and it is absolutely certain that had I advised your Lordship to issue such a proclamation, Mr. Stewart must have known the fact.

I enclose for your Lordship's satisfaction on this point a letter which Mr. Stewart has kindly written, and which I have his permission to show to your Lordship.

And here, my Lord, I might bring this letter, already I fear too long, to a close; but lest I should be charged with any want of candour, or it should be thought that I was anxious to conceal a single fact connected with the issuing of the proclamation, I must beg your Lordship's attention yet a moment to the circumstance by which I came to know that the Colonial Secretary was the writer. It thus fell out: late in the afternoon of the 18th I had been with your Lordship on business, and was leaving the room, when Sir Emerson Tennent entered with some papers in his hand; one of them was the proclamation in question, ready drawn up in his own handwriting, which he or Mr. Bernard (for I forget which of them) began to read over. I paid little attention, and have only an indistinct recollection that Mr. Bernard made a remark as to an obscurity in the closing paragraph. This was the first time I ever heard of the proclamation so far as I can remember, and the only time I ever saw it. I quitted the room immediately afterwards, neither having been desired to give nor having given any advice or opinion on the subject.

It may therefore be said that, though it is true the Queen's Advocate did not advise the proclamation, nor draw it up, he raised no objection to its publication when the Colonial Secretary produced it in his presence.

But could it have been reasonably expected that I should thus act in the circumstances in which I was placed? Before this proclamation appeared, confiscations (improperly so called) by the military authorities had taken place to a very considerable extent, over all parts of the disturbed districts. Martial law was still in full force. It was notorious that Sir H. Maddock advised and assisted Colonel Drought from the very first, and that he (Sir H. M.) was in constant communication with your Lordship. Compared with the proceedings then in active operation, this proclamation was an act of mercy; for, as your Lordship expresses it in your despatch, "It opened a door, or a *locus pœnitentiæ*, for the return of many doubtful characters to their allegiance." Was it for me then, by whose advice the proclamation was not issued, and who therefore felt no responsibility on the subject; was it for me, by whom it was not drawn up (as in the ordinary course it would have been had I been consulted), and who had therefore been deprived of the opportunity of putting on record my objections to the principle it enunciated; was it, I ask, for me to step forward at the last moment, after your Lordship had already determined on the measure, nay after the Colonial Secretary had himself executed your Lordship's determination, and when my

Appendix, No. 14. — advice was not desired, to have started objections to what, comparatively speaking, was an act of grace; knowing too, as I did, the fruitlessness of any such interference on my part?

But these considerations alone would not probably have sealed my lips, had it not happened that my views respecting the continuance of martial law and the confiscation of property were greatly opposed to those of your Lordship and others who then had much weight with your Lordship; and I had also repeatedly had occasion to observe that unfortunately your Lordship did not repose that confidence in me which I thought I deserved at your Lordship's hands, and which, I sincerely trust, a longer acquaintance has tended to beget in your Lordship's mind.

In a word, my Lord, I should have been wanting in proper feeling if, at that time, I had obtruded my advice unsolicited upon your Lordship; and the only result I could have anticipated would have been an increased want of cordiality, by no means conducive to my usefulness as a public servant.

I have now, my Lord, only to add in conclusion, that I trust you will believe that it is with the profoundest regret I have felt myself compelled to recur to past events, the remembrance of which I had hoped might never be revived. It has, however, been my endeavour respectfully to set before your Lordship my conduct in the matter in its true light; and I shall indeed be gratified to learn from your Lordship that the expression in the despatch, of which I complain, was inserted through inadvertence, or under a misapprehension or forgetfulness of the facts; and that in bringing the error under your notice as soon as I became aware of its existence, with a view to its correction, I have only done that which has your Lordship's approval.

May I request the favour of a line in reply at your Lordship's earliest convenience, as I am very anxious that the next mail should not leave for England without conveying the result of this communication. Your letter will find me at Calcutta.

His Excellency Viscount Torrington,
&c. &c. &c.

Believe me, &c.
(signed) *H. C. Selby.*

(Enclosure No. 1, in the foregoing Letter.)

(Received 22d August.)

My dear Mr. Selby,

WOULD you or Mr. Stewart kindly look over the accompanying letter or memorandum prepared by Sir H. Maddock, and the observations which I have ventured to make on each paragraph. You will see at once that there are many points in the matter which require consideration. Colonel Drought is anxious for some advice or instructions upon the whole matter. Now as this is Sir Herbert's last day, could you find time to send me a note or two about it, to lay before the Governor and Sir H. M. Sir J. E. T.* left the letter in my hands last night, and as he has flown I have done as I thought best under the circumstances.

* [Sir J. Emerson
Tennent.]

Perhaps it may be possible to hear from you to day, as time is important.

Hon. H. C. Selby.

Yours, &c.
(signed) *W. D. Bernard.*

Sir H. Maddock's Memorandum.

(Enclosed in Mr. *Bernard's* letter.)

1. It appears to me that if, instead of merely attaching the property of those engaged in the rebellion, the officer exercising the chief authority under martial law is now authorized to pronounce such property confiscated to the Crown, much future difficulty may be avoided.

2. If such property is left under attachment at the time when martial law ceases to be in operation, all manner of applications may be made to the civil courts to take off attachments; and thus every act of the military authorities will be liable to be called in question, and many of the proceedings to be reversed by tribunals which have no superiority over them.

3. This ought not to be permitted; and if the military commandant has authority to confiscate, there will be less opening for the civil courts to question or to reverse his acts.

4. To guard still further against the possibility of an interference which could lead to nothing but perpetual doubt and difficulties, previous to the restoration of the ordinary jurisdiction of the civil courts I would introduce a law to have their recognizance of all matters decided and ordered by competent authority during the existence of martial law, to declare final all orders of the commandant touching the rebellion, or to decree that no penalty inflicted by him shall be altered or remitted, except where it shall seem fit to the Executive Government to alter or remit the same.

The Governor and Council should be fully empowered to grant pardons and to mitigate the severity of punishment in cases deserving of the clemency; but the courts of law ought to be altogether precluded from considering judicially the justice or propriety of orders passed by the military authorities while martial law prevailed.

5. Martial

583

5. Martial law should, I think, continue in force till the trials of all those persons accused of criminal acts connected with the rebellion, but committed before martial law was proclaimed, are brought to a close. There are obvious reasons for maintaining martial law till these charges of treason are disposed of.

6. As there are still many persons absent from their homes who are known or suspected to have been in arms with the rebels, or to have accompanied the pretender in his flight, it would be advisable if the commandant, with reference to his former notification, was now to issue another, calling upon such persons to return to their homes or deliver themselves up within some fixed period, say 15 or 20 days; and proclaiming that in case of their failure to return or deliver themselves up within the time prescribed, their lands, houses, and all other property, will be liable to confiscation, and will be confiscated.

7. Whenever the commandant directs the confiscation of lands and houses, he should draw out a formal order to that effect according to some forms to be agreed upon by him and the Government agents; as thus: "they whose names and places of residence are described below, having been taken in arms and in rebellion against our sovereign the Queen;" or, "they whose names are entered below having been convicted before court of high treason," or whatever the charge may be; or, "they whose names are inscribed underneath having disobeyed the orders contained in my proclamation of _____ to return to their homes, or deliver themselves up before I order and declare the lands, houses, and all other property belonging to each and every one of them to be hereby confiscated to the Crown."

8. Formal copies of such order of the commandant being forwarded to the Government agents, they may be entrusted by Government to consider these orders as final, unless reversed or modified by the Executive Government, to make the necessary alterations in their land registers, and to proceed to make arrangements for the disposal of the confiscated lands according to such orders as the Government may see fit to issue on that point.

Mr. Bernard's remarks on Sir H. Maddock's memorandum (enclosed in Mr. Bernard's letter):—

On par. 1. Is it certain "that the officer exercising the chief authority under martial law" can confiscate, in the strictness of the word, the property of those engaged in the rebellion, unless the fact of their being so engaged has been first settled by a conviction?

Par. 2. What would be the effect of the cessation of martial law, with regard to the position of properties attached or sequestered under martial law, but not absolutely confiscated?

3. This observation is evident of itself, but it depends upon the answer to the two preceding queries.

4. The passing of an ordinance to effect the objects here named would seem to be necessary, but still the question arises as to what constitutes competent authority under the circumstances mentioned.

5. This observation respecting the discontinuance of martial law until after the trials of all accused parties for acts done before martial law are disposed of, is important.

6. This has already been done by a proclamation of Government, re-issued also by the commandant.

7. What would be the best form for an order, either to confiscate, or to sequester, or to attach the property of the rebels?

8. This recommendation is important; it in point of fact seems to be necessary in order to carry into complete execution those acts of authority which may have been ordered by the military authorities.

Having drawn attention to each paragraph of Sir Herbert Maddock's letter, I would further suggest a question or two as to the position of temple lands attached or confiscated. It seems that Mr. Hanna has now commenced the sequestration of the lands belonging to the great temple at Dambove; and has issued notices to the tenants to hand over to the agents of Government the portion of the crops due by them to the temple, and also to render to Government those services which they are or were under obligation to render to the temple, and its priests or other officers. How does this bear upon the Order in Council of 1833; and what would be the effect of these proceedings if the attachment is ultimately removed, and the property restored to the temple in *integro*?

My dear Mr. Bernard,

Kandy, 22 August 1848.

THE matters referred to in Sir H. Maddock's memorandum and in your paper of remarks thereon, are of such grave importance that I am very unwilling to give a hasty opinion on the points involved in their determination; more especially as I regret to say that in some respects I have the misfortune to differ wholly with a gentleman of such experience in Indian affairs, and of such acknowledged ability.

Still, as time is important, I shall endeavour to state my present views as concisely as possible, in the hope that they may not be altogether valueless, reserving to myself the liberty of hereafter modifying or altering them should further consideration produce a change of opinion.

In the first place, I am of opinion that in order to the confiscation of the property of rebels, a conviction and judgment thereon by a civil court, or sentence of outlawry for

584

Appendix, No. 14. non-appearance to answer to an indictment for high treason, or an Act of the legislative authority, is necessary. It has been decided in England that persons killed in open rebellion, or adjudged to die by courts martial, are not thereby attainted, and that consequently their property passes to their heirs and does not escheat to the Crown.

2. But I think that the property of persons who have been taken in arms, or have fled and may be reasonably suspected of rebellion, may be lawfully sequestered, with a view to its ultimate confiscation should the charge of treason be brought home to them; and therefore that, although martial law ceased to be in operation, the civil courts could not interfere to remove a sequestration which had been made by order of the military, or even of the civil authorities, during the existence of martial law.

3. Already answered.

4. It appears to me that it may be necessary, and that it would certainly be prudent, that an ordinance should be passed to indemnify all persons who have acted *bonâ fide*, though illegally, under the authority of martial law, against all actions which might be brought against them for so acting; and such a course is not unusual. It is not, however, necessary that the Governor should be empowered to grant pardons and mitigate the severity of punishments, as his Excellency already possesses such powers; nor is it necessary that any act of indemnity should be passed for the protection of the military and other authorities who have not exceeded the powers possessed by them under martial law.

5. In my humble opinion martial law ought not to be continued in force any longer than there is an absolute necessity for its continuance owing to the disturbed state of the country. I cannot perceive what reasons can exist for maintaining martial law till the prosecutions for treason are brought to a close, if the country is quiet. On the contrary, I think the proceedings of the civil courts would be facilitated by the cessation of martial law.

6. I have already stated that in my opinion the commandant has no power of decreeing or ordering confiscation of property; and I think, moreover, that under the circumstances of this island, and the gross ignorance of the people in the interior, the failure of persons to return to their homes from the jungles to which they have fled, within a given period, ought not to be considered as conclusive evidence of treason, and to be visited by the penalty of confiscation of their property by legislative enactment.

7. As above stated, I think the commandant cannot direct the confiscation of lands and houses; but I consider whenever property is sequestered a list should be made thereof and duly signed by the proper military authorities, and a transcript thereof, duly certified, should be deposited with the Government agent, or some other responsible officer of the Government appointed by the Governor.

8. It is unnecessary to answer this further than has been already done.

I think you will find an answer in the above to all your inquiries; and though I fear it will not be quite satisfactory, it will, I believe, be found not very far from correct.

As to temple lands, my opinion is, and ever has been, that being trust property they do not escheat to the Crown by reason of the treason of the incumbents; and consequently that the Government has no right to the portion of the crop belonging to the temple, nor to the services of the temple tenants.

Believe, &c.
(signed) H. C. Selby.

(A true Copy.)
(signed) H. C. Selby.

My dear Selby,

7 April 1849.

At your request that I should state whether you ever gave me reason to think that you had advised the issuing by the Governor of the proclamation dated the 18th of August 1848, I have to say, that so far from supposing that you had given an opinion in favour of that measure, I believed all along, from your repeated and daily intercourse and consultations with me on the subject of the rebellion, and the confiscation or rather seizure of the property of the natives, that you were averse to the seizure of the property of persons absent from their homes; and I perfectly well remember your mentioning to me, even before the date of the proclamation in question, that you had given your opinion to the Governor against the continuance of martial law.

Yours, &c.
(signed) Jas. Stewart.

My dear Selby,

The Pavilion, Kandy, 12 April 1849.

On receiving your letter of the 7th instant I lost no time in communicating with Sir J. Emerson Tennent (by whom, as you correctly state, the proclamation of the 18th August last was drawn up), in the hope that he could recal the circumstances attendant on its discussion and preparation. I have conferred with him very fully on the subject, and I am now in a condition to reply satisfactorily to your letter.

The proclamation in question was not only prepared with a desire to reassure the timid, who had fled from the vicinity of the tumults near Kandy, and to bring back the waverers to their allegiance, but at the same time to influence the disaffected by offering them terms under the shelter of which they might return to their duty if so inclined, or find themselves constrained

585

constrained to do so by the threat of forfeiture and confiscation. My recollection and that of the Colonial Secretary is that the object of this proceeding was explained in your presence, and the intent and purpose of the proclamation, being one of leniency to offenders and encouragement to the well-affected; that no expressions of dissent were made by you; certainly none were urged, taking the ground of constitutional or legal difficulty; and I need not add that had any such suggestion come from you as law adviser of the Government, it would at once have been conclusive on the point, and the intention of publishing the proclamation would have been instantly abandoned.

So far from this having been the case, however, the intention of publishing the proclamation was proceeded with, and the incident mentioned in your letter is entirely in consistency with our own recollections that you were present at the Pavilion when Sir Emerson Tennent prepared the draft for promulgation; that you saw it in manuscript, and heard it read, and that no such objection was suggested by you to its immediate promulgation.

The promulgation appeared on the 18th August, and on the 22d Mr. Bernard called your attention to the other points for consideration contained in Sir Herbert Maddock's memoranda, observing, upon his recommendation of a proclamation, that it had been already adopted. To this communication you replied on the same day, and took special notice of the proclamation, not however in terms of dissent from its policy or propriety, but simply to the effect that it could not have the force of law (which it was never intended to have); and that the confiscation intimated could not be made by the military tribunals, but would require to be authorized by a special legislative enactment.

I think you will concur with me that on all these opportunities of expressing an opinion, and with every encouragement to do so, not merely as one of my Executive Council, but in virtue of your position as law officer of the Crown, there was no disapprobation expressed on your part as to the policy of the measure, and no objection urged on the score of its legality.

Under such circumstances, and bearing in mind that, as my legal adviser on such matters, I should have expected an expression of your disapproval in the event of your dissenting from the proposition, and that no such disapprobation was conveyed to me, I think, in the absence of all such explanations, I was warranted in regarding your silence as an implied assent; and in that full conviction, which was not disturbed by any subsequent communication from you, my despatch was a month afterwards addressed to the Secretary of State.

It is obvious from the tenor of your letter that the phrase in that despatch, that you had advised the proclamation, conveys the idea of a much more active share in the matter than you really took, inasmuch as it would convey the impression that the proclamation had originated in that advice. The expression then is inaccurate, and will be corrected; but I think you must concur with me that I was quite justified in conveying to the Secretary of State the assurance that a step so important had not been taken contrary to any advice or opinion expressed by the law officers of the Government.

I do not exactly see the bearing upon the question of your allusion to the anxiety you felt for the discontinuance of martial law; for having already expressed a legal opinion by which I was bound, that confiscation for treason, as threatened by the proclamation, could only take place through the instrumentality of a civil enactment to be passed for the purpose, there was in reality no inconsistency whatever between the dissemination of the proclamation and the continued operation of martial law; nor did the promulgation of the one, as you seem to imagine, imply any reason for the lengthened duration of the other.

I must be permitted also in the most distinct terms to dissent from the reason which you assign for having withheld your opinion on the subject of this proclamation, not only prior to its promulgation but down to the present time, and more especially on the occasion narrated by you of your having been present when it was read and amended and finally settled for immediate publication; namely, that Sir H. Maddock had suggested it, and had all along assisted me by his advice, whilst yours was not specially desired on that occasion, and had not been implicitly followed on others, and that you then laboured under the impression of some want of that full confidence on my part which you have since enjoyed. On the latter point it is unnecessary to give you any assurances of the sentiments by which I have been uniformly influenced towards you as my legal adviser; and it is equally superfluous for me to add that in no one instance has any legal opinion offered by you as Queen's Advocate, either under ordinary circumstances, or regarding my policy when labouring for the suppression of rebellion, been otherwise than promptly adopted and implicitly followed by me as Governor. And I must be permitted to add that on a matter so important as the issue of the proclamation in question, the fact of its having been read by the Colonial Secretary in your presence, for the express purpose of correction and final adjustment, was in itself a sufficient intimation that your legal advice and opinion were expected on such an occasion.

In conclusion, I cannot advert to it otherwise than as a subject of congratulation, that this proclamation, properly described by you as "an act of mercy" on the part of the Government, was eminently successful in the attainment of the object for which it was designed; that numbers of timid or deluded men returned peaceably to their homes and their allegiance, and that it was not found necessary in any one instance to enforce the punishment which it threatened to the disloyal, by applying to the Legislature for an authority to enforce the confiscation of property.

586

Appendix, No. 14.

As I have intimated to you above, I shall by this mail acquaint the Secretary of State with the inaccuracy to which you have called my attention in the expression of my despatch of the 14th September last.

To the Hon. H. C. Selby.

Yours, &c.
(signed) *Torrington.*

My dear Lord,

Galle, 16 April 1849.

I AM in receipt of your Lordship's letter of the 12th instant, and have to express my thanks to your Lordship for the prompt acknowledgment which it contains that the expression in your Lordship's despatch of the 14th September, that you had issued the proclamation in question "with the advice of The Queen's Advocate" is inaccurate, and will be corrected.

With regard to the construction which your Lordship puts upon my silence on the occasion when Sir E. Tennent read the draft of the proclamation to your Lordship, I would only observe that my presence was quite accidental; that the whole transaction did not occupy many minutes; that it was not a meeting of the Executive Council; that the measure had evidently been previously determined on, and that, to use your Lordship's words, the proclamation was then being "finally settled for immediate publication."

Your Lordship must permit me to protest in the most emphatic manner against the doctrine that, under such circumstances, the silence of the legal adviser of Government, more especially on a question of some novelty, involving moreover grave and serious considerations of state policy, can ever be regarded "as an implied assent." On the contrary, my Lord, it strikes me that my silence when the proclamation was read, particularly when a remark was made as to an obscurity in its language, ought more properly to have been regarded as evidencing a marked dissent to the measure.

With regard to my subsequent silence up to the present time, I would only remark that having no idea whatever that your Lordship had attributed the proclamation to my advice, or even that your Lordship was under the erroneous impression that I concurred in its policy or propriety, there was no occasion for me to adopt any other course until I read your Lordship's despatch in the Blue Book. The instant, however, that I had done so, and thus became aware of the inaccuracy it contained, I took steps for its correction.

Your Lordship will I think agree with me, on a reperusal of my letter to Mr. Bernard of the 22d of August, that, besides pointing out the illegality of the proclamation, I did not lose the opportunity of expressing also my sentiments as to the policy or propriety of the measure. I refer especially to the words, "that under the circumstances of this island and the gross ignorance of the people in the interior, the failure of persons to return to their homes from the jungle to which they have fled, within a given period, ought not to be considered as conclusive evidence of treason, and to be visited by the penalty of confiscation of their property by legislative enactments."

In conclusion, my Lord, I have to state that it has afforded me much pleasure to learn that I always possessed your full confidence, which I trust I may continue to enjoy. But at the same time your Lordship will permit me to remark that, unintentionally no doubt on your Lordship's part, a very strong impression had been created in my mind by several circumstances which had previously occurred in the course of my official intercourse with your Lordship (the recollection of which I should be most unwilling to revive), that your Lordship did not repose that confidence in me, and that I did not hold that place in your Lordship's counsels, which would have made it a right thing in me, though the legal adviser of the Government, to obtrude my advice or opinion upon your Lordship unasked.

Believe me, &c.
(signed) *H. C. Selby.*

To His Excellency Viscount Torrington.

Colonial Office, }
25 July 1849. }

B. HAWES.

ANALYSIS OF INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in this INDEX, with the Paging at which they will respectively be found.

	PAGE.		PAGE.
ADMINISTRATION of Justice	558	BUDDHISM—continued.	
<i>Disaffection</i>	571	<i>British rule, 2</i>	560
<i>Grievances</i>	578	<i>Christianity</i>	564
<i>Martial law</i>	590	<i>Delada tooth</i>	570
<i>Supreme Court</i>	603	<i>Infidelity</i>	579
<i>Trial by jury</i>	609	<i>Labour tax</i>	580
Attachments	559	<i>Mackenzie, Governor</i>	586
<i>Confiscations, 1</i>	567	<i>Priests</i>	594
Barnes, Sir Edward	559	<i>Rebellion, 5</i>	597
<i>Condition of the people</i>	566	<i>Religious ceremonies</i>	597
BRITISH RULE :		<i>Road ordinance, 1. 5</i>	598
1. <i>Opinions that the natives generally do not object to British rule</i>	560	<i>Royal Villages</i>	599
2. <i>How far our policy has tended to cause disaffection</i>	560	Burghers	563
3. <i>Influence of the priests in inciting the people to throw off the British yoke</i>	561	<i>Verandah tax</i>	609
<i>Buddhism, 4</i>	562	Capital	563
<i>Chiefs</i>	564	Carriage and boat licences	563
<i>Condition of the people</i>	566	<i>Taxation, 3</i>	606
<i>Council</i>	568	Central Province	564
<i>Delada tooth</i>	570	<i>British rule, 3</i>	561
<i>Government of the colony</i>	577	Chamber of Commerce	564
<i>Governors</i>	577	<i>Ackland, Mr.</i>	558
<i>Legislative Council</i>	582	<i>Commission of inquiry</i>	566
<i>Priests, 3</i>	594	<i>Coolies</i>	567
<i>Torrington, Viscount</i>	608	<i>Export duties</i>	575
BUDDHISM :		Chiefs	564
1. <i>How far the British Government may be considered to be under obligations to maintain the Buddhist religion</i>	561	<i>British rule, 1</i>	560
2. <i>Endeavours of the British Government to shake off all connexion with Buddhism</i>	561	<i>Compulsory labour</i>	566
3. <i>Particulars relative to the giving up of the relic, and the withdrawing from the appointment of priests ; evil consequences thereof</i>	562	<i>Condition of the people</i>	566
4. <i>How far the disconnexion of the Government from the Buddhist religion led to the disaffection of the priests</i>	562	<i>Delada tooth, 3</i>	570
5. <i>Propositions for settling the question of British connexion with Buddhism generally</i>	562	<i>Disaffection</i>	571
6. <i>Propositions for the management of the temples and temple lands, or as they are called, dewales and wihares</i>	562	<i>Headmen</i>	578
7. <i>Difficulties in the way of settling the question, from the impossibility of conciliating the priests</i>	563	<i>Kandyan people</i>	580
		<i>Priests, 1</i>	594
		<i>Rebellion, 1</i>	596
		<i>Taxation, 3</i>	606
		Christianity	564
		<i>Conversion</i>	567
		<i>Religious ceremonies</i>	597
		Cingalese language	564
		Civilization	565
		<i>Condition of the people</i>	566
		<i>Priests, 2</i>	594
		COFFEE PLANTING :	
		1. <i>Generally</i>	565
		2. <i>How far the introduction of coffee planting has been beneficial to the natives</i>	565
		3. <i>Reference to a tax proposed on coffee lands</i>	565

	PAGE.		PAGE.
COFFEE PLANTING—continued.		DELADA TOOTH:	
Capital	563	1. Nature of the relic called the Delada Tooth; importance attached thereto by the natives	570
Priests, 2	594	2. Particulars relative to the delivering over the custody of the relic to the Buddhist priests by the British Government	570
Rice	598	3. Feeling of the priests and headmen against its being given up	570
Colombo	565	Buddhism, 3. 5. 6	562
Grievances	578	Destruction of property	570
M ^r Christie, Mr.	586	Outrages	593
Martial law, 3	591	Rebellion, 3	596
Road ordinance, 5	599	Direct taxation	571
Verandah tax	609	Disaffection	571
Colonial secretary	566	Buddhism, 4	562
Travelling expenses	609	Chiefs	564
Commanding officer	566	European settlers	573
Government of the colony	577	Export duties	575
Commutation of sentence	566	Grievances	578
Compulsory labour	566	Headmen	578
Chiefs	564	Priests	594
Rajkaria	596	Rebellion	596
Condition of the people	566	Religion	597
Capital	563	Taxation, 3	606
Civilization	565	Torrington, Viscount	608
Dyke, Mr.	572	Verandah tax	609
Northern Province	592	Western Province	609
Skinner, Major	601	Dog tax	571
CONFISCATIONS:		Taxation, 3. 4	606
1. Particulars relative to the issuing of the proclamation for the confiscation of the property of the rebels; beneficial results of this proclamation	567	Draft ordinances	571
2. How far innocent parties have suffered from this proclamation; seizure, sale, and restoration of confiscated property	567	Drought, Colonel	571
Attachments	559	Attachments	559
Sequestrations	600	Confiscations	567
Coolies	567	Delada Tooth, 1	570
Council	568	Headmen	578
Executive Council	573	Martial law, 6	591
Government of the colony	577	Rebellion, 5	597
Legislative Council	582	Sequestrations, 1	600
COURTS MARTIAL:		Dyke, Mr.	572
1. Constitution and forms of proceeding of the courts martial	568	Government agents	577
2. Difference between courts martial under martial law and under the Mutiny Act	568	Northern Province	592
3. Reasons for retaining the courts martial after the Supreme Court commenced its sittings	568	Elective franchise	572
4. Papers laid before the Committee	569	Legislative Council, 4	583
Confiscations, 1	567	Encroachments	572
Executions	573	European settlers	573
Judge Advocate	580	Capital	564
Pretender	594	Chiefs	565
Supreme Court	603	Coffee planting, 2	590
CROWN CASE ORDINANCE:		Martial law, 2	594
1. Generally	569	Priests, 2	609
2. Papers laid before the Committee	569	Trade	609
Customs establishment	569	EXECUTIONS:	
Export duties	575	1. Generally	573
		2. Papers laid before the Committee	573
		Martial law, 5	591
		Pretender	594
		Rebellion, 4	596

<i>EXECUTIVE COUNCIL :</i>	PAGE.	<i>Governors—continued.</i>	PAGE.
1. <i>Necessity for the Governor consulting the Executive Council on all important matters ; how far this practice has been adopted</i> -	573	<i>Mackenzie, Governor</i> -	586
2. <i>How far important that all despatches should be laid before the Executive Council</i> -	574	<i>Torrington, Viscount</i> -	608
3. <i>Want of control in the Executive Council over the acts of the Governor</i> -	574	<i>Travelling expenses</i> -	609
4. <i>Whether any amendment is required in the working of the Executive Council</i> -	574	<i>Grievances</i> -	578
5. <i>Fitness of the natives to take part in the Executive Government</i> -	574	<i>British rule</i> -	560
<i>Attachments</i> -	559	<i>Mr Christie, Mr.</i> -	586
<i>Commanding officer</i> -	566	<i>Petitions</i> -	593
<i>Government of the colony</i> -	577	<i>Taxation, 3. 4</i> -	606
<i>Kandyan people</i> -	580	<i>GUN TAX :</i>	
<i>Legislative Council, 1. 2. 4</i> -	582	1. <i>Generally</i> -	578
<i>Local administration</i> -	583	2. <i>Papers laid before the Committee</i> -	578
<i>Martial law</i> -	590	<i>Fire arms</i> -	576
<i>Minutes of proceedings in council</i> -	592	<i>Taxation, 3. 4</i> -	606
<i>Taxation, 1</i> -	606	<i>Headmen</i> -	578
<i>Expenditure</i> -	574	<i>Buddhism, 1. 6</i> -	561
<i>Legislative Council, 3</i> -	583	<i>Chiefs</i> -	564
<i>Revenue and expenditure</i> -	598	<i>Civilization</i> -	565
<i>EXPORT DUTIES :</i>		<i>Coffee planting, 2</i> -	565
1. <i>Principle upon which the export duties were repealed ; how far justifiable</i> -	573	<i>Compulsory labour</i> -	566
2. <i>How far any exception was taken to their repeal by the mercantile classes</i> -	575	<i>Condition of the people</i> -	566
3. <i>Connexion of the disaffection of the people with the repeal of the export duties</i> -	576	<i>Delada Tooth, 3</i> -	570
<i>Chamber of Commerce</i> -	564	<i>Disaffection</i> -	571
<i>Coffee planting, 3</i> -	565	<i>Dyke, Mr.</i> -	572
<i>Taxation, 1. 2</i> -	606	<i>Priests, 3</i> -	594
<i>Fees</i> -	576	<i>Rebellion</i> -	596
<i>Colonial secretary</i> -	566	<i>Taxation, 3</i> -	606
<i>Fire arms</i> -	576	<i>Import duties</i> -	579
<i>Gun tax</i> -	578	<i>Export duties</i> -	575
<i>GOVERNMENT OF THE COLONY :</i>		<i>Rice</i> -	598
1. <i>Generally</i> -	577	<i>Improvements</i> -	579
2. <i>Papers laid before the Committee</i> -	577	<i>Irrigation</i> -	580
<i>British rule</i> -	560	<i>Indemnity Bill</i> -	579
<i>Cingalese language</i> -	564	<i>Sequestrations, 1</i> -	600
<i>Condition of the people</i> -	566	<i>India</i> -	579
<i>Executive Council</i> -	573	<i>Taxation, 5</i> -	607
<i>Legislative Council</i> -	582	<i>Insurgents</i> -	579
<i>Torrington, Viscount</i> -	608	<i>Rebellion</i> -	596
<i>Government agents</i> -	577	<i>Insurrections</i> -	580
<i>Dyke, Mr.</i> -	572	<i>Delada Tooth, 3</i> -	570
<i>Legislative Council, 1, 3</i> -	582	<i>Encroachments</i> -	572
<i>Northern Province</i> -	592	<i>Rebellion</i> -	596
<i>Governors</i> -	577	<i>Irrigation</i> -	580
<i>Barnes, Sir Edward</i> -	559	<i>Judge Advocates</i> -	580
<i>Executive Council</i> -	573	<i>Kandyan people</i> -	580
<i>Legislative Council, 2. 6.</i> -	582	<i>Native population</i> -	592
		<i>Taxation, 3. 5</i> -	606
		<i>Kings of Kandy</i> -	580
		<i>Pretender</i> -	594
		<i>Taxation</i> -	606
		<i>Kornegalle</i> -	580
		<i>Confiscations, 2</i> -	567
		<i>Courts martial, 4</i> -	569
		<i>Killed and wounded</i> -	580

	PAGE.		PAGE.
<i>Kornegalle—continued.</i>		<i>MARTIAL LAW—continued.</i>	
<i>Martial law, 4</i>	- 591	5. <i>Opinions that the proclamation of martial law was unnecessary</i>	- 591
<i>Pretender</i>	- 594	6. <i>Papers laid before the Committee</i>	- 591
<i>Rebellion</i>	- 596	<i>Common law courts</i>	- 566
<i>Labour Tax</i>	- 580	<i>Confiscations, 2</i>	- 567
<i>Compulsory labour</i>	- 566	<i>Courts martial</i>	- 568
<i>Road ordinance</i>	- 598	<i>Executions</i>	- 573
<i>Labourers</i>	- 580	<i>Indemnity Bill</i>	- 579
<i>Land tax</i>	- 580	<i>India</i>	- 579
<i>Coffee planting, 3</i>	- 565	<i>Military law</i>	- 592
<i>Export duties</i>	- 575	<i>Summary punishments</i>	- 603
		<i>Trials</i>	- 609
LEGISLATIVE COUNCIL :		<i>Matelle</i>	- 592
1. <i>Constitution of the Legislative Council ; duties of the members</i>	- 582	<i>British rule, 1</i>	- 560
2. <i>Power of the Governor over the Council ; how far the votes of the members may be considered to be free</i>	- 582	<i>Destruction of property</i>	- 570
3. <i>Recommendation as to the remodelling of the Council ; suggestions for the amendment of the working of the Council</i>	- 583	<i>Killed and wounded</i>	- 580
4. <i>How far the natives may be considered eligible to sit in the Council</i>	- 583	<i>Land tax</i>	- 580
5. <i>Opinion that no advantage would be derived from having an elective Legislative Council</i>	- 583	<i>Magistrates</i>	- 589
6. <i>Papers laid before the Committee</i>	- 583	<i>Martial law, 4, 6</i>	- 591
<i>Ackland, Mr.</i>	- 558	<i>Rebellion</i>	- 596
<i>Elective franchise</i>	- 572	<i>Sequestrations, 2</i>	- 601
<i>European settlers</i>	- 573	<i>Military law</i>	- 592
<i>Executive Council</i>	- 573	<i>Courts martial, 2</i>	- 568
<i>Government of the colony</i>	- 577	<i>Martial law</i>	- 590
<i>Governors</i>	- 577	<i>Minutes of Proceedings in Council</i>	- 592
<i>Indemnity Bill</i>	- 579	<i>Executive Council</i>	- 573
<i>Mackenzie, Governor</i>	- 586	<i>Legislative Council</i>	- 582
<i>Minutes of proceedings</i>	- 592	<i>Missionaries</i>	- 592
<i>Protests</i>	- 595	<i>Buddhism, 5</i>	- 562
<i>London report</i>	- 583	<i>Native population</i>	- 592
<i>M^r Christie, Mr.</i>	- 586	<i>British rule</i>	- 560
<i>Grievances</i>	- 578	<i>Capital</i>	- 563
<i>Torrington, Viscount</i>	- 608	<i>Chiefs</i>	- 564
<i>Verandah tax</i>	- 609	<i>Coffee planting, 2</i>	- 565
<i>Mackenzie, Governor</i>	- 586	<i>Condition of the people</i>	- 566
<i>Ackland, Mr.</i>	- 558	<i>Council</i>	- 568
<i>Rebellion</i>	- 596	<i>Elective franchise</i>	- 572
<i>Maddock, Sir T. H.</i>	- 589	<i>Executive Council</i>	- 573
<i>Madras Government</i>	- 589	<i>Headmen</i>	- 578
<i>Magistrates</i>	- 589	<i>Kandyan people</i>	- 580
		<i>Legislative Council, 4</i>	- 583
MARTIAL LAW :		<i>Martial law, 1, 2</i>	- 590
1. <i>Generally</i>	- 590	<i>Priests</i>	- 594
2. <i>Approval of the proclamation of martial law</i>	- 590	<i>Road ordinance, 4</i>	- 599
3. <i>Opinions on the subject of the continuance of martial law</i>	- 591	<i>Taxation, 2</i>	- 606
4. <i>How far the Executive Council was consulted before the proclamation was issued</i>	- 591	<i>Trade</i>	- 609
		<i>Northern Province</i>	- 592
		<i>Capital</i>	- 563
		<i>Dyke, Mr.</i>	- 572
		<i>Headmen</i>	- 578
		<i>Ordinances</i>	- 593
		<i>Draft ordinances</i>	- 571
		<i>Taxation, 1</i>	- 606
		<i>Outrages</i>	- 593
		<i>Paddy tax</i>	- 593
		<i>British rule</i>	- 560
		<i>Taxation, 5</i>	- 607

591

PETITIONS :	PAGE.	REBELLION—continued.	PAGE.
1. Generally	593	<i>British rule</i>	560
2. Papers laid before the Committee	593	<i>Buddhism</i>	561
<i>Borella</i>	560	<i>Chamber of Commerce</i>	564
<i>Grievances</i>	578	<i>Confiscations</i>	567
<i>M. Christie, Mr.</i>	586	<i>Destruction of property</i>	570
<i>Police</i>	594	<i>Disaffection</i>	571
<i>Taxation, 3</i>	606	<i>Fire arms</i>	576
<i>Political publications</i>	594	<i>Governors</i>	577
<i>Press, The</i>	594	<i>Grievances</i>	578
“ <i>Colombo Examiner</i> ” newspaper	565	<i>Headmen</i>	578
“ <i>Colombo Observer</i> ” newspaper	566	<i>India</i>	579
<i>Pretender</i>	594	<i>Insurgents</i>	579
<i>Disaffection</i>	571	<i>Killed and wounded</i>	580
<i>Kings of Kandy</i>	580	<i>Kornegalle</i>	580
<i>PRIESTS :</i>		<i>Martial law</i>	590
1. Generally	594	<i>Matelle</i>	592
2. Former influence of the priests over the natives ; causes of the decline thereof	594	<i>Outrages</i>	593
3. Disaffection of the priests consequent on the supposed slights placed upon their religion	594	<i>Police</i>	594
4. How far there are any grounds for the alleged indifference of the priests to wealth	595	<i>Pretender</i>	594
5. Papers laid before the Committee	595	<i>Priests, 3</i>	594
<i>British rule, 1</i>	560	<i>Religion</i>	597
<i>Buddhism</i>	561	<i>Sequestrations</i>	600
<i>Chiefs</i>	564	<i>Taxation, 3</i>	606
<i>Christianity</i>	564	<i>Torrington, Viscount</i>	608
<i>Civilization</i>	565	<i>Troops</i>	609
<i>Delada tooth</i>	570	<i>Verandah tax</i>	609
<i>Disaffection</i>	571	<i>Religion</i>	597
<i>Emoluments of priests</i>	572	<i>Buddhism</i>	561
<i>Executions</i>	573	<i>Mackenzie, Governor</i>	586
<i>Headmen</i>	578	<i>Priests</i>	594
<i>Kandyan people</i>	580	<i>Rebellion, 5</i>	597
<i>Martial law, 5</i>	591	<i>Religious ceremonies</i>	597
<i>Rebellion</i>	596	<i>Buddhism</i>	561
<i>Road ordinance, 5</i>	599	<i>Representative government</i>	597
<i>Taxation, 3</i>	606	<i>Legislative Council, 5</i>	583
<i>Prisoners</i>	595	<i>REVENUE AND EXPENDITURE :</i>	
<i>Private secretary to the Governor</i>	595	1. Generally	598
<i>Protests</i>	595	2. Papers laid before the Committee	598
Crown case ordinance, 2	569	<i>Expenditure</i>	574
<i>Public meetings</i>	595	<i>Export duties</i>	575
<i>Queen's advocate</i>	595	<i>Taxation</i>	606
<i>Rajkaria, The</i>	596	<i>Rice</i>	598
<i>Compulsory labour</i>	566	<i>Paddy tax</i>	593
<i>REBELLION :</i>		<i>ROAD ORDINANCE :</i>	
1. Opinions that the insurrection had been gradually brewing for some time	596	1. Generally	598
2. Supposed causes of the rebellion	596	2. Particulars as to the preparation and bringing in of the Bill, and as to the passing thereof	598
3. Serious nature of the insurrection ; danger which was to be apprehended	596	3. Evidence as to the great importance of the Road Ordinance	599
4. Prompt and decisive manner in which the rebellion was suppressed	596	4. Feeling of the people generally in favour of this ordinance	599
5. Papers laid before the Committee	597	5. Papers laid before the Committee	599
		<i>Irrigation</i>	580
		<i>Labour tax</i>	580
		<i>Taxation, 2, 3</i>	606

ANALYSIS OF INDEX.

	PAGE.	TAXATION—continued.	PAGE.
<i>Roads</i>	- 599	<i>Export duties</i>	- 575
<i>Ambegammoon Road</i>	- 558	<i>Gun tax</i>	- 578
<i>Rajkaria</i>	- 596	<i>Labour tax</i>	- 580
<i>Sale of lands</i>	- 599	<i>Land tax</i>	- 580
<i>Coffee planting, 2</i>	- 565	<i>Oulliam tax</i>	- 593
SEQUESTRATION OF PROPERTY :		<i>Paddy tax</i>	- 593
1. <i>Generally</i>	- 600	<i>Rebellion, 2</i>	- 596
2. <i>Papers laid before the Committee</i>	- 601	<i>Religion</i>	- 597
<i>Attachments</i>	- 559	<i>Revenue and expenditure</i>	- 598
<i>Confiscations</i>	- 567	<i>Road ordinance</i>	- 598
<i>Matelle</i>	- 592	<i>Shop tax</i>	- 601
<i>Shop tax</i>	- 601	<i>Stamp and tax ordinances</i>	- 603
<i>Taxation, 3. 4</i>	- 606	<i>Torrington, Viscount</i>	- 608
<i>Spirituuous liquors</i>	- 603	<i>Verandah tax</i>	- 609
<i>Disaffection</i>	- 571	<i>Timber</i>	- 608
<i>Grievances</i>	- 578	<i>Torrington, Viscount</i>	- 608
<i>Stamp and tax ordinances</i>	- 603	<i>Buddhism, 2, 3</i>	- 561
<i>Export duties</i>	- 575	<i>Burghers</i>	- 563
<i>Taxation, 3</i>	- 606	<i>Confiscations</i>	- 567
<i>Summary punishments</i>	- 603	<i>Crown case ordinance</i>	- 569
TAXATION :		<i>Delada tooth</i>	- 570
1. <i>Nature of the proposed new taxes ; object with which they were imposed ; evidence as to the passing of the tax ordinances</i>	606	<i>Executions</i>	- 573
2. <i>Estimate of the amount of revenue likely to be derived from the new taxes</i>	- 606	<i>Executive Council</i>	- 573
3. <i>Handle made by the priests and others of the proposed new taxes to stir up the people to rebellion</i>	- 606	<i>Export duties</i>	- 575
4. <i>How far the people generally considered the taxes were unjust</i>	- 607	<i>Legislative Council</i>	- 582
5. <i>Favourable position of the Kandyans in respect to taxation, as compared with the continent of India</i>	- 607	<i>Mackenzie, Governor</i>	- 586
6. <i>Papers laid before the Committee</i>	- 607	<i>Madras Government</i>	- 589
<i>Direct taxation</i>	- 571	<i>Martial law</i>	- 590
<i>Dog tax</i>	- 571	<i>Public meetings</i>	- 595
		<i>Road ordinance</i>	- 598
		<i>Taxation, 1. 4</i>	- 606
		<i>Trials</i>	- 609
		<i>Executions</i>	- 573
		<i>Prisoners</i>	- 595
		<i>Troops</i>	- 609
		<i>Verandah tax</i>	- 609
		<i>Western Province</i>	- 609
		<i>Wodehouse, Mr.</i>	- 614
		<i>Road ordinance, 3</i>	- 599

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions of the Evidence; those following *Ev. p.* to the Page of the Evidence; and the Figures following *Rep. ii. App.* to the Paging of the Appendix to the Second Report.]

A.

ACKLAND, George. (Analysis of his Evidence.)—Has been resident in Ceylon as a merchant since 1827, more or less; has paid several visits to England during that time; left the colony last in June 1848; 2968, 2969. 2972, 2973—Has been a member of the Legislative Council on two occasions; was appointed in 1837 by the local government upon the recommendation of the merchants, and again in 1847; 2970, 2971—Particulars in detail relative to witness addressing a letter to Lord Glenelg in July 1837 on the appointment of Mr. Stewart Mackenzie as Governor, 2974 *et seq.*—The reason for witness's writing this letter was, that there had been a great deal of dissatisfaction on the part of the community in general with the existing government, 2976—Witness therefore thought it advisable to place upon record the prominent points which Mr. Stewart Mackenzie would have to consider upon his arrival, *ib.*—The letter stated the principal grounds of objection to the Government, 2977–2979, 2980—No answer was received to this letter, nor is witness aware of any measures being adopted in consequence, 2978.

Evidence relative to witness's appointment as a member of the Legislative Council subsequently to the date of this letter; consulting the merchants on the subject was an act of courtesy on the part of Mr. Mackenzie the Governor, the nomination resting entirely with him; this was the first occasion upon which it had been done, and it has never been done since till Lord Torrington arrived, 2981–2988—Witness's appointment was sanctioned by the colonial secretary by letter under date of 30 October 1837; 2989—Witness resigned his seat in the Council upon his return to England in June 1840; 2990—Witness was present when Mr. Stewart Mackenzie addressed the Legislative Council in December 1839; 2991—Extract from the report of his speech on that occasion in the "Colombo Observer," as regards the religion of the Kandians, the Buddhist religion, and the connexion which was to exist or ought to exist between the Government and that religion, 2992–2997—Convention which was entered into in 1815 with the Kandyan nation on this subject; privileges which were conferred upon them by the convention, 2997–3000—Witness is of opinion that Mr. Mackenzie, as regarded his personal feelings, was not desirous that these privileges should be continued, but he thought the British Government was bound in faith to continue them, 3001, 3003.

How far any agreement was entered into in the articles of the capitulation of Colombo in 1796, connected with the Buddhist religion, to maintain on our part the obligation which was contracted by the Dutch, 3003–3007—Mr. Mackenzie remained Governor till 1841 or 1842; no alteration was made during the time he was Governor in the convention with respect to Buddhism, 3008, 3009—Nor did any alteration take place during the time Sir Colin Campbell was Governor, from 1842 to 1847; 3010–3018—Particulars relative to the sale of the royal villages; how far this affected the privileges of the Buddhists, 3019, 3020—Evidence in detail as to the abolition of compulsory services, 3021–3032. 3068–3071—The *rajkaria* which existed under the native kings was the right of the sovereign authority to call out the people and to put them upon making roads or repairing public works of any kind, 3021–3032—The *rajkaria* was abolished by proclamation of the 28th September 1832, publishing the order in Council; nature of the proclamation, 3026–3032.

Statement of the measures which were taken respecting the possession of the Delada tooth and other matters relating to the Buddhist religion, 3033 *et seq.*—Lord Torrington brought instructions from home on the subject, and went up to Kandy and delivered the tooth into the hands of the priests, and generally gave up all connexion of the Government with the Buddhist religion, 3033–3057—The Delada tooth is a relic which was in the custody of the Government agent of the Central Province and of the priests jointly, 3034—The natives have the superstition that in whatsoever hands this

Report, 1850—*continued.**Ackland, George.* (Analysis of his Evidence)—*continued.*

relic shall remain, they will always have the sovereignty of the island; it is said to be Buddha's tooth, 3034-3038—The general feeling of the priests and headmen was very much against the Government giving it up, 3039—Evidence showing that this, incidentally with other causes, gave the priests power over the natives to induce them to join in the rebellion and disturbances; influence of the Buddhist priesthood in kindling the excitement of the people; base purposes to which they have used this influence, 3039-3057.

Extract of letter from Lord Torrington to Earl Grey, dated 14 August 1848, showing that the explosion which has taken place has been gradually accumulating its force for years past, 3058—Statement in this letter that it is to be mainly attributed to the policy pursued with regard to the Kandyan people long before he arrived in the country, *ib.*—Particulars relative to a deep-laid plot, long in course of formation among the principal chiefs and headmen in the Kandyan country, many of them in the employ of Government, 3058, 3059—The duplicity of the Kandyan character renders them exceedingly expert in playing a double part; the chiefs and priests are always treacherous to the Government, and hostile to British rule, 3059, 3060—The Government ceasing to exercise the practice of appointing to the priesthood, and the disallowing of the ordinance sent home by Sir Colin Campbell, which would have delegated the power to some other body to do it, was one great cause of the disaffection, 3061-3066. 3076-3081.

Extract from a despatch of Colonel Drought, stating that he has little doubt that ever since 6 July 1848, almost all the headmen, chiefs, and priests were the originators of the rebellion, and that the taxes had very little to do with it beyond being a good pretext for urging on the people, 3067—Witness would not say that the disconnexion of the Government from the Buddhist religion was the sole ground of the discontent on the part of the priesthood, 3082, 3083—The priests have found their influence over the natives lessened by the advance of civilization in the colony, the promotion of coffee plantations, and the great influx of Europeans, 3084, 3085—Opinion that the cause of the headmen being dissatisfied arises chiefly from the abolition of compulsory labour, 3086-3090.

The opinion that faith had been broken with the priests was one of the causes of the rebellion; witness would say that there was a breach of faith, 3093-3096. 3129-3135—The surrender of the relic under any circumstances, even with all possible care that could have been used, could never have been an acceptable measure, 3097-3113—Witness considers that by the convention the British Government were bound, as a matter of faith, to the custody of the relic, *ib.*—The only acts which witness conceives to be inconsistent with the treaty of the British Government are the surrender of the relic, and the refusal to appoint the priests; as regards the maintenance of the temples, the British Government has kept faith, 3113-3118. 3126-3128. 3130-3135—Evidence showing that there were equally insurrections before the tooth was surrendered, and that these insurrections were got up by the priests and headmen, 3119-3125—Suggestions on the subject of the appointment of priests, 3136-3144—Witness is not aware that there was any general dissatisfaction expressed at the giving up of the tooth, except in so far as the priests and headmen were concerned, it lessening their influence, 3145-3165. 3171-3179—Particulars relative to the emoluments of the priests, 3166-3170.

Since 1834 witness has been largely connected with coffee planting in Ceylon; has had the entire management of thirty-five estates, 3182-3184—In some respects coffee planting has been beneficial to the natives, in others it has not, 3185 *et seq.*—It has been beneficial to them, inasmuch as it has taught them the value of money, and the value of their labour, 3185-3188, 3189, 3190—On the other hand, the native was discontented with the Europeans coming and settling down, as they required him to keep his cattle out of the coffee plantations, so that they were the subject of frequent disputes, and cattle were shot, 3188-3210—They also complained that their grazing lands were claimed by the Government, and they attributed this to the coffee planters making applications to purchase this land, 3188—Therefore upon these grounds they were dissatisfied, *ib.*—In cases of disputes, or of cattle being shot, the parties to redress the grievances were in most instances coffee planters; nearly the whole of the Government officers became coffee planters; this affected their character for impartiality in the eyes of the natives, 3191-3196—How far this state of things still continues, 3197-3199.

Coffee planting increased greatly under the high prices which ruled from 1842 to 1844; the cultivation of it is now ruinous, 3200-3205. 3211, 3212—Generally speaking, it is confined to the Kandyan provinces, in the mountain range, 3206—Although coffee planting has been beneficial to the native it has been injurious to the headman, as he can no longer get the natives to work for him for nothing; this has been one cause of the discontent of the headmen, 3207-3209—Every improvement in the civilization and the condition of the natives will necessarily tend to diminish the influence of the headman, and thereby to render him discontented and dissatisfied, 3213-3215—The increase of the demand for rice in the province, and the consequent rise in the price thereof, is to be attributed to the number of Malabar labourers employed in the coffee estates; great quantities of rice imported, 3216-3218. 3225.

Up

595

Report, 1850—continued.

Ackland, George. (Analysis of his Evidence)—continued.

Up to the time witness left the colony, in June 1848, the roads were made and maintained by the Government out of the public revenue generally, 3219-3221—How far the implied promise that the monies paid to the Government for lands should be laid out in the improvement of the country has been kept, 3221-3224—Evidence showing that the coffee estates generally do not interfere with the rice grounds of the natives, 3240—The taxes which were made a handle of by the headmen to create dissatisfaction, were the gun tax, the shop tax, the dog tax, the stamp tax, the cart and boat tax, and the road-labour tax, 3247—None of these taxes affect the Kandyans, but for an interested purpose they were all cited to show the intention of the Government to tax everything, 3247-3250—These taxes were introduced with the joint object of police and revenue; particulars in detail relative to the introduction of these taxes, under what is called the Taxing Ordinance, and the passing of this Ordinance, 3251-3270—Particulars relative to the supposed assumption of power by Lord Torrington in passing the Crown Case Ordinance contrary to the opinion of the judges, 3271-3281.

[Second Examination.]—Further evidence in detail relative to the passing of the taxing ordinance, and of the financial ordinances generally, 3282 *et seq.*—Statement as to the constitution of the Legislative Council, distinguishing the number of official from the number of unofficial members, 3282—Official instructions to his Excellency the Right honourable Viscount Torrington, bearing date 27 March 1847, upon which the Councils are constituted, 3282-3285—The instructions are, that nine out of the fifteen members of the Council shall be persons holding office in the island, and the remaining six persons not holding such office; the six unofficial members are recommended by the Governor, 3284-3287.

Observation that the Government members always vote together, although in witness's opinion this was never so intended, 3288—From this circumstance witness conceives Lord Grey's sanction to ordinances, which have been stated by the Government themselves to have given rise to these disturbances, has been obtained, which would not have been the case if the Government at home had been fully informed of all that had passed in Council, 3288-3300—Opinion that the powers assumed since Lord Torrington went to Ceylon are different from what any previous Governor had assumed, as regards the conduct of the Council, 3291-3300—Copy of a letter which witness addressed in November 1847 to the members of the Legislative Council, stating what he considered the constitution and the duties of the members, 3299-3300, *pp.* 30-33.

Further particulars relative to the power supposed by witness to have been assumed by Lord Torrington in passing the Crown Case Ordinance; with evidence generally relative to his assumption of power over the Government members, 3300 *et seq.*—Way in which witness identifies Lord Grey with this assumption of power, in so far as regards sanctioning it, 3303-3329—Evidence in detail relative to witness and other merchants opposing the repeal of the customs duties (the export duties), and the introduction of the new taxes, with reasons for withdrawing this opposition, 3329-3380—If the Road-Labour Ordinance is to be considered as an increase of taxation, taxation as a whole has been increased by the repeal of the export duties; the estimate made by the Government was, that the new taxes would be considerably in increase of the export duties given up, 3381-3398—No objection was raised to the revision of the import duties, 3339-3401.

Lord Torrington acted upon certain principles of commercial policy, which he was resolved to carry out at all hazard; statement made by him, that "he was guided by those high principles of liberal commercial policy which distinguish Her Majesty's present advisers," 3402-3409—Whole amount of the estimate made by Sir Emerson Tennent of the new taxes, 3410-3455. 3483-3485—Detail of the principle of the New Road Ordinance, 3456-3465—The repeal of the export duties may be said to have indirectly to do with the disaffection, as it led to the imposition of fresh taxes, some of which were unpopular, and were made a handle of by the disaffected, 3466-3476—Feeling in the colony against the import duty on rice; it has not been raised, 3477-3482—The objection of the mercantile classes to the repeal of the export duties was as to the time and the mode in which they were repealed, 3473-3475. 3486-3495.

[Third Examination.]—Witness delivers in a statement showing the constitution of the Chamber of Commerce, 7217—Observation on the subject of the import and export trade of the colony, showing the relative amount of trade that is carried on by the European and by the native community, 7218-7223—By the 16th clause of Her Majesty's instructions, the members of the Legislative Council are at liberty to put a minute upon the proceedings with regard to any subject which they may wish to be discussed, 7224-7228—Difficulty in the way of members making use of this right, *ib.*—Suggestions for improving the future government of the colony, 7229 *et seq.*—Grounds for forming the opinion that we should be benefited by going back to the system which prevailed formerly, of having the Governor and commander of the forces combined in one person, 7229-7258—But then witness would make it the Governor and Council, so that the Governor simply would be the executive authority in whom the power of exercising the prerogative of the Crown should vest, and the general government of the colony should be with the Governor and Council, *ib.*

Report, 1850—continued.

Ackland, George. (Analysis of his Evidence)—continued.

With regard to the Executive Council, supposing the government to be with the Governor and Council, it would be desirable that there should be only three members of the Executive Council, 7229-7258—And that these three members should be the colonial secretary, the treasurer, and the auditor-general, *ib.*—Witness would either have the Legislative Council free to act for the benefit of the colony, 7259-7264—Or he would abolish the Legislative Council altogether rather than have the semblance of a free constitution without the reality, *ib.*—The press in Ceylon is perfectly free, 7260.

Evidence in detail relative to the survey and formation of the Ambegammoon Road, with particulars relative to the sale of the Ambegammoon lands; return of all the lands sold in that district, and names of the parties to whom sold, showing that the land was bought up by a number of public servants, and which has been alleged as a grievance; price at which sold, 7264. 7271-7281—How far the parties who have appointed Mr. M'Christie as their agent to lay their grievances before the Committee, may be considered respectable, 7267-7270.

Ackland, Mr. Despatch from Lord Torrington to the Right hon. Earl Grey, dated 9 June 1847, referring to the appointment of Mr. George Ackland as a member of the Legislative Council, submitting his name for the Royal sanction, *Rep. ii. App. 380*—Copy of correspondence between the Governor of Ceylon and the Chamber of Commerce of Colombo, dated June 1847, relative to the appointment of Mr. George Ackland to a vacant seat in the Legislative Assembly, *ib. 380, 381*—Despatch from Earl Grey, dated 18 September 1847, approving of the appointment of Mr. George Ackland to the seat in the Legislative Council of Ceylon, vacant by the resignation of Mr. Smith, *ib. 381*—Despatch from J. A. Stewart Mackenzie, Governor of Ceylon, to Lord Glenelg, dated 12 June 1838, on the nomination of Messrs. George Ackland and Simon Casie Chitty to the Legislative Council, *ib. 384*.

Despatch from Lord Glenelg to the Right honourable Stewart Mackenzie, dated 30 October 1838, approving and confirming the appointment of Messrs. Ackland and Casie Chitty as members of the Legislative Council of Ceylon, *Rep. ii. App. 385*—Letter from Mr. G. Ackland to the acting colonial secretary of Ceylon, dated 13 January 1840, resigning his seat in the Legislative Council of the colony, *ib.*—Despatch from J. A. Stewart Mackenzie to the Right honourable Lord John Russell, dated 8 June 1840, reporting a vacancy in the Legislative Council by the resignation of Mr. Ackland, *ib.*

See also *Export Duties. Legislative Council, 6. Stamp and Tax Ordinance.*

Administration of Justice. Complaints of the enormous expense of law suits, and the wretched, dilatory, and uncertain administration of the law; papers delivered in showing the expenses of law suits of different kinds, *Sir T. Herbert Maddock 3694-3699. 3728-3736*—Government is now deliberating upon the means of redressing the grievance, if it is a grievance, with reference to the administration of justice; this is a most essential matter for the Government to take in hand, *ib. 3713-3715*.

See also *Disaffection. Grievances. Martial Law. Supreme Court. Trial by Jury.*

Ambegammoon Road. Evidence in detail relative to the survey and formation of the Ambegammoon Road, *Ackland 7264. 7271-7281*.

See also *Sale of Lands.*

Annesley, Lieutenant Charles. See *Cutchery Town. Kornegalle.*

Anstruther, Philip. (Analysis of his Evidence.)—Was for fifteen years the colonial secretary of Ceylon; was appointed in 1830; resigned at the beginning of 1845; ceased all connexion with the government in February 1845; 7606-7608—Was in the civil service from 1820; 7609—Visited Ceylon in May 1848, and returned in May 1849; 7610, 7611—Was in Ceylon in July 1848, when riots took place in two districts of the Kandy provinces; was resident on his own estates, about thirty miles south-west of Kandy, 7612-7615—Has frequently visited Kandy since these riots, 7616—Speaks the Cingalese language readily, 7617—Has had frequent communications with the native chiefs and headmen on the subject of these riots, 7618-7623—From the result of the information witness has obtained he does not believe that there was any organized rebellion, or that many of the chiefs or priests were engaged in the riots; some few of the minor headmen were implicated, people of no consequence whatever, 7618-7627.

Opinion that there was no necessity for proclaiming martial law in order to put down these riots, nor any necessity for continuing it after the riots had been put down, 7628-7632—Witness has no information upon which he can rely as to whether the Queen's Advocate advised the proclamation of martial law or not; grounds upon which he forms the opinion that he disapproved of its being kept up so long, 7633-7648—Reference to the statement made by Mr. Selby, the Queen's Advocate, that he had not advised the proclamation directing the confiscation of the property of the Kandyans who did not return to their homes within a certain number of days, 7636-7648.

Evidence

597

Report, 1850—continued.

Anstruther, Philip. (Analysis of his Evidence)—continued

Evidence relative to the Queen's Advocate having waited upon Lord Torrington to recommend the reprieve of a priest who had been condemned by court martial, and refusal of the Governor to comply with his request, 7649-7676—Particulars relative to the disturbance at Borello on the occasion of the natives bringing up a petition to the government, 7678-7688—Witness would say from all he has heard that the riots at Matelle and Kornegalle were exceedingly unimportant, 7689-7692—Information respecting the pretender, who was tried at Kandy, 7693-7699.

Witness would say that the statement which has been made, that people to the amount of 60,000, 20,000 of whom were armed, were in insurrection in the neighbourhood of Kandy, was an exaggeration, although most of the inhabitants have arms in their houses, 7702-7707—The insurrection in Ceylon during the administration of Sir Robert Brownrigg was a most serious and dangerous war; the British Government was as nearly beat as it was possible, 7708-7713—Way in which witness considers that the numerous new taxes which were imposed led to the riots, 7714 *et seq.*—The gun tax itself did not impose any great hardship upon the people; but the mode in which it was to be levied imposed the hardship, 7715, 7716.

The Road Ordinance is a very excellent tax and a very useful one, and witness hopes to see it carried out; Mr. Wodehouse is the only member of the government who can carry it out, 7717-7720—These taxes were imposed because the expenditure exceeded the revenue; it was not from a deficiency of revenue, but an excess of expenditure; evidence generally on the revenue and expenditure from 1842 to 1848; 7721-7729. 7734 *et seq.*—The government with which witness was connected have been accused of having added to the expenditure of the government yearly payments to the amount of 50,000*l.*; 7730, 7731.

Witness attributes the great increase of expenditure to nothing except very great want of economy and the want of control, 7732-7753—How far the Governor and colonial secretary are now allowed their travelling expenses, 7754-7758—The Governor has a private secretary, who is paid 500*l.* a year; objections to this appointment, 7759-7767—Witness attended before the finance committee now sitting in Ceylon; large reductions which witness recommended, particularly in the salaries of the public officers, witness not being at this time colonial secretary; amount of his salary at the time he was so, 7768-7798. 7800, 7801—Opinion that the present taxes are more than sufficient to carry on the government, 7799—Opinion that the whole system of colonial administration might be revised with great advantage; way in which this might be done, 7802-7815.

[Second Examination.]—Correction of former evidence on the subject of the expenditure of the colony, 7816, 7817.

Appointment of Priests. See *Buddhism*, 3.

Arms. See *Fire Arms*, *Gun Tax*.

Articles of War. See *Martial Law*. *Military Law*.

Attachments. Witness has seen the proclamation by Colonel Drought of the 8th August 1848, directing the attachment of lands and houses, in the papers; this proclamation read, *Wodehouse* 5535, 5536—Witness can only infer from the wording of it that Colonel Drought considered it within his power to issue it as commandant of the Kandyan provinces during the disturbances; he refers to no other authority of any sort, *ib.* 5538—How far the subject of the sequestrations and confiscations of property under this proclamation was brought before the Executive Council, *ib.* 5539 *et seq.*

See also *Confiscations*, 1.

B.

Bakers. Despatch from Lord Torrington to Earl Grey, dated 8 January 1849, transmitting an ordinance repealing regulations of 1806 and 1807, relating to the sale of bread in Ceylon, *Rep.* ii. *App.* 387—Copy of the ordinance passed in Council the 18th December 1848, repealing the regulations of 1806 and 1807, entitled regulations respecting bakers at Trincomalie, *ib.*

Barnes, Sir Edward. Sir Edward Barnes was in Ceylon for nine years; for two years he held the Lieutenant-governorship, and subsequently for seven years he held the Governorship; evidence in detail relative to his satisfactory government of the colony, *Skinner* 7079 *et seq.*—See also *Condition of the People*.

Bernard, Mr. See *Executions*, 2.

Bird, Captain Charles Henry. (Analysis of his Evidence.)—Officer in Her Majesty's Ceylon Rifle Corps; was in Kandy from 1835 till 1848; 5991-5996—Witness was in command of a detachment of his regiment in Kandy at the time of the insurrection in July and August

Report, 1850—continued.

Bird, Captain Charles Henry. (Analysis of his Evidence)—continued.

August 1848; 5997—The detachments that were sent out from Kandy to Matelle and Kurnegalle were sent out by witness's orders, 5997, 5998—Stations of the various commanding officers in the island at the time; names and standing of these officers, 5999–6008—Evidence relative to the capture and trial and execution of a person who is reported to have been captured as pretender, 6009–6032. 6036–6058. 6163–6166—Way in which the court martial for the trial of this prisoner was constituted, 6033–6035. 6063–6071—The proceedings of the court martial as to the examination of witnesses for the prosecution, and reducing the evidence to writing, and hearing the prisoner in his defence, and the examination of witnesses for the prisoner, &c., were held in conformity with the proceedings usually held in ordinary courts martial under the Mutiny Act, 6059–6062.

The proceedings of all the courts martial of which witness is cognizant were submitted to the commanding officer for confirmation before the sentences were carried into execution, 6072–6076—The nature of the charge for which Dingarelle, the pretender, assuming the title of king, was tried was for rebellion; he was taken in arms, and acts of violence were proved against him, 6077–6081—When taken he was surrounded by about 300 followers, and he was exhorting them to assemble for a third attack upon Kurnegalle, 6082—Evidence as to the extent of mischief done during the insurrection, and the acts of violence committed, 6083–6121.

The outbreak wore a very serious aspect when it first commenced, 6122–6124—From the time it first commenced until it was put down witness considered it of a serious character, and one likely to endanger the lives and properties of those resident in the Kandyan country, 6125—Witness is decidedly of opinion that if it had not been promptly put down by the military, the lives and the properties of Europeans resident in the Kandyan country would have been in danger, 6126—It was put down in three or four days; and a further outbreak was no doubt prevented by the presence of the troops and the stringency of martial law, 6127–6134—Detail of the proceedings in the case of the trial and execution of a priest at Kandy, 6135–6160. 6167–6180—Small amount of the effective force in garrison at Kandy, 6160–6162.

The people in general, during the disturbances, were pretty well armed; every Kandyan possesses a gun; sometimes there are two or three guns in one house; they know how to use them very well, 6181–6187—There are a great number of Birmingham muskets in the island, 6186—Under martial law it is not necessary to have judge advocates on the courts martial; in some of the trials the Queen's Advocate officiated as judge advocate, 6188–6198. 6201–6203—How far the rebellion might have probably broken out again if martial law had been suspended sooner than it was, 6204, 6205.

Boat Licences. See *Carriages and Boat Licences.*

Borella. Particulars relative to the disturbance at Borella on the occasion of the natives bringing up a petition to the Government, *Anstruther* 7678–7688.

See also *Public Meetings.*

Bread, Sale of. See *Bakers.*

BRITISH RULE :

1. *Opinions that the Natives generally do not object to British Rule :*
2. *How far our Policy has tended to cause Disaffection.*
3. *Influence of the Priests in inciting the People to throw off the British Yoke.*

1. *Opinions that the Natives generally do not object to British Rule :*

With regard to the mass of the people, witness would say that so far from having any just cause of complaint, they have every cause of satisfaction, and every reason to be grateful to the British Government, as contrasted with the native government which preceded it, *Sir T. Herbert Maddock* 3690 *et seq.*; 3701 *et seq.*—Witness has never heard from any competent authority that the Cingalese generally wished to throw off the dominion of the British Government, *ib.* 4092–4095. 4101–4104—Has never heard any such object or intention attributed to the people, but only to the chiefs and priests; that they combined and brought about this rebellion, having their own objects in view, *ib.* 4095–4097—When witness left Ceylon in 1837, the Cingalese in Matelle were decidedly attached to the rule of the British Government, *Forbes* 6826. 6846—The best proof of this is that a great many of them had redeemed their taxation upon their paddy lands; this was identifying their own interest with that of the British Government, *ib.* 6826–6829. 6846. 6873–6877. 6889–6891.

2. *How far our Policy has tended to cause Disaffection :*

Opinion that the whole tendency of every thing which has taken place in Ceylon for some years has been to break down almost all restraints upon disorderly characters, and to weaken the influence of the more respectable part of the community; nature of the policy which has been adopted, which has produced this result; witness does not mean to say that it could have been avoided, but he has no doubt that such has been the case, *Wodehouse* 4283–4835—Grounds for forming the opinion that the whole of our

BRITISH RULE—continued.2. *How far our Policy has tended to cause Disaffection*—continued.

our legislation has tended to provoke insurrection by diminishing the power of the chiefs and the influence of the priests; at the same time it has elevated the condition of the people, *Hon. Gerald Talbot* 5018–5035. 5185. 5215 *et seq.*—Witness does not agree with this policy at all; his opinion is that the headman ought to be maintained in his position, *ib.*—The question of connexion or disconnexion of the Home Government and the Local Government from Buddhism has been very much at the bottom of the discontent on the part of the Buddhist priests with British rule, *ib.* 6698–6711.

3. *Influence of the Priests in inciting the People to throw off the British Yoke:*

Evidence relative to the general disposition manifested in 1842 throughout the Central Province of Ceylon to throw off the British yoke; the priests supported the disaffected at that time; measures which were taken to quell this disturbance, *Sir T. Herbert Muddloch* 4069–4081—Witness does not consider that the people of Ceylon labour under any grievances or disabilities which justify them in attempting to rebel against the British Government, *ib.* 4082.

See also *Buddhism*, 4. Chiefs. Condition of the People. Council. Delada
Tooth. Government of the Colony. Governors, Legislative Council.
Priests, 3. Torrington, Viscount.

Brownrigg, Sir Robert. See *Insurrections.*

BUDDHISM:

1. *How far the British Government may be considered to be under Obligations to maintain the Buddhist Religion.*
 2. *Endeavours of the British Government to shake off all Connexion with Buddhism.*
 3. *Particulars relative to the giving up of the Relic, and the withdrawing from the appointment of Priests; Evil Consequences thereof.*
 4. *How far the disconnexion of the Government from the Buddhist Religion led to the Disaffection of the Priests.*
 5. *Propositions for settling the Question of British Connexion with Buddhism, generally.*
 6. *Propositions for the Management of the Temples, and Temple Lands, or as they are called Dewales and Wihares.*
 7. *Difficulties in the way of settling the Question, from the impossibility of conciliating the Priests.*
1. *How far the British Government may be considered to be under Obligations to maintain the Buddhist Religion:*

How far any agreement was entered into in the articles of capitulation of Colombo in 1796, connected with the Buddhist religion, to maintain on our part the obligation which was contracted by the Dutch, *Ackland* 3003–3007—No alteration was made during the time Mr. Mackenzie was governor up till 1841 or 1842, in the convention with respect to Buddhism, *ib.* 3008, 3009—Nor did any alteration take place during the time Sir Colin Campbell was governor, from 1842 to 1847, *ib.* 3010–3018.

Extent to which the religion of Buddha is declared to be maintained in the conventions made in 1815 and 1818, *Wodehouse* 6607–6621.—The priests invariably point to the agreements made in 1815 and 1818, as the right on which they mean to stand, *ib.*—Evidence relative to two conferences held by Lord Torrington with the Buddhist priests; parties who were present at these conferences, *ib.* 6629–6631—The first demand on the part of the priests was, that the convention of 1815 should be carried out in the same way as it had been done by the kings of Kandy, *ib.* 6632–6640—Particulars relative to a petition on this subject, presented by the inhabitants of the island of Ceylon professing the Buddhist religion, sent home by Sir Colin Campbell, *ib.*—If witness had been left to his own discretion, he would have left things as they were as regards the religious ceremonies of the natives, *ib.* 6758.

Light in which the headmen and priests considered the connexion which the Government had with their religion and religious ceremonies, *Forbes* 6817 *et seq.*—By three proclamations we guaranteed the Buddhist religion, *ib.* 6847, 6848—The appointment of the chief priests and the custody of Buddha's tooth were acts of royalty, *ib.* 6849—We succeeded to the custody of the tooth and to the right to these appointments, from their having chosen us as the governors of the country in place of their own king, *ib.* 6849, 6850.

2. *Endeavours of the British Government to shake off all Connexion with Buddhism:*

Reference to the opinion expressed by Governor Mackenzie, that it was altogether improper for a Christian Government to have any connexion with Buddhism, *Wodehouse* 6528–(92.)

Report, 1850—continued.

BUDDHISM—continued.

2. *Endeavours of the British Government, &c.*—continued.

6531—Copy of a memorandum which was read at a conference between Lord Torrington and the priests, to prevent any misapprehension, and stating that the propositions then made to them were the solemn and final decision of Her Majesty the Queen; nature of these propositions, *Wodehouse* 6641–6643—Opinion that these propositions might have been carried out carefully, if other legislation had been preparatorily allowed, *ib.* 6644–6646.

3. *Particulars relative to the giving up of the Relic, and the withdrawing from the appointment of Priests; Evil Consequences thereof:*

Evidence in detail relative to the giving up of the relic after the arrival of Lord Torrington, he having imperative instructions to that effect from home, *Wodehouse* 6548–6586—Fears expressed by witness at the time that this surrender of the relic would tend to disaffection among the priests; extent to which these fears have been realized, *ib.* 6576–6589—Way in which and date at which the relic was given over, *ib.* 6655–6658.

4. *How far the disconnexion of the Government from the Buddhist Religion led to the Disaffection of the Priests:*

The Government ceasing to exercise the practice of appointing to the priesthood, and the disallowing of the ordinance sent home by Sir Colin Campbell, which would have delegated the power to some other body to do it, was one great cause of the disaffection, *Achland* 3061–3066. 3076–3081—Witness would not say that the disconnexion of the Government from the Buddhist religion was the sole ground of the discontent on the part of the priesthood, *ib.* 3082, 3083—The opinion that faith has been broken with the priests was among the causes of the rebellion; witness would say that there was a breach of faith, *ib.* 3093–3096. 3129–3135—Since certain orders were issued about two or three years ago from the Colonial Office, relating to the disconnexion of the Queen's Government with the Buddhist religion and all its observances, there has been growing up the very greatest disaffection and disloyalty on the part of the priesthood, *Sir T. Herbert Maddock* 3676–3684—Way in which the Government authorities refusing to appoint chief priests, on vacancies occurring, has caused disaffection, *ib.* 3676–3684—Witness considers this is a ground of complaint which may be justly urged, *ib.* 3678–3684.

One cause of the insurrection was the growing indifference of the people to Buddhism and to temple worship, *Layard* 6211—And it is more than probable, another cause was the means used by the priests to recover their lost influence by disseminating rumours prejudicial to British rule, *ib.*

5. *Propositions for settling the Question of British Connexion with Buddhism generally:*

Substance of a proposition submitted by witness in 1848, for settling the connexion between the Government and the Buddhist priests; the object of this proposition was to carry out Lord Stanley's instruction, that the Government was to cease to participate in Buddhism, *Wodehouse* 6527 *et seq.*—Particulars relative to a minute that Governor Campbell proposed, and the ordinance which was proposed to be passed before giving up the relic; disallowance of this ordinance at home, *ib.* 6537–6548—Difference between the means proposed by Lord Stanley and by Lord Grey for accomplishing the severance, *ib.* 6603—Difficulty of giving a general description of Lord Grey's despatch; it embodied a far more religious view of the question, and, as witness holds, an utterly impracticable view of it, *ib.*—It carries out the views of the missionaries rather than any system of government, *ib.*

Witness has seen the report of Mr. Rogers to Mr. Gladstone, dated June 1846, on the subject of the ordinance of Governor Campbell, which had been disallowed, recommending the re-modelling of the ordinance and carrying it out; witness does not concur in the recommendation of Mr. Rogers, *Wodehouse* 6622–6625—If any interference is to be made, under orders from home, it should be done by the enactment of some ordinance for the purpose, *ib.* 6759–6772—There is scarcely a more difficult question to deal with than the severance of the connexion of Government from the religion of the country, and the best mode of effecting it, *ib.* 6787.

6. *Propositions for the Management of the Temples, and Temple Lands, or as they are called, Dewales and Wihares:*

The effect of our proceedings has been to leave the large landed property of the temples of the country without any legal management, *Wodehouse* 6648–6654—The persons now in office as the headmen of the temples of the country have no legal appointment as such, *ib.* 6648—There is no wish on the part of any person to perpetuate any interference with the Buddhist worship or any religious ceremony, but simply to impress upon the Government here the absolute necessity for civil and political legislation, *ib.* 6658 *et seq.*—Their principal object is to be enabled to manage their own property without the risk of confusion, *ib.* 6658–6663.

Witness

BUDDHISM—continued.

6. *Propositions for the Management of the Temples, &c.*—continued.

Witness believes no measures have been adopted since 2 October 1847, when the relic was delivered over, *Wodehouse*, 6664—Opinion that the Governor is fully alive to the difficulty of his situation, and has done all in his power to make this known in the proper quarter, but nothing has been done, *ib.*—Reference to a recommendation of Lord Torrington's, in many respects similar to the disallowed ordinance, proposing to create a certain Board, as before, for the management of the religious property in the colony, *ib.* 6665–6668. 6673–6697.

7. *Difficulties in the way of settling the Question, from the impossibility of conciliating the Priests:*

With respect to the priests, witness considers that they have a good ground of complaint, as the Government have broken faith with them and irritated them, *Sir T. Herbert Maddock* 3745. 3749–3755—Grounds for forming the opinion that no arrangements that could have been made would have been agreeable to the priests, whatever they might have been with the chiefs, *Wodehouse* 6590–6602—The priests have certainly lost influence since our possession of the Kandyan provinces; whatever may be done for them, they cannot be made friends of, *ib.* 6714–6719.

See also *British Rule*, 2. *Christianity*. *Delada Tooth*. *Infidelity*. *Labour Tax*. *M'Kenzie*, Governor. *Priests*. *Rebellion*, 5. *Religious Ceremonies*. *Road Ordinance*, 1, 5. *Royal Villages*.

Buller, Mr. Arthur. See *Crown Case Ordinance*, 2. *Taxation*, 2.

Burghers. Complaint of the burghers of Colombo of the manner in which Lord Torrington has spoken of them in his despatches to Earl Grey, *M'Christie* 7545—Despatch from Viscount Torrington to Earl Grey, dated 17 April 1849, forwarding memorial on behalf of the burgher community of Ceylon, *Rep.* ii. *App.* 462, 463—Memorial on behalf of the burgher community of Ceylon complaining of the disparaging terms in which the Governor has made allusion to them in certain despatches, *ib.* 463, 464—Letter from Mr. A. N. Martensz and others to Earl Grey, complaining of the terms used by the Governor in his despatch in speaking of the connexion of the burghers of Ceylon with the late disturbances, *ib.* 535, 536—See also *Verandah Tax*.

C.

Campbell, Sir Colin. See *Buddhism*, 5. *Colonial Secretary*.

Cape of Good Hope. See *Martial Law*, 1.

Capital. Way in which the introduction of capital by Europeans has had rather an injurious effect upon the natives as regards their social state, *Hon. Gerald Talbot* 5394–5415—A large amount of capital has been introduced into the Northern District without producing any of the evil effects which it has done in the other provinces, *Skinner* 6994–6996—There is no doubt that the introduction of European capital for coffee planting or any other purpose must ultimately prove beneficial, *ib.* 7087–7096—Still great pains should be taken by the Government to meet the changed circumstances of the population consequent upon this introduction of capital, *ib.*—Nature of the evils and vices to which the rapid introduction of capital has already led, *ib.*—Care should be taken that this introduction of capital should not give to European interests a still greater preponderance of influence than they have already acquired, *ib.* 7096 *et seq.*

Capitulation. Terms of capitulation proposed by the Governor-general and the Court of Police of the colonies of Essequibo and Demerara, and the commanding officers of the Batavian republic in the said colonies, to their Excellencies the Commanders in Chief of His Britannic Majesty's sea and land forces off Demerara, dated 18–19th September 1803, *Rep.* ii. *App.* 469–471.

Captured Africans. Copy of instructions issued by Earl Grey to prevent any captured Africans being sent to British Guiana, *Rep.* ii. *App.* 385.

Carr, Mr. W. O. See *Crown Case Ordinance*, 2.

Carriage and Boat Licences. Despatch from Lord Torrington to Earl Grey, dated 9 January 1849, forwarding an ordinance for the registration of carriages and boats used for the conveyance of goods and passengers for hire, *Rep.* ii. *App.* 392—Copy of ordinance, dated 23 December 1848, to amend the Ordinance No. 3 of the year 1848, for the registration of carriages and boats used for the conveyance of goods and passengers for hire, and for declaring the rights and liabilities of the owners thereof, *ib.* 393–397—Letter from H. C. Selby, Queen's Advocate at Ceylon, to the colonial secretary, dated 11 November 1848, relative to the ordinance affecting the registration of carriages and boats used for the conveyance of goods and passengers, *ib.* 397–400—Despatch from Earl

Report, 1850.—continued.

Carriage and Boat Licences—continued.

Grey to Viscount Torrington, dated 8 March 1849, approving of the ordinance to amend the Ordinance No. 3 of 1848, for the registration of carriages and boats used for the conveyance of goods and passengers, and for declaring the rights and liabilities of the owners thereof, *Rep. ii. App. 409.*—See also *Taxation 3.*

Cattle. See *Coffee Planting, 2.*

Central Province. The rebellious and disaffected feeling is confined to the Central Province, *Hon. Gerald Talbot 5308-5312. 5416-5424*—The people of the other provinces are generally submissive and loyal, *ib. 5388*—As regards the Central Province, witness would say that when he left the island the people generally were in a very disordered state, and the influence of the Government was at its lowest ebb, *Skinner 6998.*

See also *British Rule, 3.*

Chamber of Commerce. Opinion that the members of the Chamber of Commerce were not so peculiarly affected by the measures they deprecated as to justify the memorials which they presented, *Hon. Gerald Talbot 5045, 5046. 5181-5185*—They have rested a good deal upon assertion without coming to proof, *ib. 5046. 5181-5185*—Constitution of the Chamber of Commerce, *Saunders 5921-5927*—Constitution of the Chamber of Commerce in Ceylon; grounds for the opinion that they are not able to form any correct notion of the state of the country, *Layard 6381-6385.*—Part taken by the Chamber of Commerce with regard to the repeal of the export duties, *ib. 6385-6387*—Witness delivers in a statement showing the constitution of the Chamber of Commerce, *Ackland 7217.*

Witness does not remember that his correspondents informed him at all of a meeting of the Chamber of Commerce on 31 July 1848, at which a resolution was come to expressing the hearty concurrence of the chamber on the prompt measures adopted by the Government to suppress the insurrection, as mentioned at page 194 of the papers before the Committee, *M'Christie 7597-7601.*

See also *Ackland, Mr. Commission of Inquiry. Coolies. Export Duties.*

Charter of Justice. Copy of the Ceylon supplementary charter of justice, dated 28 January 1843, *Rep. ii. App. 471, 472*—Copy of Ceylon supplementary charter of justice, dated 2 July 1844, *ib. 472, 473.*

Chiefs. The chiefs have been disaffected from the general loss and decline of their power in Ceylon, owing to the increase of the European population, *Sir. T. Herbert Maddock 3687*—Still their disaffection must not be attributed solely to this cause; witness is rather led to suppose it arises from idleness and from ambition, and probably to a certain extent from a sort of patriotism, a desire to restore their own native dynasty, *ib. 3687, 3688*—Witness can find no other reason for the chiefs being disaffected except that they are merely idle and ambitious, and have no other object than their own interested views, *ib. 3737-3744*—Witness considers that the chiefs and priests are the least well affected portion of the community, but he does not go so far as to say, that “they are always treacherous to the Government, and always hostile to British rule,” *Hon. Gerald Talbot 5224-5228.*

There would be no difficulty in the chiefs acting in conjunction with the local proprietors in the management of the different districts; it might eventually be attended with advantage, *Hon. Gerald Talbot 5253-5273*—The chiefs began to be disaffected in 1834, after the abolition of compulsory labour, *Forbes 6853, 6854. 6856-6860.*

See also *British Rule, 1. Compulsory Labour. Condition of the People. Delada Tooth, 3. Disaffection. Headmen. Kandyan People. Priests, 1. Rebellion, 1. Taxation, 3.*

Chitty, Mr. Simon. See *Ackland, Mr.*

Christianity. Witness does not consider that the apprehension of the establishment of Christianity in the island has been any great source of discontent on the part of the priesthood, *Wodehouse 6712-6713. 6719. 6737-6739*—The Buddhists do not look upon Christianity with any hostility whatever; many of the natives think very little of attending Christian worship and Buddhist worship too, *ib. 6712.*

See also *Conversion. Religious Ceremonies.*

Cingalese Language. It is absolutely essential that every Government servant should speak the language thoroughly, and should go himself and explain to the people, and not trust to the headmen to do it; how far this is carried out, *Hon. Gerald Talbot 4993-5017. 5200-5210*—The want of knowledge of the language has been one serious deficiency in the administration of the affairs of Government; a knowledge of the language has lately been made a condition of promotion in the service, *Skinner 7003-7007. 7186-7194.*

Cinnamon

Report, 1850—continued.

Cinnamon Duty. Witness could have wished the whole duty upon cinnamon to have been taken off, but is not quite sure that taking off the duty on coffee was wanted, *Hon. Gerald Talbot* 5354-5359.—See also *Export Duties*.

Civilization. Every improvement in the civilization and the condition of the natives will necessarily tend to diminish the influence of the headman, and thereby to render him discontented and dissatisfied, *Ackland* 3213-3215—It is hard to say that it is the progress of civilization in Ceylon which makes the headmen and priests discontented, but one can scarcely come to any other conclusion, *Sir T. Herbert Maddock* 4098-4100. 4105-4110.—See also *Condition of the People. Priests, 2.*

Coffee. See *Export Duties*.

COFFEE PLANTING:

1. *Generally.*
2. *How far the introduction of Coffee Planting has been beneficial to the Natives.*
3. *Reference to a Tax proposed on Coffee Lands.*

1. *Generally:*

Coffee planting increased greatly under the high prices which ruled from 1842 to 1844; the cultivation of it is now ruinous, *Ackland* 3200-3205. 3211, 3212—Generally speaking, it is confined to the Kandyan provinces, in the mountain range, *ib.* 3206—Evidence showing that the coffee estates generally do not interfere with the rice grounds of the natives, *ib.* 3240—The reduction of duty upon coffee has not had any sensible effect upon the production; there has not been time for this yet, *Hon. Gerald Talbot* 5425.

2. *How far the introduction of Coffee Planting has been beneficial to the Natives:*

Since 1834 witness has been largely connected with coffee planting in Ceylon; has had the entire management of 35 estates, *Ackland* 3182-3184—In some respects coffee planting has been beneficial to the natives, in others it has not, *ib.* 3185 *et seq.*—It has been beneficial to them inasmuch as it has taught them the value of money and the value of their labour, *ib.* 3185-3188. 3189, 3190—On the other hand the native was discontented with the Europeans coming and settling down, as they required him to keep his cattle out of the coffee plantations, so that they were the subject of frequent disputes, and cattle were shot, *ib.* 3188. 3210—They also complained that their grazing lands were claimed by the Government, and they attributed this to the coffee planters making applications to purchase this land, *ib.* 3188—Therefore they were dissatisfied, *ib.*

In cases of disputes or of cattle being shot, the parties to redress the grievances were in most instances coffee planters; nearly the whole of the Government officers became coffee planters; this affected their character and impartiality in the eyes of the natives, *Ackland* 3191-3196—How far this state of things still continues, *ib.* 3197-3199—Although coffee planting has been beneficial to the natives it has been injurious to the headman, as he can no longer get the natives to work for him for nothing; this has been the cause of the discontent of the headmen, *ib.* 3207-3209—The introduction of coffee planting by Europeans on the extensive scale on which it has been introduced must be most advantageous to the natives of the island, *Wodehouse* 4772-4799—There is no doubt the sale of lands to the coffee planters produced dissatisfaction among the natives, *Forbes* 6892-6908.

3. *Reference to a Tax proposed on Coffee Lands:*

The amount of the tax imposed on coffee lands upon the repeal of the export duties was simply to be a tax so calculated as to be as nearly as possible equal to the then existing export duties, *Wodehouse* 4841-4845—But this, from the impracticability of arriving at what would be an equivalent, led the Executive Council to come to the conclusion that they would abolish the export duties, and not impose a land tax, *ib.*

See also *Capital. Priests, 2. Rice.*

Collectors. See *Customs Establishment*.

Colombo. Witness has no recollection that he has ever heard or received any intimation of any meeting being held in Colombo expressing an opinion favourable to the measures of the Government, or of any loyal address from the native merchants and traders and other respectable Hindoo merchants of Colombo, signed by 1,056 signatures, as stated in the Parliamentary Papers before the Committee, page 217, *M'Christie* 7589-7596.

See also *Grievances. M'Christie, Mr. Martial Law, 3. Road Ordinance, 5. Verandah Tax.*

"*Colombo Examiner*," Newspaper. Extract from a Colombo newspaper, the "Examiner," of the 20th June 1849, complaining of the misrepresentations made of the tenor of some of its articles respecting the rebellion, *Rep. ii. App.* 416, 417.

Report, 1850—continued.

"*Colombo Observer*," Newspaper. Statement made by witness that he has received many complaints from Mr. Elliott, the editor and proprietor of the Colombo "Observer," respecting what he states are misrepresentations regarding him which were made by Lord Torrington to Earl Grey, with reference to fomenting disturbances, and instigating to discontent, *M^cChristie* 7543-7545.—See also *Indemnity Bill*. *M^cKenzie*, Governor.

Colonial Secretary. Despatch from Lieut.-General Sir C. Campbell to Earl Grey, dated 7 October 1846, relative to the authority under which fees were received by the colonial secretary of Ceylon, enclosing application from Sir E. Tennent for a fixed salary in lieu of the fees, *Rep. ii. App.* 540, 541—Despatch from Earl Grey to Lieutenant-General Sir C. Campbell, dated 13 February 1847, allowing 300*l.* per annum as a compensation for the fees of the colonial secretary, *ib.* 542.—See also *Travelling Expenses*.

Commanding Officer. The officer commanding the forces regularly attended the Executive Council while witness was in Ceylon, *Hon. Gerald Talbot* 5335-5337—In the absence of the governor he sits as president, *ib.* 5338.—See also *Government of the Colony*.

Commission of Inquiry. Despatch from Earl Grey to Viscount Torrington, dated 9 February 1849, acknowledging the receipt of the memorial of the Chamber of Commerce for a Commission of Inquiry, *Rep. ii. App.* 409.

Committee of Inquiry. Opinion that the difficulty of the local Government in settling the question respecting the Buddhist religion will be greatly increased by the publication of the papers presented to Parliament, and the discussion of this Committee, *Wodehouse* 6787-6807.

Common Law Courts. Grounds for forming the opinion that the common law courts have no jurisdiction when martial law is proclaimed, *Sir David Dundas* 5444-5474.

See also *Indemnity Bill*. *Martial Law*, 1.

Commutation of Sentence. Particulars relative to a meeting which was held to induce the Governor to commute the sentences of death passed by the Supreme Court in Kandy, and result; no application was made in favour of those who were tried by courts martial, *Layard* 6343-6346. 6363-6374.

Compensation. How far any steps have been taken with respect to compensation to the innocent parties who have suffered in the insurrection, *Wodehouse* 5616-5624.

Compulsory Labour. Evidence in detail as to the abolition of compulsory services, *Ackland* 3021-3032. 3068-3071—Opinion that the cause of the headmen being dissatisfied arises chiefly from the abolition of compulsory labour, *ib.* 3086-3090—The chiefs began to be disaffected in 1834, after the abolition of compulsory labour, *Forbes* 6853, 6854. 6856. 6860—Statement as to the nature of the rajkaria, or system of compulsory labour; way in which the headmen were affected by its abolition, *ib.* 6861-6872—Evidence as to the abolition of compulsory labour, *Skinner* 7035-7038.

See also *Chiefs*. *Rajkaria*.

Condition of the People. Opinion that the social condition of the native population has undergone a very great change for the worse since witness first went to Ceylon, especially since the termination of Sir Edward Barnes's government, *Skinner* 6980. 7039-7051—The changes have arisen from the departure from that principle of government which Sir Edward Barnes adopted, which was quite of a paternal character, *ib.* 6981—It was more or less despotic, but he exercised a very great regard for the interests of all classes of the natives, and especially upheld the authority of the chiefs and native headmen generally, *ib.* 6982—During the period of his government the country was content, happy, and prosperous, *ib.*

The deterioration of the social condition of the people has been more marked in the last ten or twelve years, and it has been a progressive deterioration during that period, *Skinner* 6983—The causes of this deterioration have been, that an erroneous impression has existed that the authority and influence of the native chiefs was incompatible with the security of the authority and influence of the Government, *ib.*—In some districts the physical condition of the lower orders has very much deteriorated, in others it has very much improved, *ib.* 6985.—Witness attributes the retrograde feeling of the population of the island generally, in the first place, to a want of knowledge of the country on the part of governors; and in the next place to the want of sympathy and interest on the part of the local functionaries, *ib.* 7039-7051. 7061-7070—Memorandum with reference to the past and present social condition of the entire population of Ceylon from the year 1820 to the year 1849, by Major Skinner, dated 9 June 1849, *Rep. ii. App.* 524-533.

See also *Capital*. *Civilization*. *Dyke*, Mr. *Northern Province*. *Skinner*, Major.

Conferences. See *Chiefs*.

CONFISCATIONS :

Report, 1850—continued.

CONFISCATIONS :

1. *Particulars relative to the Issuing of the Proclamation for the Confiscation of the Property of the Rebels ; beneficial Results of this Proclamation.*
 2. *How far Innocent Parties have suffered from this Proclamation ; Seizure, Sale, and Restoration of Confiscated Property.*
1. *Particulars relative to the Issuing of the Proclamation for the Confiscation of the Property of the Rebels ; beneficial Results of this Proclamation.*

Substance of a proclamation, dated 8 August 1848, "that in all the Kandyan districts under martial law is ordered the seizure and attachment of the lands, houses, and other property of all the persons, of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen," &c. &c., *Sir T. Herbert Maddock* 3652 *et seq.*—This proclamation was signed by T. A. Drought, Lieutenant-colonel commanding the troops in the Kandyan provinces, *ib.* 3652–3671—Opinion that Lord Torrington had nothing to do with the issuing of it, *ib.* 3653–3671—Witness fully concurred in the propriety of issuing it, *ib.*—Information relative to the beneficial results of this proclamation, *ib.* 3672, 3673—How far witness was consulted and gave any advice on the proclamation of Colonel Drought in Ceylon, in August 1848, threatening the confiscation of the property of persons who should absent themselves, *ib.* 3863–3880, 3894–3897.

Reference to the statement made by Mr. Selby, Queen's Advocate, that he had not advised the proclamation directing the confiscation of the property of the Kandyans who did not return to their homes within a certain number of days, *Anstruther* 7636–7648—Power and authority by which the commanding officer (Colonel Drought) of the forces in Kandy issued his proclamation to sequester and confiscate the property of the inhabitants, *Rep.* ii. *App.* 427—Proclamation of Colonel Drought to confiscate all lands, houses, and property of certain inhabitants of Ceylon, dated 8 August 1848, *ib.*—Despatch from Viscount Torrington to Earl Grey, dated 11 April 1849, relative to the proclamation issued by the Governor as to the confiscation of property of parties engaged in the rebellion, *ib.* 453—Letter from Mr. H. C. Selby to Viscount Torrington, dated 7 April 1849, relative to the proclamation of the 8th August 1848, calling upon the disaffected to return to their residences under penalty of confiscation of their property, *ib.* 542–548—Letter from Viscount Torrington to Mr. H. C. Selby, dated 12 April 1849, in answer to his of the 7th April, upon the subject of the proclamation of the 8th August 1848, *ib.* 548–550—Letter from Mr. H. C. Selby to Viscount Torrington, dated 16 April 1849, upon the same subject, *ib.* 550.

2. *How far Innocent Parties have suffered from this Proclamation ; Seizure, Sale, and Restoration of Confiscated Property.*

Witness has never heard that the lands and property of various persons utterly unconnected with and innocent of the rebellion were seized under the proclamation of Colonel Drought ; witness has seen observations to this effect in the newspapers, but has not paid much attention to them ; particulars generally relative to the seizure, sale, and restoration of property confiscated, or rather sequestered, under this proclamation, *Sir T. Herbert Maddock* 3898–3920—List of names, stations, addresses, or place of residence of all persons whose property has been sequestered or confiscated, and distinguishing how many or how much of the same has been sold, stating the nature and value of the property, and distinguishing all persons whose property was sequestered before trial, and whether found guilty, and by what tribunal tried ; stating also the names of those persons whose property has been seized and the proprietors not brought to trial, *Rep.* ii. *App.* 433.

Petition of Kotmala Unanse, of the Malwatte establishment, priest of the Gonedolde (Vehare) Temple, in Seven Korles, relative to the confiscation of his property, *Rep.* ii. *App.* 536, 537—Petition of Ratdalgodde Unanse, of the Asgiria establishment, relative to the confiscation of his property by the Government, *ib.* 537—List of confiscated property sold belonging to Kotmala Unanse, by public auction, on 29 August 1848, *ib.*—List of properties confiscated from Kotmala Unanse, for high treason, *ib.* 538—List of confiscated property belonging to Allow Unanse, sold by public auction, on 29 and 30 August 1848, *ib.*—List of properties belonging to the Rasdalgoda Allaura Unanse, confiscated for high treason, *ib.* 539—Extracts from and abstracts of papers connected with courts martial and sequestration of property in the districts of Kandy and Korne-galle, laid on the table of the Ceylon Legislative Council, by Sir J. E. Tennent, Colonial Secretary, on 4 October 1848, *ib.*—See also *Attachments. Sequestrations.*

Conversion. There has been no attempt on the part of the Government to promote conversion, or to alienate their flocks from the priests, *Wodehouse* 6737–6739.

Conviction. See *Courts Martial*, 1.

Coolies. Despatch from Viscount Torrington to Earl Grey, dated 13 April 1849, transmitting a memorial of certain merchants and others of Colombo with respect to the treatment of Malabar Coolies, *Rep.* ii. *App.* 453, 454—Memorial of merchants, agents, (92.)

Coolies—continued.

and traders of Colombo to the Right Hon. Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, dated 5 April 1849, relating to the treatment of Malabar Coolies, *Rep. ii. App. 455*—Letter from Sir J. Emerson Tennent to Mr. H. Ritchie and the deputation from the Chamber of Commerce of Ceylon, dated 2 August 1848, as to the measures adopted for the safety and protection of Coolies proceeding to Ceylon, *ib.*—Letter from Mr. S. Hanna, police magistrate of Kandy, to the Colonial Secretary, Colombo, dated 29 May 1848, relative to the numerous complaints from Coolies of their treatment, and non-payment of wages, *ib. 455, 456*.

Letter from Mr. W. Morris to the Commissioner of Requests of Kandy, dated Colonial Secretary's Office, Colombo, 9 June 1848, conveying the Governor's authority for the issue of stamps without payment to Malabar Coolies suing for wages in the courts of requests, *Rep. ii. App. 456*—Memorandum by Sir J. Emerson Tennent on the non-payment of Coolies, *ib.*—Letter from Mr. S. Hanna, dated 13 April 1849, stating the influence of the rebellion on the Coolies in Ceylon; frequency of complaints of the non-payment of wages, *ib. 457*—Statement of Dummville Loko Banda, superintendent of police at Kandy, relative to the treatment of the Coolies on the estates; frequency of complaints of the non-payment of wages, *ib. 457, 458*.

Council. The new council proposed by witness would be in a great measure the same as the Council in India, and would possess the same powers, *Wodehouse 5818*—How far it would be practicable to associate the natives with the Europeans in the composition of the council recommended by witness, *ib. 5820, 5821*—Opinion that if witness's views on the subject of the constitution of the council were carried out, it would materially tend to create a good feeling in the minds of the inhabitants of the colony towards British rule by giving them a voice in the constitution, *Layard, 6471 et seq.*

See also *Executive Council. Government of the Colony. Legislative Council.*

COURTS MARTIAL :

1. *Constitution, and Forms of Proceeding of the Courts Martial.*
2. *Difference between Courts Martial under Martial Law and under the Mutiny Act.*
3. *Reasons for retaining the Courts Martial after the Supreme Court commenced its Sittings.*
4. *Papers laid before the Committee.*

1. *Constitution and Forms of Proceeding of the Courts Martial :*

Particulars as to the forms of law which were observed in the courts martial of Ceylon, *Sir T. Herbert Maddock 3977-3985*—Evidence showing that the forms and proceedings were precisely the same as those which are usually adopted in all courts martial whatever; the constitution of the courts was the same, *ib. 3985-3999. 4002, 4003*—Witness has never heard any complaints of illegal convictions under the courts martial, *ib. 4007*—Evidence showing that the constitution, forms, and proceedings of the courts martial held in Ceylon were similar to those of all other courts martial under martial law, *ib. 4021*-4030*—Witness has inquired whether there have been any proceedings of courts martial in Ceylon in 1848, and finds there are none, *Sir David Dundas 5427, 5428*—The proceedings of all the courts martial in Ceylon, of which witness is cognizant, were submitted to the commanding officer for confirmation before the sentences were carried into execution, *Bird, 6072-6076*.

2. *Difference between Courts Martial under Martial Law and under the Mutiny Act :*

Evidence showing that there is no analogy between courts martial held under the Mutiny Act and the Articles of War, and in ordinary time of peace, as applied to military discipline only, and courts martial during the existence of martial law as a substitute for civil authority, *Sir T. Herbert Maddock 4031, 4032*—Way in which proceedings before military tribunals differ from the proceedings before civil tribunals; constitution of military tribunals, *Sir David Dundas 5487-5491. 5494-5496*.

3. *Reasons for retaining the Courts Martial after the Supreme Court commenced its sittings :*

The object of retaining the courts martial after the supreme court commenced its sittings was, that it was considered inexpedient to abolish martial law as long as there were any bodies of the rebels remaining collected, and as long as the pretender remained unapprehended, *Sir T. Herbert Maddock 4000, 4001. 4004*—This at one time was the opinion why martial law was continued in force, *ib. 4000*—Object of giving a commission to the Supreme Court to try certain prisoners at Kandy during the sitting of the courts martial, *ib. 4008-4011*.

COURTS MARTIAL—continued.

4. *Papers laid before the Committee :*

Government circular of the 8th August 1848, announcing that courts martials were then being held at Kandy and Kornegalle, *Rep. ii. App. 433*—Extract from the State Trials containing the case of Theobald Wolfe Tone, who was tried in Dublin Barracks by a court martial on the 10th of November 1798, *ib. 534, 535*.

See also *Confiscations, 1. Executions. Judge Advocates. Pretender. Supreme Court.*

Crown, The. See Martial Law, 1.

CROWN CASE ORDINANCE :

1. *Generally.*2. *Papers laid before the Committee.*1. *Generally.*

Particulars relative to the supposed assumption of power by Lord Torrington in passing the Crown Case Ordinance contrary to the opinion of the Judges, *Ackland 3271-3281*—Further particulars relative to the power supposed by witness to have been assumed by Lord Torrington in passing the Crown Case Ordinance, with evidence generally relative to the assumption of power over the government members, *ib. 3300 et seq.*—Way in which witness identifies Lord Grey with this assumption of power in so far as regards sanctioning it, *ib. 3303-3329*.

2. *Papers laid before the Committee :*

Letter from Lord Torrington to the Right Hon. Earl Grey, dated 14 December 1847, forwarding an ordinance passed by the Legislative Council to make provision for the more convenient and speedy trial of cases in which the Crown is interested, *Rep. ii. App. 360*—Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council, to make provision for the more convenient and speedy trial of cases in which the Crown is interested, dated 23 November 1847, *ib. 360-362*—Copy of protest against the ordinance of 23 November 1847, *ib. 363*—Letter from Messrs. W. O. Carr, James Stark, and C. Temple, to his Excellency the Governor, dated Colombo, 22 November 1847, dissenting from the proposed ordinance relative to the trial of cases in which the Crown is interested, *ib. 363-365*.

Copy of letter to his Excellency the Governor from Mr. Arthur Buller, Queen's Advocate at Ceylon, dated 18th June 1847, as to the extreme inconvenience which arises from the want of some power on the part of the Crown to compel the advancement of Government cases on the trial roll, and suggesting the expediency of framing a new rule for the remedy of this inconvenience, *Rep. ii. App. 365*—Letter from Mr. H. C. Selby, Acting Queen's Advocate at Ceylon, to the Right Hon. Earl Grey, dated 14 December 1847, submitting observations in regard to the ordinance recently passed by the Legislative Council as to the trial of cases in which the Crown is interested, *ib. 365-371*—Despatch from the Right Hon. Earl Grey, dated 26 March 1848, disallowing the ordinance of 23 November 1847, for the more speedy and convenient trial of Crown cases, *ib. 371, 372*.

Crown Lands. See Timber.

Cultivation. See Coffee Planting.

Customs Establishment. Number of collectors appointed by the Treasury and number of local officers who have also received commissions from the Board of Customs, *Saunders 5830-5840*—Way in which the duties of the customs were performed before witness arrived in Ceylon, *ib. 5841, 5842*—Grounds for forming the opinion that the duty could not be done equally well by local collectors appointed from among the public servants in the colony without parties being appointed from home, *ib. 5843, 5844*—Opinion that in consequence of the reduction of the export duties, reduction might be made in the customs department, *ib. 5844-5846*. — See also *Export Duties*.

Customs Ordinance. How far witness approves of the Customs Ordinance, *Saunders 5980-5989*.

Cutchery Town. Despatch of Lieutenant Charles Annesley, dated 31 July 1848, reporting an engagement with the insurgents at Cutchery, and result thereof, *Rep. ii. App. 468*,

D.

DELADA TOOTH :

1. *Nature of the Relic called the Delada Tooth ; Importance attached thereto by the Natives.*
2. *Particulars relative to the delivering over the Custody of the Relic to the Buddhist Priests by the British Government.*
3. *Feeling of the Priests and Headmen against its being given up.*

1. *Nature of the Relic called the Delada Tooth ; Importance attached thereto by the Natives :*

The Delada tooth is a relic which was in the custody of the Government agent of the Central Province and of the priests jointly, *Ackland 3034* — The natives have the superstition that in whatsoever hands this relic shall remain, they will always have the sovereignty of the island, it is said to be Buddha's tooth, *ib. 3034-3038* — Colonel Drought, on the part of the Government, took charge of the relic at the time of the disturbances; there was always political importance attached to the relic, *Wodehouse 6669-6672*.

2. *Particulars relative to the delivering over the Custody of the Relic to the Buddhist Priests by the British Government :*

Statement of the measures which were taken respecting the possession of the Delada tooth and other matters relating to the Buddhist religion, *Ackland 3033 et seq.* — Lord Torrington brought instructions from home on the subject, and went up to Kandy and delivered the tooth into the hands of the priests, and generally gave up all connexion of the Government with the Buddhist religion, *ib. 3033-3057* — Witness considers that by the convention the British Government were bound, as a matter of faith, to the custody of the relic, *ib. 3097-3113* — The only acts which witness conceives to be inconsistent with the treaty of the British Government are the surrender of the relic and the refusal to appoint the priests; as regards the maintenance of the temple the British Government has kept faith, *ib. 3113-3118. 3126-3128. 3130-3135* — Way in which and date at which the relic was given over, *Wodehouse 6655-6658*.

3. *Feeling of the Priests and Headmen against its being given up :*

The general feeling of the priests and headmen was very much against the Government giving it up, *Ackland 3039* — Evidence showing that the giving up of the Delada tooth, incidentally with other causes, gave the priests power over the natives to induce them to join in the rebellion and disturbances; influence of the Buddhist priesthood in kindling the excitement of the people; base purposes to which they have used this influence, *ib. 3039-3057* — The surrender of the relic under any circumstances, even with all possible care that could have been used, could never have been an acceptable measure, *ib. 3097-3113* — Evidence showing that there were equally insurrections before the tooth was surrendered, and that these insurrections were got up by the priests and headmen, *ib. 3119-3125* — Witness is not aware that there was any general dissatisfaction expressed at the giving up of the tooth, except in so far as the priests and headmen were concerned, it lessening their influence, *ib. 3145-3165. 3171-3179* — Opinion that as regards the custody of the tooth it will be very difficult to make an arrangement that will be satisfactory both to the Government and the people, *Forbes 6852*.

See also *Buddhism*, 3. 5. 6.

Demerara. Terms of capitulation proposed by the Governor-general and the Court of Police of the colony of Demerara, and the commanding officers of the sea and land forces of the Batavian republic, to their Excellencies the Commanders-in-chief of his Britannic Majesty's sea and land forces off Demerara, dated 18-19 September 1803, *Rep. ii. App. 469-471*. — See also *Capitulation*.

Demoralization. See *Spirituous Liquors*.

Despatches. Despatch from Earl Grey to Viscount Torrington, dated 7 June 1849, acknowledging the receipt of certain despatches and declining to express any opinion on the several subjects, the affairs of Ceylon being under the consideration of a Select Committee of the House of Commons, *Rep. ii. App. 464* — See also *Executive Council*.

Destruction of Property. Particulars as to the acts of violence and destruction of property with which the insurrection was attended, *Sir T. Herbert Maddock 3572. 3575-3577* — Considerable injury which was done to witness's property at Matelle during the disturbances, *ib. 3805-3818* — Particulars as to the destruction of property during the insurrection, *Wodehouse 5712, 5713*. — See also *Outrages. Rebellion*, 3.

Dingarelle. See *Pretender*.

Direct

Report, 1850—continued.

Direct Taxation. The whole of the alteration of taxation proceeded with the object of removing indirect taxes and imposing direct ones, *Wodehouse* 4850—Opinion that direct taxes are altogether objectionable in Ceylon, *Saunders* 5907—Opinion that direct taxation in any shape would cause discontent amongst the natives; if taxes are to be raised it must be indirectly, in the price of the article used, *Forbes* 6922-6936.

Disaffection. The only causes of complaint of which witness has ever heard have been, first, the introduction of shops for the retail of spirituous liquors in the Central Province, which has tended to demoralize the people and make drunkards, *Sir T. Herbert Maddock* 3694—The second cause of complaint is the enormous expense of lawsuits, and the wretched dilatory and uncertain administration of the law; papers delivered in showing the expenses of lawsuits of different kinds, *ib.* 3694-3699—Neither of these causes of complaint had anything to do with the insurrection, *ib.* 3698-3702—Grounds for forming the opinion that the feeling of disaffection in the island is not at all general; they have been misled by some of the chief men and priests, 3718-3727—During the time witness was in Ceylon there were no particular instances of discontent; on two occasions a pretender appeared, and there were then slight instances of discontent; one was in 1821 and the other in 1822 or 1823, *Forbes* 6829, 6830—There were also attempts at the appearance of a pretender in 1831 and in 1836, *ib.* 6831-6832. 6883-6888—The chiefs began to be disaffected in 1834, after the abolition of compulsory labour, *ib.* 6853, 6854. 6856-6860.

See also *Buddhism*, 4. *Chiefs*. *European Settlers*. *Export Duties*. *Grievances*. *Headmen*. *Priests*. *Rebellion*. *Religion*. *Taxation*, 3. *Torrington*, Viscount. *Verandah Tax*. *Western Province*.

Disturbances. See *Attachments*. *Borella*. *Insurrections*. *Outrages*. *Rebellion*.

Dog Tax. The Dog Ordinance was a most useful enactment, *Hon. Gerald Talbot* 4975-4983. 5137-5152—Despatch from Lord Torrington to Earl Grey, dated 8 January 1849, forwarding an ordinance on the subject of dog licences, *Rep.* ii. *App.* 388—Copy of ordinance enacted 18 December 1848, repealing an ordinance, No. 9 of the year 1848, entitled "To require the owners of dogs to take out licences for the same," *ib.*

See also *Taxation*, 3. 4.

Draft Ordinances. Reference to the orders in the 36th article of the Queen's Instructions, that "draft ordinances are to be published in the Gazette, or publicly made known for at least three weeks next before the enactment thereof;" witness's impression is that this rule was complied with, *Wodehouse* 4127-4137—Grounds for forming the opinion that three weeks is insufficient for the purpose, *ib.* 4132-4137—The ordinances which attracted attention at home were all brought forward in the usual prescribed form; notice in the Government Gazette was given; they had the notice of the public that all other ordinances have ever had, *Hon. Gerald Talbot* 4947-4949—Witness does not think there were any remonstrances made to the Legislative Council, any petitions presented, or any general declaration of opinion adverse to those ordinances, *ib.* 4950—The ordinances were all published three weeks successively in the Government Gazette, *Saunders* 5915, 5916. 5950-5956. 5966—No remonstrances were sent in against any portion of those ordinances by the Europeans or natives, *ib.* 5917-5920.

Drought, Colonel. During the insurrection and the continuance of martial law Colonel Drought received his instructions direct from the Governor, and not from the general commanding the forces, *Sir T. Herbert Maddock* 4043-4050—Complaint of some of the inhabitants of Colombo of the proclamation of Colonel Drought, of the 8th August 1848, *M'Christie* 7499.

See also *Attachments*. *Confiscations*. *Delada Tooth*, 1. *Headmen*. *Martial Law*, 6. *Rebellion*, 5. *Sequestrations*, 1.

Drunkeness. See *Spirituos Liquors*.

Dundas, Right honourable Sir David, M.P. (Analysis of his Evidence.)—Has held the office of Judge Advocate-general between two and three weeks, 5426—Has inquired whether there are any proceedings of courts martial held in Ceylon in 1848 in the office, and finds there are none, 5427-5428—Distinction between military law (the written law to be found in the Mutiny Act and the Articles of War) or martial law, as it is sometimes called, and the martial law proclaimed in Ceylon, 5429 *et seq.*—There is no practice under martial law laid down in any book that witness knows of, 5432-5436—Martial law, when proclaimed, must be executed by those who have to execute it, firmly, faithfully, and with as much humanity as the occasion allows, according to the conscience and good sense of those who have to execute it, 5432.

The proclamation of martial law is a notice to all those to whom it is addressed that there is now in the land another measure of law and another mode of pursuing it than there was before that proclamation, 5435-5443—Evidence generally on the subject of the prerogative of the Crown to proclaim martial law, 5444-5474. 5483-5486. 5501-5506. 5525-5530—

Dundas, Right honourable Sir *David*, M.P. (Analysis of his Evidence)—continued.

5530—Grounds for forming the opinion that the common-law courts have no jurisdiction when martial law is proclaimed, 5444–5474—Evidence in detail, showing the clear distinction between the Mutiny Act and the Articles of War, and martial law, 5444–5474. 5483–5486—Martial law over-rides, in respect of the persons upon whom it is to operate, all other law, 5475—There must be somewhere, for public safety, a right to exercise such a power in time of need, *ib.*

Absurdity of saying that in the case of a mutiny of five or six regiments in the field, Parliament must be applied to before these persons can be reduced to subjection, 5475—There have been instances, in our own times, where martial law has been proclaimed in several of our colonies, *ib.*—It has been proclaimed in Jamaica; and also at the Cape of Good Hope, *ib.*—It was proclaimed at Ceylon in the time of General Brownrigg, *ib.*—There are cases where there was no appeal to any Parliament, properly so called, except perhaps in Jamaica, where there was an Act of Parliament to govern the question, *ib.*—In the other instances, the executive, acting for the public safety, did the best they could, *ib.*

Opinion that a wise and courageous man would, if it were necessary, make a law to his own hands, but he would much rather take a law which is already made, 5476—The law of England is that a Governor, like the Crown, has inherent in him the right, when the necessity arises, of judging of it, and, being responsible for it afterwards, so to deal with the laws as to supersede them all, and to proclaim martial law for the safety of the colony, 5476–5482. 5506–5516—Reasons why an Act of Indemnity would be prudent if it could be obtained, but witness is not sure that it is necessary, 5482. 5506–5516. 5525–5530—Way in which the proceedings before military tribunals differ from the proceedings before civil tribunals; constitution of military tribunals, 5487–5491. 5494–5496.

Witness looks upon martial law as altogether *lex non scripta*, 5492–5493*. 5497–5500—Opinion that the effect of martial law does, in a sense, suspend the operation of the constitution of all ordinary tribunals, but witness is not prepared to say that martial law having been proclaimed, the ordinary tribunals may not proceed according to the ordinary course of the common law or the statute law of the land, 5521–5525.

Duties. See *Cinnamon Duty.* *Export Duties.* *Import Duties.* *Taxation.*

Dyke, Mr. Mr. Dyke, the Government agent in the Northern Provinces, upholds the authority of the headmen by respecting their native prejudices, *Skinner* 6991—He does not think it necessary to undermine their authority, or interfere with their prejudices of caste, *ib.*—He allows education and civilization to overcome that which in other districts we are rather desirous of precipitately abolishing, *ib.* 6991–6993.

See also *Government Agents.* *Northern Province.*

E.

Education. See *Headmen.*

Elective Franchise. Mode proposed in which the members of the Legislative Council should be elected; witness would give the Cingalese an elective franchise with certain limitations; test which might be taken, *Layard* 6406–6420—Opinions as to the qualifications of the natives for the elective franchise, *ib.* 6473–6475. 6503–6507.

See also *Legislative Council*, 4.

Elliott, Dr. Copy of Dr. Elliott's letter to the Governor of Ceylon in answer to, and explanatory of, the Governor's letter of 27 July to Mr. Elliott, *Rep.* ii. *App.* 427.

See also "*Colombo Observer*" *Newspaper.* *Executions.* *Petitions*, 1.

Emoluments of Priests. Particulars relative to the emoluments of the priests, *Ackland* 3166–3170.

Encroachments. With reference to the Kandyan provinces, witness attributes the causes of the insurrection in the first instance to the encroachments by the Europeans, as well as by Government, upon the lands and forests, *Layard* 6210–6217—Those lands and forests affording free and unmolested pasturage to the cattle belonging to the natives, which lands were available also for the extension of their cultivation, *ib.* 6210–6217.

Essequibo. Terms of capitulation, dated 18–19 September 1803, proposed by the Governor-general and the Court of Police of the colony of Essequibo, and the commanding officers of the sea and land forces of the Batavian republic, to their Excellencies the Commanders-in-chief of his Britannic Majesty's sea and land forces off Demerara, *Rep.* ii. *App.* 469–471.—See also *Capitulation.*

Estimates. See *Revenue and Expenditure*, 2.

European Settlers. Witness has never heard that the Europeans were connected in any way with the disaffection which prevailed in the Central Province, *Sir T. Herbert Maddock* 3763-3770—Evidence as to the political position of the European settlers; how far they are represented in the Legislative Council by the unofficial members, *Hon. Gerald Talbot* 5230—Witness believes it is felt by them that their position is not sufficiently considered by the government of the island, *ib.* 5238-5249—Witness is not aware that they have any ground for this complaint, *ib.* 5239-5249—All Europeans having any interest in the colony have been consulted on all measures affecting their interests, *ib.* 5241—The natives have expressed no dissatisfaction at the want of representation in the Legislative Council; it is confined to the English settlers, *ib.* 5250—It is not sufficiently kept in mind how very different the interests of the Europeans are from those of the natives, *ib.*

See also *Capital. Chiefs. Coffee Planting, 2. Martial law, 2. Priests, 2. Trade.*

EXECUTIONS:

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally:*

Particulars in detail relative to the case of an influential priest convicted of treason and shot at Kandy in full robes, as mentioned in a despatch of Lord Torrington, dated 14 September 1848; evidence as to the trial of this man by court martial, *Wodehouse* 4316-4378—Witness has heard that the Queen's Advocate had waited upon Lord Torrington to solicit his pardon or a remission of the sentence, but never heard that Lord Torrington told him it was no business of his to interfere, till he read it in the "Observer" some months ago, *ib.* 4344-4349—Detail of the proceedings in the case of the trial and execution of a priest at Kandy, *Bird* 6135-6160. 6167-6180; *Layard* 6343. 6364-6374.

Statement made by witness that he has been informed by the inhabitants that when the priest was tried and convicted at Kandy, the Queen's Advocate, Mr. Selby, went to the Governor to beg him to stay the execution of the sentence, and that the Governor on that occasion declared that if all the judges and proctors in Ceylon were to say that the man was innocent, he should nevertheless be executed the following day, *M'Christie's Ev. p.* 336—This is the statement which has been communicated to witness by parties at Colombo, the transactions having taken place at Kandy, *M'Christie* 7565-7568—The parties who gave this information to witness are Mr. Elliott, the editor of the "Observer," and a Mr. Morgan, *ib.* 7569-7572—This information is contained in letters from these parties; they represent it as a fact within their own knowledge, and not as learnt from rumour, *ib.* 7573-7576.

Statement made by witness that he cannot find the letter which he stated he had received from Mr. Morgan relative to Mr. Selby's having gone to the Governor to ask him to suspend the execution of the priest at Kandy for a few days, *M'Christie* 7577—Statement that he has however found two letters from Mr. Elliott, in which he mentions the circumstances; these letters delivered in and read, *ib.* 7577-7580; *pp.* 339-342—Evidence relative to the Queen's Advocate having waited upon Lord Torrington to recommend the reprieve of a priest who had been condemned by court martial, and refusal of the Governor to comply with his request, *Anstruther* 7649-7676.

2. *Papers laid before the Committee:*

Despatch from Viscount Torrington to Earl Grey, dated 14 April 1849, relative to the execution of a priest under sentence of a court martial, during the existence of martial law, *Rep. ii. App.* 459, 460—Notes of evidence taken before Mr. C. H. De Saram, J. P., respecting the execution of a priest at Kandy in his yellow dress, *ib.* 460, 461—Extract from an official letter from Mr. W. D. Bernard, the colonial secretary, addressed to the Board of Commissioners for Kandyan Affairs, by order of Lieutenant-governor Sir James Campbell, dated 1 August 1823, for the execution of a priest for the active part taken in the rebellion, *ib.* 461—Despatch from Earl Grey to Viscount Torrington, dated 29 May 1849, acknowledging the receipt of the notes of evidence regarding the execution of a priest at Kandy, and expressing satisfaction as to the result thereof, *ib.*

See also *Martial Law, 5. Pretender. Rebellion, 4*

EXECUTIVE COUNCIL:

1. *Necessity for the Governor consulting the Executive Council on all important Matters; how far this practice has been adopted.*
2. *How far important that all Despatches should be laid before the Executive Council.*
3. *Want of Control in the Executive Council over the Acts of the Governor.*
4. *Whether any Amendment is required in the working of the Executive Council.*
5. *Fitness of the Natives to take part in the Executive Government.*

1. *Necessity for the Governor consulting the Executive Council on all important Matters; how far this practice has been adopted:*

Article thirty-eight requires "that the Governor shall in all cases consult with the Executive Council, excepting in unimportant matters, or in matters too urgent to admit

Report, 1850—continued.

EXECUTIVE COUNCIL—continued.

1. Necessity for the Governor consulting, &c.—continued.

of such advice being given by the time within which it may become necessary for the Council to act in respect of such matter," Wodehouse 4138—"Provided that in all urgent cases the Governor shall subsequently, as soon as practicable, communicate to the Executive Council the Measures so adopted, with the reasons thereof," *ib.*—When witness was in the Council, before Lord Torrington arrived, it was not the practice to comply with this article, *ib.*—None of the Governors have complied with this regulation, *ib.* 4139—Lord Torrington, although he has not done it in every instance, has, on the whole, done it much more frequently than any other Governor, *ib.* 4140-4147.

Witness would recommend that in all cases, and in the first instance before any measure is taken by the Executive, or any legislative act determined on, the Governor should consult the Executive Council, Wodehouse 4141-4173—As long as witness was clerk of the Council, the Governor was regularly in the habit of consulting his Executive Council, Hon. Gerald Talbot 5050—It is the practice to reduce to writing the opinions of the members of the Executive Council on all important matters, and they are recorded; any division of opinion is transmitted to this country, *ib.* 5057, 5058. 5186-5199—It is usual on important occasions for the members of the Executive Council to record their opinions upon important subjects, whether they coincide with those of the Governor or not; their recorded opinions are transmitted to the Colonial Secretary with the measure, *ib.* 5331-5334.

2. How far important that all Despatches should be laid before the Executive Council:

The members of the Executive Council do not see all the despatches from the Secretary of State; as the Queen's Instructions stand, they have no right to see them; when they are laid before them it is the exception and not the rule, Wodehouse 4379-4381. 4394-4416—Opinion that all public despatches from the Secretary of State upon matters referring to the government of the colony should be laid before the Executive Council, *ib.* 4382. 4407-4410—The despatches and all other correspondence ought to pass through the Executive Council, *ib.* 4382, 4383—Reserving to the Governor, on his own responsibility of course, if he pleases, the power of writing confidential despatches in his own name, and also of receiving them, *ib.*—If, as has been suggested, everything which came before the Government were to be submitted to the Executive Council, the delay and inconvenience would be far greater than the benefit derived from it, as the members of the Executive Council are not always together, Hon. Gerald Talbot 5052-5058.

3. Want of Control in the Executive Council over the Acts of the Governor:

The Executive Council has no control over the acts of the Governor; the fortieth clause distinctly gives the Governor the power of acting in opposition to any advice which they may give if he thinks fit, Wodehouse 4185-4193—The right of expressing their opinions has always been fully exercised by the members of the Executive Council, as well as of the Legislative Council; although the members of the Executive do not consider themselves at liberty to oppose the Governor, *ib.* 4423-4473—If the machinery were improved as to communication with the Secretary of State, there would be no particular danger in the restriction upon voting, because the Secretary of State, seeing that members abstained from voting, would be just as well informed that they dissented as by their names being put down on paper on a division, *ib.* 4471-4473.

4. Whether any Amendment is required in the working of the Executive Council:

As regards the working of the Executive and Legislative Council in Ceylon, witness is not prepared to suggest any amendment in respect of the Executive Council, Hon. Gerald Talbot 5052—If the Executive Council were put upon a proper footing, the Colony would be much better governed without any Legislative Council, that Executive Council having a better means of communicating with the home authorities than they now possess; way in which this might be carried out, Wodehouse 5777-5780. 5785-5814.

5. Fitness of the Natives to take part in the Executive Government:

Opinion that the native population generally are in that social state that they are competent to take a part in the subordinate departments of the executive government, Skinner 7101-7103. 7189, 7190—It is necessary that this should be yielded as soon as possible, as it is quite impossible that the country can be satisfactorily governed without it, *ib.* 7101.

See also Attachments. Commanding Officer. Government of the Colony.
Kandyan People. Legislative Council, 1. 2. 4. Local Administration.
Martial Law, 4. Minutes of Proceedings in Council. Taxation, 1.

Expenditure. Practicability of reducing the expense of the government of the island, Hon.

Report, 1850—continued.

Expenditure—continued.

Hon. Gerald Talbot 5274–5276—The government with which witness was connected have been accused of having added to the expenditure of the government yearly payments to the amount of 50,000*l.*, *Anstruther* 7730, 7731—Witness attributes the great increase of expenditure to nothing except very great want of economy, and the want of control, *ib.* 7732–7753—Witness attended before the finance committee now sitting in Ceylon; large reductions which witness recommended, particularly in the salaries of the public officers, witness not being at the time colonial secretary; amount of witness's salary at the time he was so, *ib.* 7768–7798. 7800, 7801—Correction of former evidence on the subject of the expenditure of the colony, *ib.* 7816, 7817.

See also *Legislative Council*, 3. *Revenue and Expenditure.*

EXPORT DUTIES :

1. *Principle upon which the Export Duties were Repealed; how far Justifiable.*
2. *How far any exception was taken to their Repeal, by the Mercantile Classes.*
3. *Connexion of the Disaffection of the People with the Repeal of the Export Duties.*

1. *Principle upon which the Export Duties were Repealed; how far Justifiable :*

Lord Torrington acted upon certain principles of commercial policy which he was resolved to carry out at all hazard; statement made by him, "that he was guided by those high principles of liberal commercial policy which distinguish Her Majesty's present advisers," *Ackland* 3402–3409—One branch of revenue which Lord Torrington was instructed to get rid of was the export duties, as bad in principle, *Wodehouse* 4677–4680. 4684, 4685—Witness did not consider that this repeal was particularly called for, except as regards the cinnamon duty; but he is satisfied that Lord Torrington was instructed to repeal them as a matter of principle, *ib.* 4678–4680. 4684, 4685—The instructions directed Lord Torrington to consider in what way the deficiency which would arise in the revenue by the repeal of the export duties might be provided for; particulars relative to the mode in which the repeal of these duties was carried, *ib.* 4681–4755—With reference to the abolition of the export duties, coupled with the imposition of the land-tax, the Executive Council came to the conclusion that the export duties should be abolished without a corresponding land tax being imposed, *ib.* 4836–4840.

The taxes have been repealed, and no equivalent tax has been imposed upon any portion of the land of Ceylon, *Hon. Gerald Talbot*, 5048—Opinion that the giving up of these duties was justified upon the whole, and was a wise measure, *ib.* 5354–5357—The measure as a whole may be described as a measure calculated to relieve trade of the taxes pressing heavily upon it, and replacing them by direct taxes, *ib.* 5360–5370.

2. *How far any Exception was taken to their Repeal, by the Mercantile Classes :*

Evidence in detail relative to witness and other merchants opposing the repeal of the customs duties, (the export duties,) and the introduction of the new taxes; with reasons for withdrawing this opposition, *Ackland* 3329–3380—The objection of the mercantile classes to the repeal of the export duties was as to the time and the mode in which they were repealed, *ib.* 3486–3495—The merchants have not had the full benefit of the repeal of the export duties, without any corresponding tax having been imposed, as the stamp ordinance imposes a very large amount of additional taxation, *Wodehouse*, 4846, 4847—The stamp ordinance is a direct tax; the export duty was an indirect tax, *ib.* 4848, 4849—Witness was clerk of the Council when the repeal of the export duties was under consideration, *Hon. Gerald Talbot* 5042—Witness heard no objection to it on the part of the merchants in Ceylon, nor from any other parties, *ib.* 5043–5047. 5170–5180—There was an apprehension that the repeal of the export duties was a substitution of some unknown imposition, for one that was known and defined, *ib.* 5047.

Witness was present in the Legislative Council when the repeal of the export duties took place, *Saunders* 5875–5878—On the first reading of the Bill no member objected to the principle of it; it was in fact a very popular measure, *ib.* 5879, 5880—On the second reading, and when the Bill was committed, the Government then stated that it was their intention to replace these duties by a general land tax; Mr. Ackland then asked further time to have the ordinance considered, but this was refused, and the second reading took place; no other member objected except Mr. Ackland, *ib.* 5880–5884. 5913, 5914—During the time the Bill was in committee, when Mr. Ackland opposed it he read a resolution from the Chamber of Commerce to the effect that the land tax would prove more vexatious and heavier than the export duties, and that therefore they would rather have a continuance of the export duties, *ib.* 5889–5896—In consequence of a statement being made that the repeal of the export duties was recommended from home, Mr. Ackland withdrew his opposition, *ib.* 5889–5898—Grounds for forming the opinion that the impression on the minds of the Chamber of Commerce was erroneous, *ib.* 5890–5894.

614

Report, 1850—continued.

EXPORT DUTIES:—continued.

3. *Connexion of the Disaffection of the People with the Repeal of the Export Duties :*

The repeal of the export duties may be said to have had indirectly to do with the dissatisfaction, as it led to the imposition of fresh taxes, some of which were unpopular, and were made a handle of by the disaffected, *Achland* 3466–3476.

See also *Chamber of Commerce.* *Coffee Planting*, 3. *Taxation*, 1, 2.

Exports. See *Trade.*

F.

Fees. Correspondence respecting Sir Emerson Tennent's fees as colonial secretary, *Rep. ii. App.* 540—Despatch from Sir C. Campbell to Earl Grey, dated 7 October 1846, relative to the authority under which fees were received by the colonial secretary, enclosing an application from Sir E. Tennent for a fixed income in lieu of fees, *ib.* 540, 541—Letter from Sir J. Emerson Tennent, colonial secretary, to the Governor, dated 5 October 1846, applying for a fixed salary in lieu of the fees receivable by him, *ib.* 541—Despatch from Earl Grey to Lieutenant-general Sir C. Campbell, dated 13 February 1847, allowing 300*l.* per annum to the colonial secretary, as a compensation for fees, *ib.* 542.—See also *Colonial Secretary.*

Finance. See *Taxation*, 1.

Fire Arms. The people in general, during the disturbances, were pretty well armed; every Kandyan possesses a gun, sometimes there are two or three guns in one house; they know how to use them very well, *Bird* 6181–6187—There are a great number of Birmingham muskets in the island, *ib.* 6186.—See also *Gun Tax.*

Forbes, Jonathan. (Analysis of his Evidence.)—Was an officer in Her Majesty's service for 34 years, and left it with the rank of lieutenant-colonel, 6808, 6809—Was with his regiment in Ceylon from 1826 to 1837; has never been there since, 6810–6812—Was commandant, district judge, and assistant agent at Matelle, from 1828 to 1837, 6813–6816, 6284, 6825—Witness's duties brought him very much in contact with the native priests and headmen; the whole district was commuted by witness; every individual portion of land was settled with every individual inhabitant; meaning of the term "commuting the district," 6817–6823.

When witness left Ceylon in 1837, the Cingalese in Matelle were decidedly attached to the rule of the British Government, 6826–6846—The best proof of this is, that a great many of them had redeemed their taxation upon the paddy lands; this was identifying their own interest with that of the British Government, 6826–6829, 6846, 6873–6877, 6889–6891—During the time witness was in Ceylon there were no particular instances of discontent; on two occasions a pretender appeared, and there were then slight instances of discontent; one was in 1821, and the other in 1822 or 1823; 6829, 6830—There were also attempts at the appearance of a pretender in 1831 and 1836; 6831, 6832, 6883–6888—Extent and population of the Matelle district, 6833, 6834.

Way in which the disturbances in 1822 and 1831 were put down; a priest and a headman were executed on one of the occasions; no very serious mischief was done, 6835–6843—There was no particular disturbance in 1836, but a pretender established himself at a remote part of the district; he was taken and treated as a vagrant, 6844, 6845.—Light in which the headmen and priests considered the connexion which the Government had with their religion and religious ceremonies, 6847 *et seq.*—By three proclamations we guaranteed the Buddhist religion, 6847, 6848—The appointment of the chief priests and the custody of Buddah's tooth were acts of royalty, 6849—We succeeded to the custody of the tooth, and to the right to these appointments, from their having chosen us as the governors of the country in place of their own king, 6849, 6850—Immunities were secured to the priests both by the proclamations of 1815 and 1818; 6851.

Opinion that as regards the custody of the tooth it will be very difficult to make an arrangement that will be satisfactory both to the government and the people, 6852—The chiefs began to be disaffected in 1834, after the abolition of compulsory labour, 6853, 6854, 6856–6860—The priests have become disaffected from the interference with the connexion between their religion and the Government, 6855—Statement as to the nature of the rajkaria, or system of compulsory labour; way in which the headmen were affected by its abolition, 6861–6872—The Kandyans, though credulous, are intelligent; they are particularly well acquainted with all points connected with any duties they may be called upon to perform, or any privileges that they are entitled to, 6878—They are likely to be affected by any change of custom, or the imposition of new taxes upon them, 6879–6892.

There is no doubt the sale of lands to the coffee planters produced dissatisfaction among the natives, 6892–6908—Witness believes the land-tax was commuted in all the Kandyan country, 6914—Grounds for forming the opinion that the imposition of a land-tax now, upon the land that was redeemed, would be contrary to the guarantee which

Report, 1850—continued.

Forbes, Jonathan. (Analysis of his Evidence)—continued.

which was given when the redemption took place, 6915-6921—Opinion that direct taxation in any shape would cause discontent among the natives; if taxes are to be raised, it must be indirectly, in the price of the article used, 6922-6936—Observations on the nature of the road-tax; reasons why it is likely to cause discontent, 6936-6973.

Forced Labour. See *Compulsory Labour.*

Foreign Labourers. See *Coffee Planting. Labourers.*

Forests. See *Encroachments.*

Frazer, Mr. J. See *Oulliam Tax.*

G.

Gibson, Mr. W. C. See *Irrigation.*

Glenelg, Lord. See *Ackland, Mr.*

Goompane, —. See *Gun Tax.*

GOVERNMENT OF THE COLONY :

1. Generally.

2. Papers laid before the Committee.

1. Generally.

The present system of government is a very liberal one in its spirit and the tone of its administration, *Hon. Gerald Talbot* 5277—Suggestions for improving the future government of the colony, *Layard* 6388 *et seq.*; *Ackland* 7229 *et seq.*—Grounds for forming the opinion that we should be benefited by going back to the system which prevailed formerly of having the Governor and commander of the forces combined in one person, *Ackland* 7229-7258—But the witness would make it the Governor and Council, so that the Governor simply would be the executive authority in whom the power of exercising the prerogative of the Crown should vest, and the general government of the colony should be with the Governor and Council, *ib.* 7229-7258.

With regard to the Executive Council, supposing the government to be with the Governor and Council, it would be desirable that there should be only three members of the Executive Council, *Ackland* 7229-7258—Witness would either have the Legislative Council free to act for the benefit of the colony, or he would abolish the Legislative Council altogether, rather than have the semblance of a free constitution without the reality, *ib.* 7259-7264—Opinion that the whole system of colonial administration might be revised with great advantage; way in which this might be done, *Anstruther* 7802-7815.

2. Papers laid before the Committee :

Despatch from Earl Grey to Viscount Torrington, dated 3 February 1849, acknowledging despatches on Mr. Wodehouse's tour with a view of explaining the measures of Government, *Rep.* ii. *App.* 408.

See also *British Rule. Cingalese Language. Condition of the People. Executive Council. Legislative Council. Torrington, Viscount.*

Government Agents. Reasons why witness does not concur in the opinion which has been expressed, that it would be an improvement if all the Government agents were made members of the Council, *Saunders* 5967-5979—Frequent changes in the Government agents are a great injury to the different districts, *Skinner* 7085, 7086—In the metropolitan districts the Government agent has probably himself been too much controlled, and has not been able to adopt the same course as that adopted by Mr. Dyke in the northern district, *ib.* 7105-7107—With reference to the appointment of the Government agents, the persons appointed should have a much greater knowledge of the people generally, and more especially of the provinces over which they preside, than they in many cases now possess, *ib.* 7192-7194. 7202-7209.

See also *Dyke, Mr. Legislative Council, 1. 3. Northern Province.*

Governors. Since Sir Edward Barnes's time there has scarcely been a Governor who has thought it necessary to travel about the country in order to obtain a general knowledge of it, and almost the only official who has done so has been Sir Emerson Tennent, when he was colonial secretary, *Skinner* 7039-7051. 7061-7070. 7192-7194.

See also *Barnes, Sir Edward. Executive Council. Legislative Council, 2. 6. M'Kenzie, Governor. Torrington, Viscount. Travelling Expenses.*

Grazing Lands. See *Coffee Planting 2.*

Grey, Lord. See *Buddhism, 5. Captured Africans. Legislative Council, 2. Road Ordinance, 3. Taxation, 4.*

Report, 1850—continued.

Grievances. The only two grievances of which the people generally complain are the introduction of spirit-shops and the mal-administration of justice; opinion that they have some grounds of complaint as concerns the latter, *Sir T. Herbert Maddock* 3728–3736. 3746–3748—Witness does not consider that the people of Ceylon labour under any grievances or disabilities which justified them in attempting to rebel against the British Government, *ib.* 4082—Although there may be grievances which require redress in that country, as in India, and probably in all other countries, *ib.*—Particulars relative to witness's appointment as agent for certain parties in Colombo to represent their alleged grievances to Parliament, *M^cChristie* 7304–7358—Technically speaking, witness acts here as the attorney of certain parties; evidence in detail showing the mode in which he has got up his case; statement made by witness that part of his evidence on the subject of the grievances is derived from communications with the people of Ceylon, and part from the perusal of certain confidential papers of the Committee shown to witness by Mr. Hume, *ib.* 7374–7404.

Statement made by witness that in the course of his evidence he will, as far as possible, distinguish those observations or comments which proceed from himself and from his examination of these documents, from those which are contained in his instructions from Ceylon, *M^cChristie* 7405—Statement made by witness that he merely represents that portion of the inhabitants of the island of Ceylon who appointed the committee at Colombo, *ib.* 7462–7467—How far witness has any grievances to complain of other than those contained in the papers which have already been laid before the Committee, *ib.* 7468–7481—Further particulars as to witness's appointment to act as agent on behalf of certain of the inhabitants of Colombo in this inquiry; witness wishes the Committee to understand that he represents, through the committee appointed by the meeting at Colombo, a large portion of the inhabitants of Colombo, *ib.* 7582–7588.

See also *British Rule.* *M^cChristie*, Mr. *Petitions.* *Taxation*, 3, 4.

GUN TAX :

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally :*

A gun tax was proposed in Sir Colin Campbell's time, but was not carried out, *Wodehouse* 4561–4570—Evidence showing the necessity for the fire-arms ordinance, *Hon. Gerald Talbot* 4967–4969. 5153–5160—Witness never heard any great dissatisfaction expressed at this ordinance, *ib.* 4969—Way in which the new taxes ran counter to the feelings of the natives; first as regards the gun tax; evidence in detail relative to the nature, principle, and operation of the tax, *Layard* 6220–6319.

In the southern and western provinces of the island there was no hostile feeling on the part of the native population to the gun ordinance; the opposition was most apparent in the central province, *Layard* 6275–6282—Version put by witness upon a meeting which took place at the pavilion at Kandy upon the subject of the gun tax, of which an authorized account has been given by Sir James Emerson Tennent; particulars relative to the conduct of a man named Goompane at this meeting, and also as to his complaint of suspension from the office of aratchy in consequence, *M^cChristie* 7481–7487—The gun tax itself did not impose any great hardships upon the people, but the mode in which it was to be levied imposed the hardships, *Anstruther* 7715, 7716.

2. *Papers laid before the Committee :*

Despatch from Lord Torrington to Earl Grey, dated 9 January 1840, transmitting an amended ordinance regulating the possession of fire arms, *Rep.* ii. *App.* 389—Copy of ordinance enacted 23 December 1848, to amend in certain respects the Ordinance No. 13 of 1847, for the regulation of the possession of fire arms, *ib.* 389–392—Despatch from Earl Grey to Viscount Torrington, dated 8 March 1849, approving of the Ordinance No. 21 of 1848, for repealing the Gun-licence Ordinance, *ib.* 409—Despatch from Earl Grey to Viscount Torrington, dated 17 March 1849, approving of Ordinance No. 22 of 1848, for amending the Fire-arms Act, *ib.* 410.—See also *Fire Arms.* *Taxation*, 3, 4.

H.

Headmen. Extract from a despatch of Colonel Drought, stating that he has little doubt that ever since the 6th of July 1848, almost all the headmen, chiefs, and priests were the originators of the rebellion, and that the taxes had very little to do with it beyond being a good pretext for urging on the people, &c., *Ackland* 3067—Evidence showing that any measures tending to the education and the social and moral improvement of the natives, of necessity tend to diminish the influence of the headmen and priests, *Hon. Gerald Talbot* 5339–5341—General feeling of disaffection among the headmen of the maritime provinces, *Layard* 6476–6481—Practically our policy has had the effect of undermining their authority and influence, without substituting any improved authority of our own, *Skinner* 6983—The effect of this loss of authority on the part of the native chiefs and headmen has been to throw the whole of the rural population into a state of disorganization,

Report, 1850—continued.

Headmen—continued.

zation, *Skinner* 6984.—The headmen in the northern province are now made respectable, and they are more respected now than witness has ever known them before, *ib.* 7105–7107. 7210–7214.

See also *Buddhism*, 1. 6. *Chiefs. Civilization. Coffee Planting*, 2. *Compulsory Labour. Condition of the People. Delada Tooth*, 3. *Disaffection. Dyke, Mr. Priests*, 3. *Rebellion. Taxation*, 3.

High Treason. See Executions. Insurrections. Rebellion.

Hume, Mr. Joseph, M.P. See Grievances.

I.

Idolatry. See Buddhism. Delada Tooth. Infidelity. Religious Ceremonies.

Illegal Convictions. See Courts Martial, 1.

Immorality. See Religious Ceremonies.

Import Duties. No objection was raised to the revision of the import duties, *Ackland* 3399–3401.—Evidence as to the proposed small increase of the import duties on some few articles, *M'Christie* 7439.—See also *Export Duties. Rice.*

Imports. See Trade.

Improvements. How far the implied promise that the monies paid for land should be laid out in the improvement of the country has been kept, *Ackland* 3221–3224.

See also *Irrigation.*

Indemnity Bill. Reasons why an Act of Indemnity, wherever the law is overstepped, would be prudent if it could be obtained, but witness is not sure of its being necessary, *Sir David Dundas* 5482–5506. 5516. 5525–5530.—Witness approves of the general principle of the Indemnity Bill, but objects to the clause barring all proceedings in courts of law, *Wodehouse* 5605–5616.—Despatch from Earl Grey to Viscount Torrington, dated 16 January 1849, confirming and allowing the Ordinance No. 11, 1848, for indemnification for acts done during martial law, *Rep. ii. App.* 404, 405.—Abstract of the proceedings of the Legislative Council, upon the Bill to indemnify the Governor, and all persons under his authority, for certain acts done during the existence of martial law in certain parts of Ceylon, *ib.* 417.—Extract from the “Colombo Observer” of 19 October 1848, containing a report of the debate in the Legislative Council on 17 October, on the Indemnity Bill, *ib.* 418–422.—Letter from Sir J. Emerson Tennent to Viscount Torrington, dated Colombo, 3 February 1849, as to his absence from the Legislative Council on the passing of the Indemnity Bill, *ib.* 422.—Copy of the proceedings in the Council on the several stages, whilst the Indemnity Ordinance was in progress and passed, *ib.* 434.—See also *Sequestrations*, 1.

India. During the period that witness has been in India there have been several insurrections in different parts of the country, some of them not altogether unlike in character the late insurrection in the central province of Ceylon, *Sir T. Herbert Maddock* 3528.—That is, they have been among hill tribes and semi-barbarous tribes, *ib.*—The means resorted to by the Government for suppressing them have been the same that were adopted on the late occasion in Ceylon, *ib.*—Although the extraordinary powers possessed on these occasions by the Governor-general in Council renders the proclamation of martial law unnecessary; nature of these powers, *ib.* 3528–3559.

Further evidence relative to insurrections in India at various periods, and as to the suppression thereof, *Sir T. Herbert Maddock* 3839–3862. 3881–3889.—The Indian Government has always felt it to be its duty to deal with its subjects, in all the various countries which it has conquered and acquired, upon the same just principle that the British Government agreed to follow in the treatment of its subjects in Ceylon, *ib.* 4060–4062.—Witness considers that either they or the inhabitants of India, when they have broken their allegiance, have forfeited all claims which they could possibly have upon the British Government resting on the condition of their loyalty, *ib.* 4063, 4064.

See also *Taxation*, 5.

Infidelity. Grounds for forming the opinion that the disconnexion of the British Government with the Buddhist religion is likely to promote infidelity in the island, *Wodehouse* 6720–6730.

Insurgents. The number of persons supposed to have joined the rebellion from the different provinces was 60,000; extent to which they were armed, *Sir T. Herbert Maddock* 3564–3583. 3758–3762.—Witness is of opinion that the statement that has been made, that 60,000 rioters were assembled, and that they had 16,000 stand of arms, must be erroneous, *Wodehouse* 4282–4287.—Witness would say that the statement which has been made, that people to the amount of 60,000, 20,000 of whom were armed, were in insurrection in the neighbourhood of Kandy, was an exaggeration, although most of the inhabitants have arms in their houses, *Anstruther* 7702–7707.—See also *Rebellion.*

Report, 1850—continued.

Insurrections. The insurrection in Ceylon during the administration of Sir Robert Brownrigg was a most serious and dangerous war; the British Government was as nearly beat as it was possible, *Anstruther* 7708–7713.

See also *Delada Tooth*, 3. *Encroachments.* *Rebellion.*

Irrigation. Despatch from Earl Grey to Viscount Torrington, dated 24 January 1849, relative to the amendment of the Road Ordinance of 1848; extension of its operation to the maintenance of tanks and other means of irrigation; final confirmation of the ordinance suspended, *Rep.* ii. *App.* 405–407—Letter from Mr. W. C. Gibson, assistant-colonial secretary, to the provincial road committees, dated 16 November 1848, relative to the Road Ordinance, No. 8 of the year 1848, to extend the operation of the Road Ordinance to the maintenance of public tanks and other means of irrigation, *ib.* 533, 534.

J.

Jamaica. See *Martial Law*, 1.

Judge Advocates. Under martial law it is not necessary to have judge advocates on the courts martial; in some of the trials the Queen's advocate officiated as judge advocate, *Bird* 6188–6198. 6201–6203.

Justice, Administration of. See *Administration of Justice.*

K.

Kandy. See *Buddhism*, 7. *Coffee Planting*, 1. *Confiscations.* *Courts Martial.* *Encroachments.* *Government of the Colony.* *Kings of Kandy.* *Land-tax.* *Martial Law.* *Police.* *Pretender.* *Rebellion.* *Taxation*, 3. 5. *Troops.*

Kandyan People. The duplicity of the Kandyan character renders them exceedingly expert in playing a double part; the chiefs and priests are always treacherous to the government and hostile to British rule, *Ackland* 3059, 3060—The Kandyans, though credulous, are intelligent; they are particularly well acquainted with all points connected with any duties they may be called upon to perform, or any privileges that they are entitled to, *Forbes* 6878—They are likely to be affected by any change of custom, or the imposition of new taxes upon them, *ib.* 6879–6882.—See also *Native Population.* *Taxation*, 3. 5.

Killed and Wounded. Complaint of certain of the inhabitants of Colombo that a correct return of the number of killed was not made on the insurrections at Matelle and Kornegalle, *McChristie* 7487–7491—List of the number of persons killed in the different conflicts, and also the number wounded at each place, and the dates of such conflicts, *Rep.* ii. *App.* 433.

Kings of Kandy. Despatch from Earl Grey to Viscount Torrington, dated 31 January 1840, sanctioning the proceedings as to the capture, trial, and punishment of the pretended king, *Rep.* ii. *App.* 408.—See also *Pretender.* *Taxation.*

Kornegalle. Witness would say, from all he has heard, that the riots at Kornegalle were exceedingly unimportant, *Anstruther* 7689–7692—Despatch from Lieutenant Charles Annesley, dated 1 August 1848, reporting an engagement with the insurgents, near Kornegalle, and result thereof, *Rep.* ii. *App.* 470.

See also *Confiscations*, 2. *Courts Martial*, 4. *Killed and Wounded.* *Martial Law*, 4. *Pretender.* *Rebellion.*

L.

Labour Tax. Despatch of Earl Grey to Viscount Torrington, dated 14 November 1848, in reply to reference of Buddhist petition for exemption from the labour tax, under the Road Ordinance, *Rep.* ii. *App.* 402.

See also *Compulsory Labour.* *Road Ordinance.*

Labourers. The natives can hardly be spoken of as labourers in connexion with the proprietors; it is all foreign labour which is performed, *Hon. Gerald Talbot* 5251—There is no cause of dissatisfaction between the natives and the imported labourers, *ib.* 5252.

Land Tax. Opinion that a well-arranged land-tax would be the most equitable and best mode of taxing the country, *Wodehouse* 4700–4705. 4725–4771. 4800–4822—Opinion that a moderate land-tax is the best tax that can be imposed in Ceylon; it might be carried out, *Saunders* 5899–5901—The whole district of Matelle was commuted by witness; every individual portion of land was settled with every individual inhabitant; meaning of the term “commuting the district,” *Forbes* 6817–6823—Witness believes the land-tax was commuted in all the Kandyan country, *ib.* 6914—Grounds for forming the opinion that the imposition of the land-tax now, upon the land that was redeemed, would

619

Report, 1850—continued.

Land Tax—continued.

would be contrary to the guarantee which was given when the redemption took place. *Forbes* 6915–6921—Observations on the proposed introduction of a moderate and equitable land-tax, *McChristie* 7424–7439.

See also *Coffee Planting*, 3. *Export Duties*.

Law Suits. See *Administration of Justice*. *Disaffection*.

Layard, Henry Lewis. (Analysis of his Evidence.)—Was in Ceylon in the capacity of a merchant and planter, from the end of 1841 to the end of 1848; was formerly in Her Majesty's service; retired as captain in 1835; 6206–6208—Was in Ceylon during the time of the disturbances in July 1848; 6209—Opinion generally as to the causes of those disturbances, 6210 *et seq.*—With reference to the Kandyan province, witness attributes the causes in the first instance to the encroachment by the Europeans as well as by Government upon the lands and forests, 6210–6217—Those lands and forests affording free and unmolested pasturage to the cattle belonging to the natives, which lands were available also for the extension of their cultivation, *ib.*—The next cause was owing to the growing indifference of the people to Buddhism and to temple worship, 6211—And, it is more than probable, the means used by the priests to recover their lost influence by disseminating rumours prejudicial to British rule, *ib.*—The third cause witness attributes to the taxes imposed at the end of 1847 and the beginning of 1848; the gun tax and others, 6218 *et seq.* 6322—Way in which these taxes ran counter to the feelings of the natives; first, as regards the gun tax; evidence in detail relative to the nature, principal, object, and operation of this tax, 6220–6319.

In the southern and western provinces of the island there was no hostile feeling on the part of the native population to the gun ordinance; the opposition was most apparent in the central province, 6275–6282—Dissatisfaction created by the shop tax, 6320, 6321—Evidence relative to the disturbances in Kandy and Matelle and at Kornegalle, in July 1848; 6323 *et seq.*—Opinion that martial law was unnecessary to put down these disturbances; witness would say that all might have been quelled with the ordinary available detachments of troops co-operating with the civil magistrates, 6328–6331. 6522–6525—The general feeling was no doubt in favour of the proclamation of martial law, 6332, 6333—But with regard to Colombo, it was considered inexpedient to continue it for the length of period for which it was continued, 6334–6339. 6343–6346. 6508.

Public opinion was in favour of continuing martial law until it was fully ascertained how far marching troops into the interior and the operation of martial law had obtained the desired effect, which was very soon after its promulgation, 6339—Particulars relative to a proclamation of Lord Torrington's, preventing the holding of public meetings of the natives; this arose out of the Borella meeting, 6340–6342—How far any meeting was held at Colombo to petition the Governor to put an end to martial law, 6343–6346—Particulars relative to a meeting which was held to induce the Governor to commute the sentences of death passed by the Supreme Court in Kandy, and result; no application was made in favour of those who were tried by courts martial, 6343–6346. 6363–6374—Detail of proceedings relative to the execution of a priest at Kandy, 6343. 6364–6374.

On the proclamation of martial law, the general officers in the island were not consulted, with the exception of those belonging to the Executive Council, 6347–6362. 6431–6453—The effect of the verandah tax was to excite a great bitterness of feeling among the burghers and the native population inhabiting the pettah of Colombo, 6378–6380—Constitution of the Chamber of Commerce in Ceylon; grounds for forming the opinion that they are not able to form any correct notion of the state of the country, 6381–6385—Part taken by the Chamber of Commerce with regard to the repeal of the export duties, 6385–6387—Suggestions for improving the government of Ceylon, 6388 *et seq.*—Necessity for remodelling the Legislative Council; way in which it might be done, *ib.*—The members should have an unbiassed vote, which they have not now; way in which their vote is interfered with, 6390. 6393–6405.

The Governor should not have a seat in the Legislative Council, 6392—Mode proposed in which the members should be elected; witness would give the Cingalese an elective franchise with certain limitations; test which might be taken, 6406–6420—Further evidence as to the public approval of the proclamation of martial law, 6421–6430. 6454–6456—Witness's private opinion was always in opposition to the proclamation of martial law, 6457–6462—Reason why witness considered it was continued too long; evils which resulted from its continuance, 6463–6470. 6482–6502. 6508–6525—Opinion that if witness's views on the subject of the constitution of the Council were carried out, it would materially tend to create a good feeling in the minds of the inhabitants of the colony towards British rule, by giving them a voice in the constitution, 6471 *et seq.*—Opinions as to the qualifications of the natives for the elective franchise, 6473–6475. 6503–6507—General feeling of disaffection among the headmen of the maritime provinces, 6476–6481.

Report, 1850—continued.

LEGISLATIVE COUNCIL :

1. *Constitution of the Legislative Council ; Duties of the Members.*
2. *Power of the Governor over the Council ; how far the Votes of the Members may be considered to be Free.*
3. *Recommendation as to the Re-modelling of the Council ; Suggestions for the Amendment of the Working of the Council.*
4. *How far the Natives may be considered eligible to sit in the Council.*
5. *Opinion that no Advantage would be derived from having an Elective Legislative Council.*
6. *Papers laid before the Committee.*

1. *Constitution of the Legislative Council ; Duties of the Members :*

Statement as to the constitution of the Legislative Council, distinguishing the number of official from the number of unofficial members, *Ackland 3282*—Official instructions to his Excellency the Right honourable Viscount Torrington, bearing date 27 March 1847, upon which the councils are constituted, *ib. 3282-3285*—The instructions are, that nine out of the 15 members of the council shall be persons holding office in the island, and the remaining six persons not holding such office ; the six unofficial members are recommended by the Governor, *ib. 3284-3287*—Copy of a letter which witness addressed in November 1847, to the members of the Legislative Council, stating what he considered the constitution and duties of the members, *ib. 3299, 3300. pp. 30-33.*

Besides the members of the Executive Council there are three or four official members, and five or six unofficial members, but they all come, with one exception, from the metropolis, *Hon. Gerald Talbot 5060. 5230-5238*—The government agent of Kandy is the only official member from any other part of the island, *ib. 5060.*

2. *Power of the Governor over the Council ; how far the Votes of the Members may be considered to be free :*

Observation that the government members always vote together, although in witness's opinion this was never so intended, *Ackland 3288*—From this circumstance witness conceives Lord Grey's sanction to ordinances, which have been stated by the Government themselves to have given rise to these disturbances, had been obtained, which would not have been the case if the Government at home had been fully informed of all that had passed in Council, *ib. 3288-3300*—Opinion that the powers assumed since Lord Torrington went to Ceylon are different from what any previous Governor had assumed, as regards the conduct of the council, *ib. 3291-3300.*

Witness was a member of both councils while acting as treasurer and as colonial secretary, *Wodehouse 4119*—Has been a member of the council under Sir Colin Campbell and under the present Governor, *ib. 4120*—How far under the instructions of Lord John Russell, when Colonial Secretary, or under the later instructions of Lord Grey, when a measure has been determined on in the Executive Council, the members of that council are bound to support it in the Legislative Council, *ib. 4423-4473*—The Government can originate measures in the Legislative Council, which have not been discussed in the Executive Council, *ib. 4474.*

Opinion that the presence of the Governor in person in the Legislative Council is prejudicial ; it brings him into undue contact with the others, and deprives him of that dignity which as the ultimate referee of all matters he ought to have, *Hon. Gerald Talbot 5060*—It would be quite sufficient for him to open and close the session, *ib.*—Witness is an *ex officio* member of the Legislative Council, *Saunders 5847*—Witness has been a member of the Legislative Council since 1843, under Sir Colin Campbell and under Lord Torrington, *ib. 5848*—Witness is generally in attendance at the meetings of the Legislative Council, and has given attention to those matters referred to it, *ib. 5849, 5850.*

Witness has always considered himself at liberty to give an independent vote, unless the question came recommended from the Home Government, and then has always considered himself bound to vote with the Government, *Saunders 5851, 5852*—During the period that Lord Torrington has been in Ceylon he has considered that the Government officers were bound by their situations to vote with the Government on all occasions ; no such restraint was placed in Sir Colin Campbell's time, *ib. 5853-5874*—Witness has opposed measures in Sir Colin Campbell's time, and also in Lord Torrington's ; in respect of duties has never voted against Lord Torrington, *ib. 5885-5888*—Every member of the Legislative Council should be allowed to bring forward any measure which he might think a fit and proper one to be passed into a law ; at the present moment he can originate nothing, *ib. 5940-5949, 5965.*

The members should have an unbiassed vote, which they have not now ; way in which their vote is interfered with, *Layard 6390. 6393-6405*—The Governor should not have a seat in the Legislative Council, *ib. 6392*—By the 16th clause of Her Majesty's instructions, the members of the Legislative Council are at liberty to put a minute upon the proceedings with regard to any subject which they may wish to be discussed, *Ackland 7224-7228*—Difficulty of members making use of this right, *ib. 7224-7228.*

3. *Recommendation*

621

Report, 1850—continued.

LEGISLATIVE COUNCIL—continued,

3. *Recommendation as to the Re-modelling of the Council; Suggestions for the Amendment of the Working of the Council:*

Amendments which witness would suggest with respect to the working of the Legislative Council, *Hon. Gerald Talbot* 5060–5066—As the island at present stands, the nomination of members by the Governor is the best system that can be adopted, *ib.* 5060—Opinion that since the whole of the expenditure of the island has been submitted to the control of the Legislative Council, every part of the island is not sufficiently represented, *ib.*

Suggestion that every Government agent of every province should be a member of the Legislative Council, *Hon. Gerald Talbot* 5060. 5230–5238—But as this would give an undue preponderance to the Government, one or two of the respectable and intelligent merchants or natives should be selected to sit with them; number of which the Council would consist according to this plan, *ib.* 5060–5066—The difficulty of the plan would be whether the Government agent could be spared from his other duties during the session, *ib.*—Grounds for forming the opinion that the Legislative Council from its constitution is a very useless body, and worse than useless, *Wodehouse* 5771–5776.

Witness's opinion with regard to the Legislative Council is that the unofficial members should be equal in number to the official members, and that it should be composed of three different classes, English, burghers, and natives, *Saunders* 5936–5938. 5965—Necessity for re-modelling the Legislative Council; way in which it might be done, *Layard* 6388 *et seq.*—Witness would either have the Legislative Council free to act for the benefit of the colony, *Ackland* 7259–7264—Or he would abolish it altogether rather than have the substance of a free constitution without the reality, *ib.*—The inhabitants of Colombo complain very much of the constitution of the Legislative Council, and earnestly desire that it may be re-modelled, *M'Christie* 7541–7543.

4. *How far the Natives may be considered eligible to sit in the Council:*

Of the natives there are very few, if any, sufficiently educated to be at all eligible to be elected as legislators, *Sir T. Herbert Maddock* 3716, 3717. 3784–3790—Witness is very far from thinking that the natives have arrived at that point at which they can be allowed any voice in the election of members, *Hon. Gerald Talbot* 5060—Opinion that the natives do not understand the distinction between the Legislative and Executive Council, *Wodehouse* 5819—Opinion that natives could be found of sufficient intelligence and capacity to take part in the deliberations of the Legislative Council, *Saunders* 5928–5936. 5965—But he should not be as he was formerly, nominated by the Government, and paid by the Government, because then he merely gives an additional vote on the side of the Government, *ib.* 5936.

5. *Opinion that no advantage would be derived from having an Elective Legislative Council:*

Grounds for forming the opinion that no advantage would be derived from having an elective Legislative Council, in place of the system now prevailing, of the members being nominated by the Governor, and sanctioned by the Crown, *Sir T. Herbert Maddock* 3716, 3717. 3784–3790—The great difficulty is, that there are two almost antagonist interests in the island; there is the native, and there is the European settler, *ib.* 3716.

6. *Papers laid before the Committee:*

Despatch from Lord Torrington to the Right hon. Earl Grey, dated 8 March 1848, forwarding memorials of Mr. Ackland, as to the constitution of the Legislative Assembly of Ceylon, *Rep. ii. App.* 372—Memorial of Mr. George Ackland, dated Colombo, 11 February 1848, complaining of the extensive power of the Government party in the Legislative Assembly of Ceylon, which entirely precludes fair discussion by the un-executive official members, *ib.* 373, 374—Memorial of Mr. George Ackland, dated Colombo, 24 February 1848, on the subject of the present constitution, powers and working of the Legislative Council of Ceylon, recommending the exclusion of the governor from the presidency of the Council, *ib.* 375–378—Despatch from the Right hon. Earl Grey to Lord Torrington, dated 18 May 1848, objecting to the alterations suggested by Mr. Ackland, in the constitution of the Legislative Assembly of Ceylon, *ib.* 378, 379.

See also *Ackland*, Mr. *Elective Franchise.* *European settlers.* *Executive Council.* *Government of the colony.* *Governors.* *Indemnity Bill.*
McKenzie, Governor. *Minutes of Proceedings.* *Protests.*

Licences. See *Carriage and Boat Licences.* *Dog Tax.* *Gun Tax.* *Shop Tax.*

Lillie, Captain T. See *Rebellion*, 5.

Local Administration. Witness is not altogether satisfied with the local administration of the government in Ceylon, *Wodehouse* 5770.

London Report. Witness has heard of a report made in London, by Mr. Hawes, Mr. Bird of the East India Company's service, Mr. Tufnell and Mr. Lefevre, and which is called the London Report; but he has never asked for that report, *M'Christie* 7444, 7445.

Report, 1850—*continued.*

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M'Christie, Thomas Young. (Analysis of his Evidence.)—Statement made by witness, that when he procured the favour of some Members to present certain petitions to Parliament, he acted as a mere agent, and without any personal feeling whatever, *p.* 47—He considered that the inquiry desired might have been obtained, and almost without any angry feeling whatever, *ib.*—But when witness found there was a considerable feeling on both sides, he desired to withdraw from any further proceedings, and had hoped not further to have been called upon, *ib.*—The view witness has taken of the matter is, of course, a one-sided view, in favour of the complaints of those who originally employed him, *ib.*—Witness is still proceeding as the agent of parties in Ceylon, 3497–3499—Is a barrister; character in which witness went to Ceylon in 1846; was there twelve months, 3500–3505—Was appointed to act as the agent in this country for certain of the inhabitants of Colombo; particulars relative to the petitions which witness has got presented to Parliament, 3506–3525—How far witness has any means of substantiating the complaints contained in these petitions, 3509–3525.

[Second Examination.] Particulars relative to witness's appointment as agent for certain parties in Colombo to represent their alleged grievances to Parliament, 7304–7358—The subject of the first complaint which was conveyed to witness was with reference to the verandahs of the houses of the inhabitants of Colombo; witness delivers in a memorandum drawn up by him on this case, 7359–7362—Evidence in detail on the subject of the various taxes imposed in 1847 and 1848, of which the people complain as being unsuited to them, oppressive and unjust, 7363 *et seq.*—Observations on the points, nature, and operation of the various new tax ordinances, 7363, 7364—Assertion made by witness that both Earl Grey and Lord Torrington have stated these taxes to be impolitic, oppressive and unjust; grounds upon which witness makes this assertion, 7363–7384.

Technically speaking witness acts here as the attorney of certain parties in Colombo; evidence in detail stating the mode in which he has got up his case; statement made by witness that part of his evidence on the subject of the grievances is derived from communications from the people of Ceylon, and part from the perusal of certain confidential papers of the Committee shown to him by Mr. Hume, 7374–7404—Statement made by witness that in the course of his evidence he will, as far as possible, distinguish those observations or comments which proceed from himself, and from his examination of these documents, from those which are contained in his instructions from Ceylon, 7405—Amount at which, and way in which, the inhabitants of Colombo calculated the difference between the amount of taxes taken off by the repeal or reduction of the export duties, and the probable amount to be raised by the new taxes, 7405–7421—Reasons for forming the opinion that the people generally were aggrieved by the imposition of these new taxes, as the repeal of the export duties did not benefit the population of the island generally, 7405–7421.

[Third Examination.] Further evidence as to the amount which the inhabitants conceived would be the income from the new taxes which were imposed; and as to the mode in which their calculation was arrived at, 7422–7430—The view taken by the people was, that the object of the repeal of the export duties and the imposition of the tax ordinances was to develop new sources of revenue through the means of these taxes, 7422–7430—Observations on the proposed introduction of a moderate and equitable land tax, 7424–7439—Evidence as to the proposed small increase of the import duties on some few articles, 7439.

Quotations made by witness from various passages of different despatches from Lord Torrington showing, as witness reads them, the intention of the Governor to impose taxes, and that by all these taxes which he did impose, and was imposing, his intention was to raise revenue, 7424–7432. 7439–7441. 7445—Witness has not read the following passage in a despatch of Lord Torrington, although he has quoted from the despatch, “that thus far he has used his strenuous efforts to follow out those prudent recommendations (referring to recommendations from the home Government), and to be guided by those enlightened views of policy embodied in the Report of the London Committee, and which have received the Secretary of State's sanction,” 7441–7443—Witness has heard of a report being made in London by Mr. Hawes, Mr. Bird of the East India Company's service, Mr. Tufnell and Mr. Lefevre, and which is called the London Report, but has never asked for that Report, 7444, 7445.

Assertion made by witness, that in one of his despatches Lord Torrington says that he is fully conscious that charges may be made against him that his conduct in reference to these taxes is a proof of the error of his policy, and tends to justify the assertion that they brought about the discontentment of the people, 7045, *p.* 324—Statement made by witness that part of these words are the words of Lord Torrington in his despatch, but not the whole of the words which witness has stated; it is a short statement of what Lord Torrington says, 7446–7448—Request made by the Committee to witness to turn to Lord Torrington's despatch and read those particular words, or words to the purport of that which witness has asserted, 7449—Paragraph 19, page 292, of the Blue Book, read by witness, in which Lord Torrington says, “I am nevertheless fully conscious

623

Report, 1850—continued.

M'Christie, Thomas Young. (Analysis of his Evidence)—continued.

conscious that charges may be made against me, to the effect that the reconsideration of these ordinances, by the alteration of one and the repeal of two others, is a proof of the error of my policy, and tends to justify the assertion that they really brought about the discontentment of the people," 7449—Request made to witness to read the remainder of the paragraph, 7450—Statement made by witness that he has read all that he proposed to read on behalf of the inhabitants, 7450-7457—Further request made to him to read the remainder of the paragraph; the remainder read, which goes on to say, "I trust that the explanations I have already given will satisfy your Lordship's mind that I am far from being justly chargeable with any error of this description. I think I have demonstrated to your Lordship in my former despatches on the Kandyan insurrection, that the rebellion was planned, organized and prepared, long before the taxes were thought of; and indeed many of the parties who were implicated and tried in 1845 were those implicated and tried in 1848;" 7451-7457—Reference to the statement made by Mr. Buller in his report, that many of the complaints respecting the new ordinances were entirely without foundation, and that the people were apparently readily satisfied with the explanations given, 7457-7461.

Statement made by witness that he merely represents the portion of the inhabitants of the island of Ceylon who appointed the Committee at Colombo, 7462-7467—How far witness has any grievances to complain of other than those contained in the papers which have already been laid before the Committee, 7468-7481—Version put by witness upon a meeting which took place at the Pavilion at Kandy upon the subject of the gun tax, of which an authorized account has been given by Sir James Emerson Tennent; particulars relative to the conduct of a man named Goompane, at this meeting, and also as to his complaint of suspension from the office of aratchy in consequence, 7481-7487.

Complaint of certain of the inhabitants of Colombo that a correct return of the number of killed was not made in the insurrections at Matelle and Kornegalle, 7487-7491—Complaints of certain of the inhabitants of Colombo that they were not allowed to petition the Governor, 7491-7499—The only notice which has been given on this subject of which witness is aware, is, that although his Excellency is always willing to receive and consider a petition from any person presented in a proper manner, he will not allow a great multitude to assemble for such a purpose, 7491-7498—Witness does not consider that this can imply any unwillingness to receive petitions in a proper manner, 7499—Complaint of some of the inhabitants of Colombo of the proclamation of Colonel Drought, of the 8th of August 1848; 7499.

Particulars relative to the complaint of certain of the inhabitants of Colombo of the proclamation of martial law, 7499. 7503, *et seq.*—Reference to the statements and documents which have been forwarded to witness from Colombo with a view to showing the severity of the Governor while the island was under martial law; instance of a priest who was alleged to have been executed in his robes; how far there is any truth in these statements, 7499. 7503-7541—Complaint of some of the inhabitants of Colombo of the notice published in the Gazette, forbidding clerks and others in Government employment to forward anonymous or other communications to the newspaper, or to disseminate political publications, &c., 7499.

The inhabitants of Colombo complain very much of the constitution of the Legislative Council, and earnestly desire that it may be re-modelled, 7541-7543—Statement made by witness that he has received many complaints from Mr. Elliott, the editor and proprietor of the Colombo "Observer," respecting what he states are misrepresentations regarding him, which were made by Lord Torrington to Earl Grey, with reference to fomenting disturbances or instigating to discontent, 7543-7545—Complaint of the burghers of Colombo of the manner in which Lord Torrington has spoken of them in his despatches to Earl Grey, 7545—Complaint of certain of the inhabitants of Colombo of the sequestrations and confiscations of property under the proclamation of Colonel Drought, of August 1848; particulars relative to the seizure and sale of property under this proclamation, 7545-7560—Statement made by witness that the merchants, the Hall of Commerce, the traders, and the planters, have written to Earl Grey, complaining of the language that Lord Torrington has used toward them, 7561-7563.

[Fourth Examination.] (Evidence given by Mr. M'Christie on his last examination, the printing of which was suspended by order of the Committee.) Statement made by witness that he has been informed by the inhabitants, that when the priest was tried and convicted at Kandy, the Queen's Advocate, Mr. Selby, went to the Governor to beg him to stay the execution of the sentence, and that the Governor on that occasion declared, that if all the judges and proctors in Ceylon were to say that the man was innocent, he should nevertheless be executed the following day, *p.* 336—This is the statement which has been communicated to witness by parties in Colombo, the transaction having taken place at Kandy, 7565-7568—The parties who gave this information to witness are Mr. Elliott, the editor of the "Observer," and a Mr. Morgan, 7569-7572—This information is contained in letters from these parties; they represent it as a fact within their own knowledge, and not as learnt from rumour, 7573-7576.

[Fifth Examination.] Statement made by witness that he cannot find the letter which he stated at his last examination he had received from a Mr. Morgan, relative to Mr. Selby's

Report, 1850—continued.

M'Christie, Thomas Young. (Analysis of his Evidence)—continued.

Selby's having gone to the Governor to ask him to suspend the execution of the priest at Kandy for a few days, 7577—Statement that he has however found two letters from Mr. Elliott, in which he mentions the circumstance; these letters delivered in and read, 7577, 7580; pp. 339-342—Further particulars as to witness's appointment to act as agent on behalf of certain of the inhabitants of Colombo, in this inquiry; witness wishes the Committee to understand that he represents, through the committee appointed by the meeting at Colombo, a large portion of the inhabitants of Colombo, 7582-7588.

Witness has no recollection that he has ever heard or received any intimation of any meeting being held in Colombo, expressing an opinion favourable to the measures of the Government, or of any loyal address from the native merchants and traders, and other respectable Hindoo inhabitants of Colombo, signed by 1,056 signatures, as stated in the Parliamentary Papers before the Committee, page 217; 7589-7596—Witness does not remember that his correspondents informed him at all of a meeting of the Chamber of Commerce on 31st July 1848, at which a resolution was come to, expressing the hearty concurrence of the Chamber in the prompt measures adopted by the Government to suppress the insurrection, as mentioned at page 194 of the same papers, 7597-7601—Reference to a petition addressed to the Governor by certain inhabitants of Ceylon, relative to the taxes, and presented to the Governor by Mr. Elliott; threatening language used in this petition, 7602-7605.

M'Christie, Mr. Statement made by witness that when he procured the favour of some members to present certain petitions to Parliament he acted as a mere agent, and without any personal feeling whatever, *M'Christie's Ev.* p. 47—He considered that the inquiry desired might have been obtained almost without any angry feeling whatever, *ib.*—But when he found there was a considerable feeling on both sides, he desired to withdraw from any further proceeding, and had hoped not further to have been called upon, *ib.*—The view witness has taken of the matter is of course a one-sided view, in favour of the complaints of those who originally employed him, *ib.*

Witness is a barrister; character in which he went to Ceylon in 1846; was there 12 months, *M'Christie* 3500-3505—Was appointed to act as the agent in this country for certain of the inhabitants of Colombo; statement relative to the petitions which witness has got presented to Parliament; is still acting in this capacity, *ib.* 3497-3499. 3506-3525—How far witness has any means of substantiating the complaints contained in these petitions, *ib.* 3509-3525—How far the parties who have appointed Mr. M'Christie as their agent, to lay their grievances before the committee, may be considered respectable, *Ackland* 7267-7270—Papers delivered in by Mr. T. Y. M'Christie, on 20 July 1849, *Rep.* ii. *App.* 533-540.

See also *Grievances.* *Torrington, Viscount.* *Verandah Tax.*

Mackenzie, Governor. Particulars in detail relative to witness's addressing a letter to Lord Glenelg, in July 1837, on the appointment of Mr. Stewart Mackenzie as Governor, *Ackland* 2974 *et seq.*—The reason for witness's writing this letter was, that there had been a great deal of dissatisfaction on the part of the community in general with the existing government, *ib.* 2976—Witness thereupon thought it advisable to place upon record the prominent points which Mr. Stewart Mackenzie would have to consider upon his arrival, *ib.*—The letter stated the principal grounds of objection to the Government, *ib.* 2977-2979, 2980—No answer was received to this letter, nor is witness aware of any measures being adopted in consequence, *ib.* 2978.

Evidence relative to witness's appointment as a member of the Legislative Council subsequently to the date of this letter; consulting the merchants on the subject was an act of courtesy on the part of Mr. Mackenzie, the Governor, the nomination resting with him; this was the first occasion upon which it had been done, and it has never been done since till Lord Torrington arrived, *Ackland* 2981-2988—Witness was present when Mr. Stewart Mackenzie addressed the Legislative Council in December 1839, *ib.* 2991—Extract from the report of his speech on that occasion in the Colombo "Observer," as regards the religion of the Kandyans, the Buddhist religion and the connexion which was to exist, or ought to exist, between the Government and that religion, *ib.* 2992-2997—Letter from Mr. Ackland to the Right hon. Lord Glenelg, dated 18 July 1837, requesting his Lordship to instruct Mr. Stewart Mackenzie, the newly appointed Governor of Ceylon, in the duties of his office, *Rep.* ii. *App.* 381-384.

See also *Ackland, Mr.* *Rebellion.*

Maddock, Sir T. Herbert. (Analysis of his Evidence.)—Has recently returned from India after passing many years there in the East India Company's service, 3526—Has risen to the rank of a member of the Council, and held the office of president of the Council, and deputy-governor of Bengal for nearly three years, without passing through all the grades of the civil service, 3527—During the period that witness has been in India there have been several insurrections in different parts of the country, some of them not altogether unlike in character the late insurrection in the central province of Ceylon, 3528—That is, they have been among hill tribes and semi-barbarous tribes, *ib.*—The means resorted to by the Government for suppressing them have been the same that were adopted on the late occasion in Ceylon, *ib.*—Although from the extraordinary powers possessed on these occasions

625

Report, 1850—continued.

Maddock, Sir T. Herbert. (Analysis of his Evidence)—continued.

occasions by the Governor-general in Council renders the proclamation of martial law unnecessary; nature of these powers, 3528-3559.

Powers which may be vested by the Governor in the magistrates to bring to trial and sentence to death, submitting the cases for the sanction and approval of the Governor-general in Council; instances in which this power has been exercised, 3528-3559—Witness was present at the outbreak of the insurrection in Kandy in July 1848, and remained there for a fortnight or three weeks afterwards, 3560-3563—Statement of the nature and extent of this insurrection, and danger which was apprehended by the people generally and the authorities at Kandy, 3564-3583, 3757-3762—Number of persons supposed to have joined the rebellion from the different provinces; extent to which they were armed, 3564-3583—Particulars as to the acts of violence and plunder and destruction of property with which the insurrection was attended, 3572, 3575-3577.

Steps which were taken by the military and civil authorities to suppress the insurrection; as regards the military arrangements, witness considers they were equal to the emergency so far as the means at the command of the Ceylon government rendered it possible, 3584-3593—Particulars relative to the correspondence witness had with the Governor (Lord Torrington) on the subject; considers this correspondence private, 3586-3590—One of the measures taken by the government was the proclamation of martial law; opinion that in the Island of Ceylon this step was absolutely and indispensably necessary; it would have been impossible to have put down the insurrection without it, 3594-3598.

Statement relative to the number of summary punishments which were inflicted during the time martial law was in force, from the end of July to 10th October, 3599-3619—Of course there were two parties to the question as to the extent and severity of these punishments, 3620—Among the European population of Kandy and its neighbourhood there was but one opinion, and that opinion was in favour of the continuance of martial law, 3620-3651—Substance of a proclamation, dated 8 August 1848, "that in all the Kandyan districts under martial law is ordered the seizure and attachment of the lands, houses, and other property, of all the persons, of whatever rank or description, who have joined in the wicked rebellion against the authority of Her Majesty the Queen," &c. &c., 3652 *et seq.*—This proclamation was signed by T. A. Drought, lieutenant-colonel commanding the troops in the Kandyan provinces, 3652-3671—Opinion that Lord Torrington had nothing to do with the issuing of it, 3653-3671—Witness fully concurred in the propriety of issuing it, 3653-3671—Information relative to the beneficial results of this proclamation, 3672, 3673.

Grounds for forming the opinion that the new taxes, or rather the proposed new taxes, had nothing to do with the insurrection, except in so far as they were made a handle or stimulus of by the disaffected chiefs and others to incite the population to rise; way in which they were misrepresented by them to this end, 3674-3686—Opinion that this insurrection had been hatching long before these taxes were ever contemplated, 3674-3685—Great disposition on the part of the whole of the Buddhist priests in the country to support the chiefs in this rebellion, 3676-3686—Since certain orders were issued about two or three years ago from the Colonial Office, relating to the disconnexion of the Queen's Government with the Buddhist religion and all its observances, there has been growing up the very greatest disaffection and disloyalty on the part of the priesthood, 3676-3684.

Way in which the Government authorities refusing to appoint chief priests, on vacancies occurring, has caused dissatisfaction, 3676-3684—Witness considers this is a ground of complaint which may be justly urged, 3678-3684—The chiefs have been disaffected from the general loss and decline of their power in Ceylon, owing to the increase of the European population, 3687—Still their disaffection must not be attributed solely to this cause; witness is rather led to suppose it arises from idleness and from ambition, and probably to a certain extent from a sort of patriotism, a desire to restore their own native dynasty, 3687, 3688—The disaffection of the priests arose chiefly from the neglect of their religious temporalities on the part of the Government, 3689.

With regard to the mass of the people, witness would say that so far from having any just cause of complaint, they have every cause of satisfaction, and every reason to be grateful to the British Government, as contrasted with the native government which preceded it, 3690, *et seq.*; 3701, *et seq.*—Favourable position in which the Kandyans now stand as regards the taxing of their paddy or rice lands as compared with the continent of India; and also as compared with their taxation under the kings of Kandy, 3691-3694, 3703-3712, 3777-3783—The only causes of complaint of which witness has ever heard have been, first, the introduction of shops for the retail of spirituous liquors in the central province, which has tended to demoralize the people and make drunkards, 3694—The second cause of complaint is the enormous expense of lawsuits, and the wretched, dilatory, and uncertain administration of the law; papers delivered in, showing the expenses of law suits of different kinds, 3694-3699—Neither of these causes of complaint had anything to do with the insurrection, 3698-3702—Government is now deliberating upon the means of redressing the grievance, if it is a grievance, with

Maddock, Sir T. Herbert. (Analysis of his Evidence)—continued.

reference to the administration of justice; this is a most essential matter for the Government to take in hand, 3713-3715.

Grounds for forming the opinion that no advantage would be derived from having an elective legislative council in place of the system now prevailing, of the members being nominated by the Governor, and sanctioned by the Crown, 3716, 3717. 3784-3790—The great difficulty is, that there are two almost antagonist interests in the island; there is the native, and there is the European settler, 3716—Of the natives there are very few, if any, sufficiently educated to be at all eligible to be elected as legislators, 3716, 3717. 3784-3790—Grounds for forming the opinion that the feeling of disaffection in the island is not at all general; the people have been misled by some of the chief men and priests, 3718-3727—The only two grievances of which the people generally complain are the introduction of spirit shops, and the mal-administration of justice; opinion that they have some grounds of complaint as concerns the latter, 3728-3736. 3746-3748.

Witness can find no other reason for the chiefs being disaffected except that they are merely idle and ambitious, and have no other object than their own interested views, 3737-3744—With respect to the priests, witness considers that they have a good ground of complaint, as the Government have broken faith with them and irritated them, 3745. 3749-3755—Further grounds for considering that the tax ordinances had nothing to do with the rebellion, 3756, 3757. 3763-3770—Further evidence as to the number of people who were supposed to be under arms at the time of the insurrection, 3758-3762—Witness has never heard that the Europeans were connected in any way with the disaffection which prevailed in the central province, 3763-3770—Evidence with respect to the trials which took place in Kandy after the suspension of martial law; explanation relative to the preparing of the jury lists, 3791-3800—Opinion as to the necessity for continuing martial law from July till October, 3800-3804—Considerable injury which was done to witness's property at Matelle during the disturbances, 3805-3818—The police force is so small that it would have been futile to have attempted to put down the insurrection with that force alone, 3818-3838.

[Second Examination.]—Further evidence relative to insurrections in India at various periods, and as to the suppression thereof, 3839-3862. 3881-3889—How far witness was consulted and gave any advice on the proclamation of Colonel Drought, in Ceylon, in August 1848, threatening the confiscation of the property of the persons who should absent themselves, 3863-3880. 3894-3897—Further expression of the opinion that Lord Torrington was justified in proclaiming martial law, and that he had perfect competency to do so, 3890-3894—Witness has never heard that the lands and property of various persons utterly unconnected with and innocent of the rebellion were seized under the proclamation of Colonel Drought; witness has seen observations to this effect in the newspapers, but has not paid much attention to them; particulars generally relative to the seizure, sale, and restoration of property confiscated, or rather sequestered under this proclamation, 3898-3920.

Statement made by witness that he is not aware that he appears before this Committee to give evidence on behalf of a Secretary of State, 3921—He came before the Committee because, having been present in Ceylon during the late insurrection there, he believes he possesses information which may be of value to the Committee in its present investigation, *ib.*—Witness is fully prepared to say, that as the head of the Government of one of the presidencies of India, he should have felt himself justified in a course of proceedings similar in their character to the proceedings adopted by the Governor of Ceylon for the suppression of the late rebellion there, *ib.*—In their general character they were proper; they were applicable to the exigency of affairs, and they were absolutely necessary to prevent very serious calamities from falling upon the colony, 3922-3939. 3950-3966.

Witness's strong opinion in favour of martial law as a means of putting down the rebellion, was founded upon the belief that in consequence of the delay of prosecutions in the Supreme Court, and in consequence of the difficulty of obtaining verdicts, it would have been difficult, if not impossible, that justice should have been fairly administered, and with the promptitude requisite to meet the emergency of the case, 3967-3971. 3973-3976—Particulars as to the forms of law which were observed by the courts martial of Ceylon, 3977-3985—Evidence showing that the forms and proceedings were precisely the same as those which are usually adopted in all courts martial whatever; the constitution of the courts was the same, 3985-3999. 4002, 4003—The object of retaining the courts martial after the Supreme Court commenced its sittings was, that it was considered inexpedient to abolish martial law as long as there were any bodies of the rebels remaining collected, and as long as the pretender remained unapprehended, 4000, 4001. 4004.—This at one time was the opinion why martial law was continued in force, 4000.

Witness attributes the speedy restoration of tranquillity in the Kandyan district to the prompt trials which took place under martial law, 4006—Has never heard any complaints of illegal convictions under these courts martial, 4007—Object of giving
a commission

627

Report, 1850—continued.

Maddock, Sir T. Herbert. (Analysis of his Evidence)—continued.

a commission to the Supreme Court to try certain prisoners at Kandy during the sitting of the courts martial, 4008-4011—Explanation relative to the report which has gone abroad, that one of the rebels was taken, tried, and executed as the pretender, 4012-4021 4033-4042—Further evidence showing that the constitution, forms, and proceedings of the courts martial held in Ceylon were similar to those of all other courts martial under martial law, 4021*-4330.

Evidence showing that there is no analogy between courts martial held under the Mutiny Act and the Articles of War, and in ordinary times of peace, as applied to military discipline only, and courts martial during the existence of martial law, as a substitute for civil authority, 4031, 4032—During the insurrection and the continuance of martial law, Colonel Drought received his instructions direct from the Governor, and not from the general commanding the forces, 4043-4350—Witness believes the people of Ceylon enjoy the right of trial by jury; this is not the case with the people of India, 4056, 4057—The Indian Government has always felt it to be its duty to deal with its subjects in all the various countries which it has conquered and acquired, upon the same just principle that the British Government agreed to follow in the treatment of its subjects in Ceylon, 4060-4062—Witness considers that either they or the inhabitants of India, when they have broken their allegiance, have forfeited all claims which they could possibly have upon the British Government resting on the condition of their loyalty, 4063, 4064.

Further expression of the opinion, that under the circumstances the proclamation of martial law was perfectly justifiable and necessary, 4064-4068—Evidence relative to the general disposition manifested in 1842 throughout the central provinces of Ceylon to throw off the British yoke; the priests supported the disaffected at that time; measures which were taken to quell the disturbance in 1842; 4069-4081—Witness does not consider that the people of Ceylon labour under any grievances or disabilities which justified them in attempting to rebel against the British Government, 4082—Although there may be grievances which require redress in that country as in India, and probably in all other countries, 4082—It is very doubtful whether the outbreak would have taken place at the time it did if it had not been that the exaggerated accounts of the taxes prepared people's minds, 4083-4091—This made a far greater number adhere to the cause of the pretender than otherwise there would have been any chance of collecting together, *ib.*

Witness has never heard from any competent experience or authority that the Cingalese people generally wished to throw off the dominion of the British Government, 4092-4095. 4101-4104—Has never heard any such object or intention attributed to the people, but only to the chiefs and priests; that they had combined and brought about this rebellion, having their own objects in view, 4095-4097—It is hard to say that it is the progress of civilization in Ceylon which makes the headmen and priests discontented, but one can scarcely come to any other conclusion, 4098-4100. 4105-4110.

Maddock, Sir T. H. Statement made by witness that he is not aware that he appears before this Committee to give evidence on behalf of a Secretary of State, *Sir T. Herbert Maddock* 3921—He came before the Committee because, having been present in Ceylon during the late insurrection there, he believes he possesses information which may be of value to the Committee in its present investigation, *ib.*

Madras Government. At the time martial law was proclaimed Lord Torrington applied to the Madras Government; opinion that this application was quite necessary, *Wodehouse* 5646-5671—The sending for troops from Madras will not entail the continuation of a larger military expense for the island of Ceylon than if it had not taken place, *ib.* 5735-5737.

Magistrates. Powers which may be vested by the Governor in the magistrates to bring to trial and sentence to death, submitting the cases for the sanction and approval of the Governor-general in Council; instances in which this power has been exercised, *Sir T. Herbert Maddock* 3528-3559—Much might probably have been done at Matelle against the mob, if the police magistrates had acted at the outset, *Wodehouse* 4288-4301—The Government has often contemplated the making some of the planters magistrates, but it is a question of very great delicacy to deal with, *ib.* 5757-5769—Many of them are very unfit to be magistrates, and if two or three who were fit were selected, the others would be offended if they were not made magistrates, *ib.*

Malabar Labourers. See *Coolies.* *Rice.*

Martensz, Mr. A. N. See *Burghers.*

Report, 1850—continued.

MARTIAL LAW :

1. *Generally.*
2. *Approval of the Proclamation of Martial Law.*
3. *Opinions on the subject of the Continuance of Martial Law.*
4. *How far the Executive Council was consulted before the Proclamation was issued.*
5. *Opinions that the Proclamation of Martial Law was unnecessary.*
6. *Papers laid before the Committee.*

1. *Generally.*

The effect upon the natives of the district in which martial law was in force could not be other than that of alarm and uneasiness, *Wodehouse* 4240. 4244-4246—There is no practice under the martial law laid down in any book that witness knows of, *Sir David Dundas* 5432-5436—Martial law when proclaimed must be executed by those who have to execute it firmly, faithfully, and with as much humanity as the occasion allows, according to the conscience and good sense of those who have to execute it, *ib.* 5432—The proclamation of martial law is a notice to all those to whom it is addressed, that there is now in the land another measure of law, and another mode of pursuing it than there was before that proclamation, *ib.* 5435-5443.

Evidence generally as to the prerogative of the Crown to proclaim martial law, *Sir David Dundas* 5444-5474. 5483-5486. 5501-5506. 5525-5530—Martial law overrides, in respect of the persons upon whom it is to operate, all other law, *ib.* 5475—There must be somewhere, for public safety, a right to exercise such a power in case of need, *ib.*—Absurdity of saying that in the case of a mutiny of five or six regiments in the field, Parliament must be applied to before those persons can be reduced to subjection, *ib.*

There have been instances in our own times where martial law has been proclaimed in several of our colonies, *Sir David Dundas* 5475—It has been proclaimed in Jamaica, and also at the Cape of Good Hope, *ib.*—It was proclaimed in Ceylon in the time of General Brownrigg, *ib.*—There have been cases where there has been no appeal to any Parliament, properly so called, except perhaps in Jamaica, where there was an Act of Parliament to govern the question, *ib.*—In the other instances, the Executive acting for the public safety did the best they could, *ib.*

Opinion that a wise and courageous man would, if it were necessary, make a law to his own hands, but he would much rather like a law which is already made, *Sir David Dundas* 5476—The law of England is that a governor, like the Crown has inherent in him the right, when the necessity arises, of judging of it, being responsible for it afterwards, so to deal with the laws as to supersede them all, and to proclaim martial law for the safety of the colony, *ib.* 5476-5482. 5506-6516—Witness looks upon martial law altogether as *lex non scripta*, *ib.* 5492, 5493.* 5497-5500—Opinion that the effect of martial law does suspend the operation of the constitution of all ordinary tribunals, but witness is not prepared to say that martial law having been proclaimed the ordinary tribunals may not proceed according to the ordinary course of the common law or statute law of the land, *ib.* 5521-5524.

2. *Approval of the Proclamation of Martial Law :*

One of the measures taken by the government for the suppression of the insurrection was the proclamation of martial law; opinion that in the island of Ceylon this step was absolutely and indispensably necessary; it would have been impossible to have put down the insurrection without it, *Sir T. Herbert Maddock* 3594-3598—Expression of the opinion that Lord Torrington was justified in proclaiming martial law, and that he had perfect competency to do so, *ib.* 3890-3894—Witness's strong opinion in favour of martial law as a means of putting down the rebellion was founded upon the belief, that in consequence of the delay of prosecutions in the supreme court, and in consequence of the difficulty of obtaining verdicts, it would have been difficult, if not impossible, that justice should have been fairly administered, and with the promptitude requisite to meet the emergency of the case, *ib.* 3967-3971. 3973-3976.

Witness attributes the speedy restoration of tranquillity in the Kandyan district to the prompt trials which took place under martial law, *Sir T. Herbert Maddock* 4006—Opinion that under the circumstances the proclamation of martial law was perfectly justifiable and necessary, *ib.* 4061-4068—Evidence showing that the European settlers approved of the policy of the government in proclaiming martial law; opinion that one great difficulty in carrying on the government of Ceylon is the entire opposition between the interests of the natives and the European settlers who have now come into the country, *Wodehouse* 4265—The promptitude and vigour of the proceedings of the government to suppress the insurrection were well calculated to preserve the peace; the government was perfectly justified in proclaiming martial law. *Hon. Gerald Talbot* 5036-5041. 5067—How far the rebellion might have been put down by the civil authorities, aided by the military, without the proclamation of martial law, *Wodehouse* 5672-5699.

Witness

629

Report, 1850—continued.

MARTIAL LAW—continued.2. *Approval of the Proclamation of Martial Law*—continued.

Witness considers that if the insurrection had not been promptly put down by the military, the lives and the properties of Europeans resident in the Kandyan country would have been in danger, *Bird* 6126—It was put down in three or four days, and a further outbreak was no doubt prevented by the presence of the troops and the stringency of martial law, *ib.* 6127–6134—The general feeling was, no doubt, in favour of proclaiming martial law, *Layard* 6332, 6333—Evidence as to the public approval of the proclamation of martial law, *ib.* 6421–6430. 6454–6456.

3. *Opinions on the subject of the Continuance of Martial Law* :

Among the European population of Kandy and its neighbourhood there was but one opinion, and that opinion was in favour of the continuance of martial law, *Sir T. Herbert Maddock* 3620–3651—Opinion as to the necessity for continuing martial law from July till October, *ib.* 3800–3804—How far the rebellion might probably have broken out again if martial law had been suspended sooner than it was, *Bird* 6204, 6205—With regard to Colombo, it was considered inexpedient to continue martial law for the length of time for which it was continued, *Layard* 6334–6339. 6346. 6508.

Public opinion was in favour of continuing martial law until it was fully ascertained how far marching troops into the interior, and the operation of martial law, had obtained the desired effect, which was very soon after its promulgation, *Layard* 6339—How far any meeting was held at Colombo to petition the Governor to put an end to martial law, *ib.* 6343–6346—Reasons why witness considered it was continued too long; evils which resulted from its continuance, *ib.* 6463–6470. 6482–6502. 6508–6525.

4. *How far the Executive Council was consulted before the Proclamation was issued* :

The Executive Council was consulted before the proclamations of martial law, both in Matelle and in Kornegalle, in July 1848, *Wodehouse* 4194–4213—Grounds for forming the opinion that the Governor was in both instances justified in proclaiming martial law; in the first proclamation he took the advice of the Executive Council, *ib.* 4214–4239—Evidence showing that Lord Torrington consulted the Executive Council previously to proclaiming martial law, *ib.* 5700–5710.

Witness was a member of the Executive Council when the second proclamation of martial law in the district of Kornegalle was proclaimed, *Wodehouse* 5718—Nature of the evidence upon which witness gave his assent to the proclamation; the district had been in an unsatisfactory state for some years, *ib.* 5719–5728—On the proclamation of martial law, the general officers in the island were not consulted, with the exception of those belonging to the Executive Council, *Layard* 6347–6362. 6431–6453.

5. *Opinions that the Proclamation of Martial Law was unnecessary* :

Opinion that martial law was unnecessary to put down these disturbances; witness would say that all might have been quelled with the ordinary available detachments of troops co-operating with the civil magistrates, *Layard* 6328–6331. 6522–6525—Witness's private opinion was always in opposition to the proclamation of martial law, *ib.* 6457–6462—Particulars relative to the complaint of certain of the inhabitants of Colombo of the proclamation of martial law, *M'Christie* 7499. 7503 *et seq.*—Reference to statements and documents which have been forwarded to witness from Colombo with a view to showing the severity of the Governor while the island was under martial law; instance of a priest who was alleged to have been executed in his robes; how far there is any truth in these statements, *ib.* 7499. 7503–7541—Opinion that there was no necessity for proclaiming martial law in order to put down these riots, nor any necessity for continuing it after the riots had been put down, *Anstruther* 7628–7632.

6. *Papers laid before the Committee* :

Powers of the Governor of Ceylon to proclaim martial law with and without the sanction of the Council, *Rep. ii. App.* 427—Copy of proclamation of 31 July 1848 proclaiming martial law, extracted from the Government gazette, *ib.* 427, 428—Letter from Lieutenant-colonel T. A. Drought to Viscount Torrington, dated 30 September 1848, in answer to his Lordship's letter relating to the punishment of offenders under martial law, *ib.* 459—Letter from Viscount Torrington to Lieutenant-colonel Drought, dated 25 September 1848, on the severity of the measures adopted by the commanding officer at Matelle for the punishment of prisoners brought up for offences committed under martial law, *ib.*—Letter from Earl Grey to Field-marshal his Grace the Duke of Wellington, *K. G.*, dated 24 October 1848, reporting the military proceedings taken in suppressing certain recent disturbances in Ceylon, *ib.* 468.

See also *Common Law Courts. Confiscations, 2. Courts Martial. Executions. Indemnity Bill. India. Military Law. Summary Punishments. Trials.*

Report, 1850—continued.

Matelle. Extent and population of the Matelle district, *Forbes* 6833, 6834—Witness would say, from all he has heard, that the riots at Matelle were exceedingly unimportant, *Anstruther* 7689–7692—Return of property sequestered at Matelle up to 21st September, 1849, *Rep.* ii. *App.* 539, 540.

See also *British Rule*, 1. *Destruction of Property.* *Killed and Wounded.* *Land Tax.* *Magistrates.* *Martial Law*, 4, 6. *Rebellion.* *Sequestrations*, 2.

Maurice, Mr. W. See *Coolies*.

Merchants. Statement made by witness, that the merchants, the Hall of Commerce, the traders, and the planters have written to Earl Grey, complaining of the language that Lord Torrington has used towards them, *M^cChristie* 7561–7563.

Military Law. Distinction between military law (the written law to be found in the Mutiny Act and the Articles of War), or martial law as it is sometimes called, and the martial law proclaimed in Ceylon, *Sir David Dundas* 5429 *et seq.*—Evidence in detail showing the clear distinction between the Mutiny Act and the Articles of War, and martial law, *ib.* 5444–5474. 5483–5486.

See also *Courts Martial*, 2. *Martial Law*.

Minutes of Proceedings in Council. By article of the Queen's instructions the Government of Ceylon is enjoined "twice in each year to transmit to the Government at home, through one of the principal Secretaries of State, a full and exact copy of the Minutes of the Legislative Council for the last preceding half year, with an index of the subjects," *Wodehouse* 4121, 4122—This was always done while witness was in office, *ib.* 4123—They are sent home as soon as they can be conveniently completed after the expiration of the term to which they apply, *ib.* 4124—All the proceedings of the Legislative Council in the months from July to December 1848 ought to be in this country by this time, *ib.* 4125, 4126.

Article 39 of the instructions, which requires "that distinct minutes shall be kept of the deliberations and proceedings of the Executive Council, by the colonial secretary or his assistant, and be transmitted home twice a year at least," was in all cases complied with while witness was in the Executive Council, *Wodehouse* 4174–4184—Records or minutes should be kept of all the proceedings in the Council, recording the opinions of the Executive Council when difference of opinion prevails, and these minutes of proceedings ought to accompany the letter of the Governor communicating the result on each particular subject; this practice prevails in India, *ib.* 4384–4393. 4475 *et seq.*

See also *Executive Council.* *Legislative Council.*

Missionaries. The great mischief, as respects the connexion of the British Government with the Buddhist religion, has been the active part which the missionaries have taken on the subject, *Wodehouse* 6801–6807.—See also *Buddhism*, 5.

Morgan, Mr. See *Executions*.

Muskets. See *Fire Arms*.

Mutiny Act. See *Courts Martial*, 2. *Martial Law.* *Military Law.*

N.

Native Population. One of the greatest evils of our government has been the want of intercourse and sympathy with the natives on the part of the civil functionaries, *Skinner* 7003. 7039–7051—This has been increased very materially since the termination of Sir Edward Barnes's government, and we are now regarded very little in any other light than that of tax-gatherers, *ib.*—Grounds for forming the opinion that the native should have a larger voice in the government of the country than he has hitherto had, *ib.* 7096–7100.

See also *British Rule.* *Capital.* *Chiefs.* *Coffee Planting*, 2. *Condition of the People.* *Council.* *Elective Franchise.* *Executive Council.* *Headmen.* *Kandyan People.* *Legislative Council*, 4. *Martial Law*, 1. 2. *Priests.* *Road Ordinance*, 4. *Taxation*, 2. *Trade.*

New Taxes. See *Taxation*.

Newspapers. See "Colombo Examiner." "Colombo Observer." *Elliott, Dr.* *Press*, The.

Northern Province. The Northern Province is in a very flourishing condition, *Skinner* 6985—Mr. Dyke is the Government agent; he has been long resident there, and is familiar with the language; he mixes a great deal with the native population, *ib.* 6986–6990—Opinion that in this district the authority of the Government has in some degree, from the active service of the agent of the province, been a substitute for the loss of authority

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Report, 1850—continued.

Northern Province—continued.

on the part of the chiefs and headmen, *Skinner* 6990-6999—Mr. Dyke has a great amount of authority; the native headmen are respectable; they are respected throughout the province, and so also is the authority of the Government, *ib.* 6990.

There is nothing but good order and good government throughout the province, *Skinner* 6990. 7001, 7002—Though the native population of the northern provinces differs very much in class and character from that of the other provinces, witness attributes their superior condition to the exertions of Mr. Dyke, the Government agent, and his benevolent policy, much more than to the nature and character of the population, *ib.* 7079-7084—At the present time the natives of the northern district possess a very wholesome and efficient amount of authority and influence, *ib.* 7104—The Government agent taking very good care to regulate and control both, *ib.* 7104. 7210-7214.

See also *Capital. Dyke, Mr. Headmen.*

O.

Ordinances. When a Governor sends home an ordinance he ought at the same time to send home a statement of all the objections which have been made by the members of the Council; how far any such notice is now sent home, *Wodehouse* 4471. 4475-4497—Steps which are usually taken in the preparation and discussion of ordinances brought before the Legislative Council, *Hon. Gerald Talbot* 4957-4966—The practice is very much that which prevails in the House of Commons, *ib.* 4958—The general practice is that an ordinance, when passed, does not come into operation immediately; the practice is to defer them till the sanction of the Crown has been given, *ib.* 4960-4965.

See also *Draft Ordinances. Taxation, 1.*

Oriental Bank. See *Rebellion, 5.*

Oulliam Tax. Memorandum by Mr. James Fraser, keeper of the records, dated 29 June 1848, on the subject of the oulliam tax, *Rep. ii. App. 425, 426.*

Outrages. Particulars as to the acts of violence and plunder and destruction of property with which the insurrection was attended, *Sir T. Herbert Maddock* 3572. 3575-3577.

P.

Paddy Tax. Evidence as to the mode of paying the paddy tax; with explanation relative to the augmentation thereof, *Hon. Gerald Talbot* 5382-5393.

See also *British Rule. Taxation, 5.*

Pasturage. See *Encroachments,*

PETITIONS :

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally :*

Complaint of certain of the inhabitants of Colombo that they were not allowed to petition the Governor, *M'Christie* 7491-7499—The only notice which has been given on this subject of which witness is aware is, that although his Excellency is always willing to receive and consider a petition from any person, presented in a proper manner, he will not allow a great multitude to assemble for such a purpose, *ib.* 7491-7498—Witness does not consider that this can imply any unwillingness to receive petitions in a proper manner, *ib.* 7499—Reference to a petition addressed to the Governor of certain inhabitants of Ceylon relative to the taxes, and presented to the Governor by Mr. Elliott; threatening language used in this petition, *ib.* 7602-7605.

2. *Papers laid before the Committee :*

Petition from the merchants, planters, traders, and other inhabitants of Ceylon to the House of Commons, as to the state of the island, and suggesting remedies for the existing evils, *Rep. ii. App. 410, 411*—Despatch from Viscount Torrington to Earl Grey, dated 16 October 1848, transmitting petition from the inhabitants of Ceylon, *ib.* 411-413—Copy of the Government notice in the Cingalese language, extracted from the Government Gazette of 28 July 1848, prohibiting persons from assembling to petition, *ib.* 427—Copy of the petition of Mr. T. Y. M'Christie, agent of the committee of the inhabitants of Colombo, dated 7 March 1848, on the grievances existing in the colony of Ceylon, *ib.* 473, 474—Copy of the petition of merchants, planters, landowners, traders, householders and others of Colombo, dated 15 June 1848, complaining of certain grievances in the government of Ceylon, *ib.* 474-476.

See also *Borella. Grievances. M'Christie, Mr.*

Planters. See *Coffee Planting.* *Magistrates.*

Plunder. See *Outrages.*

Police. The police force is so small that it would have been futile to have attempted to put down the insurrection with that force alone, *Sir T. Herbert Maddock* 3818-3838—Witness does not consider the letter written by Loko Banda, the head of the police at Kandy, to the secretary of the Governor, on 25 July, as an official document, *Wodehouse*, 4302-4312—Difficulty of defining the police force of Ceylon; it is an unpaid force; throughout the whole island the aggregate police force is small and not at all competent to put down an insurrection, *Hon. Gerald Talbot* 5319-5330. 5342-5349—The insurrection in Kandy was of such a character that it could not possibly have been suppressed by the police, *Wodehouse* 5641-5645.—See also *Taxation*, 3.

Political Publications. Complaint of some of the inhabitants of Colombo of the notice published in the *Gazette*, forbidding clerks and others in Government employment to forward anonymous or other communications to the newspapers, or to disseminate political publications, &c., *M. Christie* 7499.

Poll Tax. See *Road Ordinance.*

Press, The. A free press would be perfectly compatible and advisable with the system of government that witness would recommend; the public press in Ceylon is at this time perfectly free, *Wodehouse* 5815-5817—The press in Ceylon is perfectly free, *Ackland* 7260.

See also "*Colombo Examiner*" Newspaper. "*Colombo Observer*" Newspaper.

Pretender. Explanation relative to the report which has gone abroad, that one of the rebels was taken, tried, and executed as the pretender, *Sir T. Herbert Maddock* 4012-4021. 4033-4042—Evidence relative to the capture, trial, and execution of a person who is reported to have been captured as pretender, *Bird* 6009-6032. 6036-6058. 6163-6166—Way in which the court-martial for the trial of this prisoner was constituted, *ib.* 6033-6035. 6063-6071—The proceedings of the court-martial, as to the examination of witnesses for the prosecution, and reducing the evidence to writing, and hearing the prisoner in his defence, and the examination of witnesses for the prisoner, &c., were held in conformity with the proceedings usually held in ordinary courts-martial under the Mutiny Act, *ib.* 6059-6062.

The nature of the charge for which Dingarelle, the pretender assuming the title of king, was tried, was for rebellion; he was taken in arms and acts of violence were proved against him, *Bird* 6077-6082—When taken he was surrounded by about 300 followers, and he was exhorting them to assemble for a third attack upon Kornegalle, *ib.* 6082—There was no particular disturbance in 1836; a pretender established himself at a remote part of the Matelle district; he was taken and treated as a vagrant, *Forbes* 6844, 6845—Information respecting the pretender who was tried at Kandy, *Anstruther* 7693-7699.—See also *Disaffection.* *Kings of Kandy.*

PRIESTS:

1. *Generally.*
2. *Former Influence of the Priests over the Natives; Causes of the Decline thereof.*
3. *Disaffection of the Priests consequent on the supposed Sights placed upon their Religion.*
4. *How far there are any Grounds for the alleged Indifference of the Priests to Wealth.*
5. *Papers laid before the Committee.*

1. *Generally:*

Suggestions with regard to the appointment of the priests, *Ackland* 3136-3144—Evidence as to the jealousy existing between the chiefs and priests, *Wodehouse* 6753-6757—Immunities were secured to the priests both by the proclamations of 1815 and 1818, *Forbes* 6851.

2. *Former Influence of the Priests over the Natives; Causes of the Decline thereof:*

The priests have found their influence over the natives lessened by the advance of civilization in the colony, the promotion of coffee plantations, and the great influx of Europeans, *Ackland* 3084-3085—The people in Ceylon are very much under the influence of the priests, *Hon. Gerald Talbot* 5229—The people have not respected the priests so much since we have had influence in the island, as they did formerly; the priests have not the same power as they formerly had; *Wodehouse* 6740.

3. *Disaffection of the Priests consequent on the supposed Sights placed upon their Religion:*

Great disposition on the part of the whole of the Buddhist priests in the country to support the chiefs in any rebellion, *Sir T. Herbert Maddock* 3676-3686—The disaffec-
tion

Report, 1850—continued.

PRIESTS—continued.

3. *Disaffection of the Priests consequent upon the supposed Sights, &c.*—continued.

tion of the priests arose chiefly from the neglect of their religious temporalities on the part of the government, *Sir T. Herbert Maddock* 3689—Extent to which witness considers the priests and headmen to have been concerned in the insurrection, *Wodehouse* 4252–4264. 3274–4281. 4313–4315—No insurrection would be likely to be successful unless the priests had direct participation in it, *ib.* 4313–4315—The slights placed upon their religion have tended to create dissatisfaction among the priests, and the effect of the measures of government in elevating the people generally has been to depress the headmen, *Saunders* 5909—The question of connexion or disconnexion of the home Government and the local government from Buddhism has been very much at the bottom of the discontent on the part of the Buddhist priests with British rule, *Wodehouse* 6698–6711.

The priests have become disaffected from the interference with the connexion between their religion and the Government, *Forbes* 6855—A great deal has been said about Buddhism, and there is no doubt the severance of our Government from the management of the religious affairs may have created some dissatisfaction in the minds of our priests, *Skinner* 7215, 7216—Witness believes that there is so much indifference upon the subject of religion that it has not had any material effect, *ib.*

4. *How far there are any Grounds for the alleged Indifference of the Priests to Wealth:*

The Buddhist priests are not paid; it is against their principles to hold property; but there are lands attached to the temples, *Wodehouse* 6741—To a certain extent these lands become more valuable in proportion as capital is laid out by European settlers, *ib.* 6742—But still they profess to attach more importance to influence than to the acquisition of riches; how far there is any faith to be put in this profession, *ib.* 6742–6752.

5. *Papers laid before the Committee:*

Copies of two papers respecting the Buddhist priests, referred to in page 141 of Ceylon Papers, paragraph 5, *Rep. ii. App. 359*—Despatch from Earl Grey to Viscount Torrington, dated 21 October 1848, on the subject of the Buddhist petition for exempting the priests from the burthens of the remainder of the population, declining to interfere on the subject, *ib.* 402.

See also *British Rule*, 1. *Buddhism.* *Chiefs.* *Christianity.* *Civilization.*
Deluda Tooth. *Disaffection.* *Emoluments of Priests.* *Executions.*
Headmen. *Kandyan People.* *Martial Law*, 5. *Rebellion.* *Road*
Ordinance, 5. *Taxation*, 3.

Prisoners. List of all persons taken since 6 July 1848, stating whether tried or not, and by what tribunal; the results of such trials, and whether the sentences have been carried into effect, *Rep. ii. App. 433.*

Private Secretary to the Governor. Duties of the private secretary to the Governor; he has no public duties to perform connected with the Government; witness would not consider any communication which should come from him as official, *Wodehouse* 4411–4422—The Governor has a private secretary, who is paid 500*l.* a year; objections to this appointment, *Anstruther* 7759–7767.

Proclamations. See *Confiscations.* *Martial Law.* *Sequestrations.*

Protests. With respect to the Legislative Council, any protest adverse to the measure under discussion always accompanies the transmission of the ordinance to England, *Hon. Gerald Talbot* 5059, 5060. 5186–5199.

See also *Crown Case Ordinance*, 2.

Public Meetings. Particulars relative to a proclamation of Lord Torrington's, preventing the holding of public meetings of the natives; this arose out of the Borella meeting, *Layard* 6340–6342.

Public Officers. See *Chiefs.* *Cingalese Language.* *Coffee Planting*, 2. *Colonial Secretary.* *Governors.* *Native Population.* *Sale of Lands.*

Punishments. See *Commutation of Sentences.* *Executions.* *Summary Punishment.*

Q.

Queen's Advocate. Witness has no information upon which he can rely as to whether the Queen's Advocate advised the proclamation of martial law or not; grounds upon which he forms the opinion that he disapproved of its being kept up so long, *Anstruther* 7633–7648.

Report, 1850—continued.

R.

Rajkaria, The. The rajkaria which existed under the native kings was the right of the sovereign authority to call out the people, and to put them upon making roads, or repairing public works of any kind, *Ackland* 3021-3032—The rajkaria was abolished by proclamation of 28 September 1832, publishing the Order in Council; nature of the proclamation, *ib.* 3026-3032.

See also *Compulsory Labour*.

REBELLION:

1. *Opinions that the Insurrection had been gradually brewing for some time.*
2. *Supposed Causes of the Rebellion.*
3. *Serious Nature of the Insurrection; Danger which was to be apprehended.*
4. *Prompt and decisive Manner in which the Rebellion was suppressed.*
5. *Papers laid before the Committee.*

1. *Opinions that the Insurrection had been gradually brewing for some time.*

Extract of letter from Lord Torrington to Earl Grey, dated 14 August 1848, showing that the explosion which has taken place has been gradually accumulating its force for years past, *Ackland* 3058—Statement in this letter, that it is to be mainly attributed to the policy pursued with regard to the Kandyan people long before he arrived in the country, *ib.*—Particulars relative to a deep-laid plot long in course of formation among the principal chiefs and headmen in the Kandyan country, many of them in the employ of Government, *ib.* 3058, 3059—Witness considers it rather an exaggeration to state that the people had been prepared for a considerable time for a war of extermination with the English, and had been prepared for a general rise whenever called on for that purpose, *Hon. Gerald Talbot* 5222, 5223—From the result of a tour which witness made in the disaffected provinces in 1847, he fully anticipated an outbreak, and warned the Government of his apprehensions, *Skinner* 7008-7018. 7152-7174.

2. *Supposed Causes of the Rebellion:*

Opinion that the late rebellion was entirely under the influence of the priests and the headmen; the actions of the Government having led to their loss of power, and consequently to their disaffection, *Hon. Gerald Talbot* 5278-5290—The misrepresentations of headmen and priests with respect to the tax ordinances, propagated among the people, drew them into rebellion, *ib.* 5350—Opinion generally as to the causes of these disturbances, *Layard* 6210 *et seq.*—Evidences relative to the disturbances in Kandy and Matelle, and at Kornegalle in July 1848, *ib.* 6323 *et seq.*

3. *Serious Nature of the Insurrection; Danger which was to be apprehended:*

Witness was present at the outbreak of the insurrection in Kandy in July 1848, and remained there for a fortnight or three weeks afterwards, *Sir Herbert Maddock* 3560-3563—Statement of the nature and extent of the insurrection, and danger which was apprehended by the people generally, and the authorities at Kandy, *ib.* 3564-3583. 3757-3762—When witness left the island he by no means anticipated an outbreak of the magnitude of that which has taken place, *Hon. Gerald Talbot* 5215-5221—The people generally speaking were even well affected towards the British Government, *ib.* 5221—Witness's view of the conduct of the rebels is on the whole unfavourable to them; grounds for forming the opinion that if they had succeeded there would have been a great loss of life, *ib.* 5291-5307. 5313-5318.

Witness does not consider that the alarm among the Europeans was very great, *Wodehouse* 5714-5717. 5738-5756—Evidence as to the extent of mischief done during the insurrection, and the acts of violence committed, *Bird* 6083-6121—The outbreak wore a very serious aspect when it first commenced, *ib.* 6122-6124—From the time it first commenced until it was put down witness considered it of a serious character, and one likely to endanger the lives and property of those resident in the Kandyan country, *ib.* 6125—Witness has had frequent communications with the native chiefs and headmen on the subject of the riots, *Anstruther* 7618-7623—From the result of the information witness has obtained, he does not believe that there was any organized rebellion, or that many of the chiefs or priests were engaged in the riots; some few of the minor headmen were implicated, people of no consequence whatever, *ib.* 7618-7627.

4. *Prompt and decisive Manner in which the Rebellion was suppressed:*

Steps which were taken by the military and civil authorities to suppress the insurrection; as regards the military arrangements, witness considers they were equal to the emergency as far as the means at the command of the Ceylon Government rendered it possible, *Sir T. Herbert Maddock* 3584-3593—Particulars relative to the correspondence witness had with the Governor (Lord Torrington) on the subject; witness considers this correspondence private, *ib.* 3586-3590—Witness is fully prepared to say, that as the head of the government of one of the presidencies of India, he should have felt himself justified in

REBELLION—continued.

4. *Prompt and decisive manner in which the Rebellion was suppressed*—continued.

in a course of proceedings similar in their character to the proceedings adopted by the Governor of Ceylon for the suppression of the late rebellion there, *Sir T. Herbert Maddock* 3921—In their general character they were proper; they were applicable to the exigency of affairs; and were absolutely necessary to prevent very serious calamities from falling upon the colony, *ib.* 3922–3939. 3950–3956.

The general opinion in Ceylon was that the rebellion was promptly and decisively suppressed, *Wodehouse* 5711—Way in which the disturbances in 1822 and 1831 were put down; a priest and a headman were executed on one of the occasions; no very serious mischief was done, *Forbes* 6835–6843—Grounds for forming the opinion that the promptness and decision with which the disturbances were quelled was decidedly the course of mercy, *Skinner* 7021–7028. 7052–7060. 7073–7078 7108–7151—Evidence as to the beneficial effects of the prompt measures adopted by the authorities at the time of the outbreak in July 1848, *ib.* 7108–7151. 7184–7185. 7199–7201.

5. *Papers laid before the Committee :*

Despatch from Earl Grey to Viscount Torrington, dated 16 November 1848, acknowledging memorandum by Mr. Buller, approving the proclamation to restore confidence, and on the non-participation of the generality of the community, *Rep.* ii. *App.* 403—Despatch from Earl Grey to Viscount Torrington, dated 16 December 1848, approving generally of the measures adopted with respect to the Kandy riots; and sanctioning the loan from the Oriental Bank, *ib.*—Despatch from Earl Grey to Viscount Torrington, dated 24 January 1849, relative to the apprehension of further disturbances, and trusting there is no foundation for the rumour, *ib.* 407—Despatch from Viscount Torrington to Earl Grey, dated 13 April 1849, as to the necessity for the severity of the measures adopted on the occasion of the recent disturbances, *ib.* 458—Despatch from Viscount Torrington to Earl Grey, dated 17 April 1849, transmitting a proclamation issued to induce the insurgents to lay down their arms as speedily as possible; salutary effect of this proclamation, *ib.* 462.

Proclamation issued by order of Lieutenant-colonel Drought, commandant of Her Majesty's forces in the Kandyan districts now subject to martial law, *Rep.* ii. *App.* 462—Letter from Lieutenant-general Lord Fitzroy Somerset to Mr. B. Hawes, M. P., dated 9 October 1848, enclosing despatches relative to the disaffection prevalent in the Kandyan and other provinces of Ceylon, *ib.* 464—Despatch from Major-general Smelt to Lieutenant-General Lord Fitzroy Somerset, dated 15 August 1848, relative to the disaffection prevalent in the Kandyan and other provinces, *ib.* 464–466—Despatch from Captain T. Lillie, dated 30 July 1848, reporting an engagement with the insurgents, and result thereof, *ib.* 466, 467.

See also <i>British Rule.</i>	<i>Buddhism.</i>	<i>Chamber of Commerce.</i>	<i>Confiscations.</i>
<i>Destruction of Property.</i>	<i>Disaffection.</i>	<i>Fire Arms.</i>	<i>Governors.</i>
<i>Headmen.</i>	<i>India.</i>	<i>Insurgents.</i>	<i>Killed and Wounded.</i>
<i>Martial Law.</i>	<i>Matelle.</i>	<i>Outrages.</i>	<i>Police.</i>
<i>Religion.</i>	<i>Sequestrations.</i>	<i>Taxation, 3.</i>	<i>Torrington, Viscount.</i>
<i>Verandah Tax.</i>			<i>Troops.</i>

Relics. See *Buddhism.* *Deluda Tooth.*

Religion. Convention which was entered into in 1815 with the Kandyans on this subject; privileges which were conferred upon them by the convention, *Ackland* 2997–3000—

Witness is of opinion that Governor Mackenzie, as regarded his personal feelings, was not desirous that these privileges should be continued, but he thought the British Government was bound in faith to continue them, *ib.* 3001, 3002—There is no doubt the taxes were made a handle of to augment the existing discontent, but the main cause of the insurrection was the differences respecting religious matters, *Wodehouse* 4890–4892.

See also *Buddhism.* *M'Kenzie, Governor.* *Priests.* *Rebellion, 5.*

Religious Ceremonies. Lord Grey's despatch is more extreme in reference to the Government sanctioning religious ceremonies than the despatch of Lord Stanley in so far as it allows nothing to be substituted in their place, *Wodehouse* 6604—It throws every thing adrift and denies that the Government is bound to do certain things, *ib.*—Lord Stanley began his despatch by laying down that the Government was bound to do these things; Lord Stanley's orders are much more practical and tolerant than those of Lord Grey, *ib.* 6604–6606—Witness is not aware that there is anything very offensive to Christian morals in the rites and ceremonies of the Buddhist religion, *ib.* 6731–6736—How far there is anything immoral in the rites and ceremonies of the Buddhist religion as practised in the island of Ceylon, *Wodehouse* 6773–6786.—See also *Buddhism.*

Representative Government. Witness has heard a representative form of government advocated, but the country is perfectly destitute of all the elements necessary for the formation of such a system, *Skinner* 7102, 7103.—See also *Legislative Council, 5.*

636

Report, 1850—continued.

Restoration of Property. See *Confiscations*, 2.

Returns. Returns ordered by the Committee on 27 March 1849, and answers thereto, *Rep.* ii. *App.* 442—Returns ordered by the Committee on 3 April 1849, and answers thereto, *ib.* 442, 443.

REVENUE AND EXPENDITURE :

- 1. *Generally.*
- 2. *Papers laid before the Committee.*

1. *Generally :*

The new taxes were imposed because the expenditure exceeded the revenue; it was not from a deficiency of revenue but from an excess of expenditure; evidence generally on the revenue and expenditure from 1842 to 1848, *Anstruther* 7721-7729. 7734 *et seq.*—Opinion that the present taxes are more than sufficient to carry on the government, *ib.* 7799.

2. *Papers laid before the Committee :*

Despatch from Earl Grey to Viscount Torrington, dated 8 February 1849, acknowledging despatches enclosing the estimates for 1849, approval of the measures therein detailed, *Rep.* ii. *App.* 409—Copy of the revenue and expenditure of the island of Ceylon in the year 1847, specifying the sources of revenue and the amount of each tax, *ib.* 428—Despatch from Viscount Torrington to Earl Grey, dated 2 March 1849, forwarding returns of the revenue and expenditure of Ceylon; remarks upon the income and expenditure of the colony, *ib.* 448, 449—Abstract of the revenue and expenditure of the colony of Ceylon for the year 1848, *ib.* 449, 450—Comparative statement of the estimated and actual revenue and expenditure of the colony of Ceylon of the year 1848, *ib.* 451, 452—Despatch from Earl Grey to Viscount Torrington, dated 1 May 1849, acknowledging the receipt of returns of the revenue and expenditure of Ceylon; remarks on the satisfactory nature of the revenue and expenditure of the colony, *ib.* 453.

See also *Expenditure.* *Export Duties.* *Taxation.*

Revision of Taxation. See *Taxation*, 1.

Rice. The increase of the demand for rice in the province, and the consequent rise in the price thereof, is to be attributed to the number of Malabar labourers employed on the coffee estates; great quantities of rice imported, *Ackland* 3216-3218. 3225—Feeling in the colony against the imports duty on rice; it has not been raised, *ib.* 3477-3482.

See also *Paddy Tax.*

Rice Grounds. See *Coffee Planting.* *Taxation*, 5.

Rights and Ceremonies. See *Buddhism.* *Religious Ceremonies.*

ROAD ORDINANCE :

- 1. *Generally.*
- 2. *Particulars as to the Preparation and bringing in of the Bill, and as to the passing thereof.*
- 3. *Evidence as to the great Importance of the Road Ordinance.*
- 4. *Feeling of the People generally in favour of this Ordinance.*
- 5. *Papers laid before the Committee.*

1. *Generally :*

Detail of the principle of the new Road Ordinance, *Ackland* 3456-3465—Probable result of this ordinance with regard to the revenue; difficulty of assessing the tax, *Wodehouse* 4863-4865—Concession which was made to the Buddhist priests in respect of this ordinance, *ib.* 4923-4940—Observations on the nature of the road tax; reasons why it is likely to cause discontent, *Forbes* 6936-6973—Memorandum drawn up by witness with reference to the Road and Labour Ordinance of Ceylon, *Skinner's Ev.* pp. 297. 298.

2. *Particulars as to the Preparation and bringing in of the Bill ; and also as to the passing thereof :*

Witness is the main author of what is called the Road Ordinance in Ceylon; the bill and the details of the bill were prepared immediately by him, *Wodehouse* 4851, 4852—The bill was very carefully drawn, so that the Government should make no direct revenue by it, but that it should only go in aid of the revenue by relieving the Government of the road expenditure, *ib.* 4853-4855—Control which witness proposed to retain in the hands of the Government for repaying and making good the roads, *ib.* 4856-4862—No objection was made to the Ordinance in the course of its passage through the Legislative Council; it was impossible for any ordinance of such magnitude to have gone through the Council with less discussion, *ib.* 4924, 4925.

3. *Evidence*

637

Report, 1850—continued.

ROAD ORDINANCE—continued.

3. Evidence as to the great Importance of the Road Ordinance :

Opinion that if this ordinance could be carried into practical operation it would be most useful and beneficial, *Wodehouse* 4875-4879—Approval of Earl Grey of the Road Ordinance as it passed originally, *ib.* 4923, 4926, 4927—Grounds upon which witness forms the opinion that the Road Ordinance is one of the most important which has been enacted for many years past, *Skinner* 7029-7033, 7071, 7072—It is likely to be practically useful in many respects, *ib.* 7034—Further grounds for witness's strong approval of the Road Ordinance, *ib.* 7175-7183—The Road Ordinance is a very excellent tax, and a very useful one, and witness hopes to see it carried out; Mr. Wodehouse is the only member of the Government who can carry it out, *Anstruther* 7717-7720.

4. Feeling of the People generally in favour of this Ordinance :

Some apprehensions were entertained as to the operation of this ordinance in Ceylon, and some dissatisfaction was created by its being represented that it was a poll tax, *Wodehouse* 4866—Particulars relative to a tour witness made in several of the provinces with a view of making the ordinance understood, and ascertaining the opinion of the people on the subject, *ib.* 4867-4871, 4895-4922—Witness did not meet with any persons who, when the nature of the ordinance was explained to them, were adverse to its provisions, *ib.* 4872-4874, 4895-4922—With respect to the Road Ordinance, which witness considers to be the most important ordinance which has passed since he has been in the island, when the nature of it was explained to the natives they seemed to be perfectly satisfied with it, *Hon. Gerald Talbot* 4951-4955, 5118-5124—Witness never heard any complaint as to the Road Ordinance, *Saunders* 5957-5964.

5. Papers laid before the Committee :

Despatches from Earl Grey to Viscount Torrington, dated 20 and 30 January 1849, relative to the exemption of Buddhist priests from the operation of the Road Ordinance; reply in respect of representations of the Bishop of Colombo, *Rep. ii. App.* 405, 408.

See also *Irrigation. Labour Tax. Taxation, 2. 3.*

Roads. Up to the time witness left the colony, in June 1848, the roads were made and maintained by the Government out of the public revenue generally, *Ackland* 3219-3221—There is no foundation for the representation that roads have been made more with reference to the benefit of particular properties than to the general interests of the island, *Wodehouse*, 4880-4882—Great variations in the amount paid by the Government for roads under the old system; difficulty of calculating the sum likely to be raised under the new system, *ib.* 4883, 4884.

See also *Ambegammoon Road. Rajkaria.*

Rogers, Mr. See *Buddhism, 5.*

Royal Villages. Particulars relative to the sale of royal villages; how far this affected the privileges of the Buddhists, *Ackland* 3019, 3020.

Russell, Lord John. See *Legislative Council, 2.*

S.

Sale of Lands. Particulars in detail relative to the sale of the Ambegammoon lands; return of all lands sold in that district, and names of the parties to whom sold, showing that the land was bought up by a number of public servants, which has been alleged as a grievance; price at which sold, *Ackland* 7264, 7271-7281—Explanation relative to the evidence given by Mr. Ackland with respect to the sale of lands in the Ambegammoon district to public servants, with refutation of the statement made by Mr. Ackland, that this land was bought at 5s. an acre, and afterwards sold by them at 1*l.* and 2*l.*, for the purpose of forming the Ambegammoon road; particulars in detail relative to the construction of this road, *Skinner* 7282-7303—See also *Coffee Planting, 2.*

Saunders, Frederick. (Analysis of his Evidence.)—Has been altogether twelve years in Ceylon; has held the appointment of collector of customs there since 1843; 5823, 5824—Was appointed by the Board of Customs in England, and not by the Governor of Ceylon, 5825-5829—Derives his salary out of the revenues of the island; number of collectors in the island, and amount of their respective salaries, 5830-5840—Number of collectors appointed by the Treasury, and number of local officers who have also received commissions from the Board of Customs, *ib.*—Way in which the duties of the customs were performed before witness arrived in Ceylon, 5841, 5842—Grounds for forming the opinion that the duty could not be done equally well by local collectors appointed from among the public servants in the colony, without parties being appointed from home, 5843, 5844—Opinion that in consequence of the reduction of the export duties, reductions might be made in the customs department, 5844-5846.

Witness is an *ex-officio* member of the Legislative Council, 5847—Has been a member of the Legislative Council since 1843; under Sir Colin Campbell and under

Saunders, Frederick. (Analysis of his Evidence)—*continued.*

Lord Torrington, 5848.—Is generally in attendance at the meetings of the Legislative Council, and has given attention to those matters referred to it, 5849, 5850—Witness has always considered himself at liberty to give an independent vote, unless the question came recommended from the Home Government, and then has always considered himself bound to vote with the Government, 5851, 5852—During the period that Lord Torrington has been in Ceylon he has considered that the Government officers were bound by their situations to vote with the Government on all occasions; no such restraint was placed upon them in Sir Colin Campbell's time, 5853–5874.

Witness was present in the Legislative Council when the repeal of the export duties took place, 5875–5878—On the first reading of the Bill no member objected to the principle of it; it was in fact a very popular measure, 5879, 5880—On the second reading, and when the Bill was committed, the Government then stated that it was their intention to replace these duties by a general land tax; Mr. Ackland then asked further time to have the ordinance considered, but this was refused, and the second reading took place; no other member objected except Mr. Ackland, 5880–5884. 5913, 5914—Witness has opposed measures in Sir Colin Campbell's time, and also in Lord Torrington's; in respect of duties has never voted against Lord Torrington, 5885–5888.

During the time the Bill was in committee, when Mr. Ackland opposed it, he read a resolution from the Chamber of Commerce to the effect that the land tax would prove more vexatious and heavier than the export duties, and that therefore they would rather have a continuance of the export duties, 5889–5896—In consequence of a statement being made that the repeal of the export duties was recommended from home, Mr. Ackland withdrew his opposition, 5889–5898—Grounds for forming the opinion that the impression on the minds of the Chamber of Commerce was erroneous, 5890–5894—A moderate land tax is the best tax that can be imposed in Ceylon; it might be carried out, 5899–5901—Mr. Ackland was the only member who objected to the Stamp Ordinance, 5902–5906.

Opinion that the introduction of the new taxes did not produce general discontent, except inasmuch as they were made a handle of by the disaffected, 5907, 5908. 5910—Still witness thinks that direct taxes are altogether objectionable in Ceylon, 5907—The slights placed upon their religion have tended to create dissatisfaction among the priests; and the effect of the measures of Government in elevating the people generally has been to depress the headmen, 5909—The ordinances were all published three weeks successively in the Government Gazette, 5915, 5916. 5950–5956. 5966—No remonstrances were sent in against any portion of those ordinances by the Europeans or natives, 5917–5920—Constitution of the Chamber of Commerce, 5921–5927.

Opinion that natives could be found of sufficient intelligence and capacity to take part in the deliberations of the Legislative Council, 5928–5936. 5965—But he should not be, as he was formerly, nominated by the Government, and paid by the Government, because then he merely gives an additional vote on the side of the Government, 5936—Witness's opinion with regard to the Legislative Council is, that the inofficial members should be equal in number to the official members, and that it should be composed of three different classes, English, burghers, and natives, 5936–5938. 5965.

Every member of the Legislative Council should be allowed to bring forward any measure which he might think a fit and proper one to be passed into a law; at the present moment he can originate nothing, 5940–5949. 5965—Witness never heard any complaint as to the Road Ordinance, 5957–5964—Reasons why witness does not concur in the opinion which has been expressed, that it would be an improvement if all the Government agents were made members of the Council, 5967–5979—How far witness approves of the Customs Ordinance, 5980–5989.

Secretary of State for the Colonies. The security for the proper administration of affairs must be with the Secretary of State in England, *Wodehouse* 5781–5784.

Selby, Mr. H. C. See *Carriage and Boat Licences.* *Confiscations.* *Crown Case Ordinance.* *Executions.*

Sentences. See *Commutation of Sentences.* *Executions.* *Prisoners.*

SEQUESTRATION OF PROPERTY :

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally :*

Particulars as to the amount to which property has been sequestered, and also with respect to the nature of the property seized and sold; with evidence as to the introduction and passing of the Indemnity Bill before the Legislative Council, *Wodehouse* 5543–5572. 5590–5605. 5625–5640—The property was of course seized by the officers employed under martial law in the district; some complaints were made of the manner in which it was seized, *ib.* 5573–5580. 5586–5588. 5590—After the termination of martial law

639

Report, 1850—continued.

SEQUESTRATION OF PROPERTY—continued.

1. Generally—continued.

no proceedings were taken in any court in reference to the mode in which the property had been seized and confiscated; there is one clause in the Indemnity Bill which bars all proceedings of the kind, *Wodehouse* 5579–5585, 5665, 5666—It is clear that the officer commanding Her Majesty's forces in Ceylon highly approved of the conduct of the subordinate officers intrusted with the execution of the law in the disturbed districts, *ib.* 5588, 5589—Complaint of certain of the inhabitants of Colombo of the sequestrations and confiscations of property under the proclamation of Colonel Drought of August 1848; particulars relative to the seizure and sale of property under this proclamation, *M'Christie* 7545–7560.

2. Papers laid before the Committee :

Despatch from Earl Grey to Viscount Torrington, dated 26 January 1849, relative to the employment of Her Majesty's troops in sequestrating the property of individuals suspected of participation in the rebellion, *Rep.* ii. *App.* 407, 408—Return of lands and moveable property sequestered in the district of Seven Korles, *ib.* 539—Return of property sequestered at Matelle up to 21 September 1849, *ib.* 539, 540.

See also *Attachments.* *Confiscations.* *Matelle.*

Seven Korles. Return of lands and moveable property sequestered in the district of Seven Korles, *Rep.* ii. *App.* 539.

Shop Tax. Reference to the public feeling generally against the shop tax; particulars relative to the repeal thereof, *Wodehouse* 4521–4560, 4571–4577—Witness was decidedly in favour of imposing the Shop Ordinance; this has been since repealed; it did not affect the people generally, *Hon. Gerald Talbot*, 4970–4974, 5125–5136—Dissatisfaction created by the shop tax, *Layard* 6320, 6321.

Despatch from Lord Torrington to Earl Grey, dated 8 January 1849, forwarding an Ordinance repealing an Ordinance of 1848, imposing a tax on occupiers of shops for a licence to trade, *Rep.* ii. *App.* 388—Copy of Ordinance enacted to repeal the Ordinance No. 85 of 1848, entitled “To make provision for the registration and licensing of certain traders,” *ib.*—Despatch from Earl Grey to Viscount Torrington, dated 31 January 1849, acknowledging natives' address on the repeal of the shop tax, *ib.* 408—Despatch of Earl Grey to Viscount Torrington, dated 8 March 1849, approving of Ordinance No. 20 of 1848, repealing the Shop Licence Ordinance, *ib.* 409.—See also *Taxation*, 3. 4.

Skinner, Major Thomas. (Analysis of his Evidence.)—Has served about thirty years in Ceylon; capacities in which, both civil and military, witness has served, 6974–6976—Witness's duties have brought him a good deal in contact with the native population, 6977–6979—Opinion that the social condition of the native population has undergone a very great change for the worse since witness first went to Ceylon, more especially since the termination of Sir Edward Barnes's government, 6980, 7039–7051—The changes have arisen from the departure from that principle of government which Sir Edward Barnes adopted, which was quite of a paternal character, 6981—It was more or less despotic, but he exercised a very great regard for the interests of all classes of the natives, and especially upheld the authority of the chiefs and native headmen generally, 6982—During the period of his government the country was content, happy, and prosperous, *ib.*

The deterioration of the social condition of the people has been more marked in the last ten or twelve years, and it has been a progressive deterioration during that period, 6983—The causes of this deterioration have been that an erroneous impression has existed that the authority and influence of the native chiefs was incompatible with the security of the authority and influence of the Government, *ib.*—Practically our policy has had the effect of undermining their authority and influence without substituting any improved authority of our own, *ib.*—The effect of this loss of authority on the part of the native chiefs and headmen has been to throw nearly the whole of the rural population into a state of disorganization, 6984.

In some districts the physical condition of the lower orders has very much deteriorated, in others it has very much improved, 6985—The Northern Province is in a very flourishing condition, *ib.*—Mr. Dyke is the Government agent; he has been long resident there, and is familiar with the language; he mixes a great deal with the native population, 6986–6990—Opinion that in this district the authority of the Government has in some degree, from the active services of the agent of the province, been a substitute for the loss of authority on the part of the chiefs and headmen, 6990–6999.

Mr. Dyke has a great amount of authority; the native headmen are respectable; they are respected throughout the province, and so also is the authority of the Government, 6990—There is nothing but good order and good government throughout the province, 6990, 7001, 7002—Mr. Dyke upholds the authority of the headmen by respecting their native prejudices, 6991—He does not think it necessary to undermine their authority or interfere with their prejudices of caste, *ib.*—He allows education and

Report, 1850—continued.

Skinner, Major Thomas. (Analysis of his Evidence)—continued.

civilization to overcome that which, in other districts, we are rather desirous of precipitately abolishing, 6991-6993—A large amount of capital has been introduced into the Northern District without producing any evil effects, as it has done in the other provinces, 6994-6996.

As regards the Central Province, witness would say, that when he left the island the people generally were in a very disorganized state, and the influence of the Government was at its lowest ebb, 6998—In the Western Province generally there is a general feeling of dissatisfaction, 7000—One of the greatest evils of our Government has been the want of intercourse and sympathy with the natives on the part of the civil functionaries, 7003. 7039-7051—This has increased very materially since the termination of Sir Edward Barnes's government, and we are now regarded very little in any other light than that of tax-gatherers, *ib.*

The want of knowledge of the language has been one serious deficiency in the administration of the affairs of Government; a knowledge of the language has lately been made a condition of promotion in the service, 7003-7007. 7186-7194—From the result of a tour which witness made in the disaffected provinces in 1847, he fully anticipated an outbreak, and warned the Government of his apprehensions, 7008-7018. 7152-7174—Witness has heard the insurrectionary movement attributed to the taxes which were imposed about that time, but believes they could have had but very little influence in bringing it about, 7019, 7020—Grounds for forming the opinion that the promptness and decision with which the disturbances were quelled was decidedly the course of mercy, 7021-7028. 7052-7060. 7073-7078. 7108-7151—Grounds upon which witness forms the opinion that the Road Ordinance is one of the most important which has been enacted for many years past, 7029-7033. 7071, 7072—It is likely to be practically useful in many respects, 7034—Evidence relative to the abolition of compulsory labour, 7035-7038.

Witness attributes the retrograde feeling of the population of the island generally, in the first place, to a want of knowledge of the country on the part of its Governors; and, in the next place, to the want of sympathy and interest on the part of the local functionaries, 7039-7051. 7061-7070—Since Sir Edward Barnes's time there has scarcely been a Governor who has thought it necessary to travel about the country in order to obtain a general knowledge of it; and almost the only official who has done so has been Sir Emerson Tennent, when he was Colonial Secretary, 7039-7051. 7061-7070. 7192-7194—Sir Edward Barnes was in Ceylon for nine years; for two years he held the Lieutenant-governorship, and subsequently, for seven years, he held the Governorship, 7079.

The native population of the Northern Province differs very much in class and character from that of the other provinces; witness attributes their superior condition to the exertions of Mr. Dyke, the Government agent, and his benevolent policy, much more than to the nature and character of the population, 7079-7084—Frequent changes of the Government agents are a great injury to the different districts, 7085, 7086—Although there is no doubt that the introduction of European capital for coffee planting, or any other purpose, must ultimately prove beneficial, 7087-7096—Still great pains should be taken by the Government to meet the changed circumstances of the population consequent upon this introduction of capital, *ib.*

Nature of the evils and vices to which the rapid introduction of capital has already led, 7097-7096—Care should be taken that this introduction of capital should not give to European interests a still greater preponderance of influence than they have already acquired, 7096 *et seq.*—Grounds for forming the opinion that the native should have a larger voice in the government of the country than he has hitherto had, 7096-7100—Opinion that the native population generally are in that social state that they are competent to take a part in the subordinate departments of the Executive Government, 7101-7103. 7189, 7190—It is necessary that this should be yielded to them as soon as possible, as it is quite impossible that the country can be satisfactorily governed without it, 7101.

Witness has heard a representative form of government advocated, but the country is perfectly destitute of all the elements necessary for the formation of such a system, 7102, 7103—At the present time the natives of the Northern District possess a very wholesome and efficient amount of authority and influence, 7104—The Government agent taking very good care to regulate and control both, 7104. 7210-7214—The headmen in the Northern Province are now made respectable, and they are more respected now than witness has ever known them before, 7105-7107. 7210-7214.

In the metropolitan districts the Government agent himself has probably been too much controlled, and has not been able to adopt the same course as that adopted by Mr. Dyke in the Northern District, 7105-7107—Further evidence as to the beneficial effects of the prompt measures adopted by the authorities at the time of the outbreak in July 1848; 7108-7151. 7184, 7185. 7199-7201—Further grounds for witness's strong approval of the Road Ordinance, 7175-7183—

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641

Report, 1850—*continued.*

Skinner, Major Thomas. (Analysis of his Evidence)—*continued.*

it is necessary that the persons appointed should have a much greater knowledge of the people generally, and more especially of the provinces over which they preside, than they in many cases now possess, 7192-7194. 7202-7209.

Evidence relative to the trigonometrical survey of the island of Ceylon, 7195-7198—A great deal has been said about Buddhism, and there is no doubt the severance of our government from the management of their religious affairs may have created some dissatisfaction in the minds of the priests, 7215, 7216—But witness believes that generally there is so much indifference upon the subject of religion that it has not had any material effect, *ib.*—Memorandum drawn up by witness with reference to the Road or Labour Ordinance of Ceylon, *pp.* 297, 298.

[Second Examination.]—Explanation relative to the evidence given by Mr. Ackland with respect to the sale of lands in the Ambegammoon district to public servants, with refutation of the statement made by Mr. Ackland, that this land was bought at 5s. an acre, and afterwards sold by them at 1*l.* and 2*l.*, for the purpose of forming the Ambegammoon Road; particulars, in detail, relative to the construction of this road, 7282-7303.

Skinner, Major. Memorandum with reference to the past and present social condition of the entire population of Ceylon from the year 1820 to the year 1849, by Major Skinner, dated 9 June 1849, *Rep.* ii. *App.* 524-533.

Smelt, Major-general. See *Rebellion*, 5.

Somerset, Lord F. See *Rebellion*, 5.

Spirituuous Liquors. Complaints made of the introduction of shops for the retail of spirituous liquors in the Central Province, which has tended to demoralize the people and make drunkards, *Sir T. Herbert Maddock* 3694. 3728-3736.

See also *Disaffection.* *Grievances.*

Stamp and Tax Ordinances. Extent to which opposition was shown to the Stamp and Tax Ordinances; how far the Secretary of State for the Colonies would be aware of this opposition from the despatches and papers sent home on the subject, *Wodehouse* 4498 *et seq.*—The main object of the stamp ordinance, which was the preventing of fraud upon the revenue, and many other points of the same sort, was very effectively obtained by that ordinance, without any hardship upon the population, *Hon. Gerald Talbot* 4984, 4985—Mr. Ackland was the only member who objected to the stamp ordinance, *Saunders*, 5902-5906.—See also *Export Duties.* *Taxation.*

Stanley, Lord. See *Buddhism*, 5. *Religious Ceremonies.*

Starke, Mr. James. See *Crown Case Ordinance*, 2.

Summary Punishments. Statement relative to the number of summary punishments which were inflicted during the time martial law was in force, from the end of July to 10 October, *Sir T. Herbert Maddock* 3599-3619—Of course there were two parties to the question as to the extent and severity of these punishments, *ib.* 3620.

Superstition. See *Buddhism.* *Delada Tooth.*

Supreme Court. Object of giving a commission to the Supreme Court to try certain prisoners at Kandy during the sitting of the courts martial, *Sir T. Herbert Maddock* 4008-4011.—See also *Courts Martiul*, 3.

Survey of Ceylon. See *Trigonometrical Survey.*

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Talbot, Honourable Gerald. (Analysis of his Evidence.)—Is attached to the civil service at Ceylon; has been principally employed in revenue situations in three different provinces in the island, 4941, 4942—Filled the offices of colonial secretary and clerk to the Executive and Legislative Councils, from within two or three months after Lord Torrington's arrival till just before witness came away in the middle of 1848; 4942-4944—Witness's period of service in the island began in June 1838; he was appointed by Lord Glenelg, 4945—Witness acted in the office of clerk to the Executive and Legislative Councils when the ordinances which have attracted attention at home were introduced, 4946—They were all brought forward in the usual prescribed form; notice in the "Government Gazette" was given; they had the notice of the public that all other ordinances have ever had, 4947-4949.

Witness does not think there were any remonstrances made to the Legislative Council, any petitions presented, or any general declaration of opinion adverse to those ordinances, 4950—With respect to the Road Ordinance, which witness considers to be the most important ordinance which has passed since he has been in the island, when the nature of it was explained to the natives they seemed to be perfectly satisfied with it, 4951-4955. 5118-5124—In the Southern Province the people were not in the least degree

Report, 1850—continued.

Talbot, Honourable Gerald. (Analysis of his Evidence)—continued.

hostile to the new taxes, 4956—Steps which are usually taken in the preparation and discussion of ordinances brought before the Legislative Council, 4957-4966—The practice is very much that which prevails in the House of Commons, 4958—The general practice is that an ordinance when passed does not come into operation immediately; the practice is to defer them till the sanction of the Crown has been given, 4960-4965—No desire was manifested on the part of the Government to hurry these ordinances through the Council, or abridge the discussion upon them, 4966—Evidence showing the necessity for the fire-arms ordinance, 4967-4969. 5153-5169—Witness never heard any great dissatisfaction expressed at this ordinance, 4969—Witness was decidedly in favour of imposing the shop ordinance; this has since been repealed; it did not affect the people generally, 4970-4974. 5125-5136.

The dog ordinance was a most useful enactment, 4975-4983. 5137-5152—The main object of the stamp ordinance, which was the preventing of fraud upon the revenue, and many other points of the same sort, was very effectively obtained by that ordinance, without any hardship upon the population, 4984, 4985—The native members of the council raised no objection to these ordinances, 4896-4992—Witness is very far from thinking that the ordinances have been in any way the cause of the disturbances in Kandy, though there is no doubt they have been made a handle of by the disaffected headmen, who have misinterpreted the taxes to the people, 4993. 5184, 5185—It is absolutely essential that every government servant should speak the language thoroughly, and should go himself and explain these things to the people, and not trust to the headmen to do it; how far this is now carried out, 4993-5017. 5200-5210—Grounds for forming the opinion, that the whole of our legislation has tended to provoke insurrection by diminishing the power of the chiefs, and the influence of the priests; at the same time it has elevated the condition of the people, 5018-5035. 5185. 5215 *et seq.*—Witness does not agree with this at all; his opinion is that the headman ought to be maintained in his position, *ib.*

The promptitude and vigour of the proceedings of the Government to suppress the insurrection were well calculated to preserve the peace; the Government was perfectly justified in proclaiming martial law, 5036-5041. 5067—Witness was clerk of the Council when the repeal of the export duties was under consideration, 5042—Witness heard no objection to it on the part of the merchants in Ceylon, nor from any other parties, 5043-5047. 5170-5180—Opinion that the members of the chamber of commerce were not so peculiarly affected by the measures they deprecated as to justify the memorials which they presented, 5045, 5046. 5181-5185—They have rested a good deal upon assertion without coming to proof, 5046. 5181-5185.

There was an apprehension that the repeal of the export duties was a substitution of some unknown imposition for one that was known and defined, 5047—The taxes have been repealed, and no equivalent tax has been imposed upon any portion of the land of Ceylon, 5048—In witness's intercourse with the people of Ceylon he has never heard them complain of the burden of taxation, 5049—This taxation is much more moderate than it was under their former government, or under former portions of our own, *ib.*—As long as witness was clerk of the Council the Governor was regularly in the habit of consulting his Executive Council, 5050.

As regards the working of the Executive and Legislative Council in Ceylon, witness is not prepared to suggest any amendment in respect of the Executive Council, 5052—If, as has been suggested by a previous witness, everything that came before the Government were to be submitted to the Executive Council, the delay and inconvenience would be far greater than the benefit derived from it, as the members of the Executive Council are not always together, 5052-5058—It is the practice to reduce to writing the opinions of the members of the Executive Council on all important matters, and they are recorded; any division of opinion is transmitted to this country, 5057, 5058. 5186-5199—With respect to the Legislative Council, any protest adverse to the measure under discussion, always accompanies the transmission of the ordinance to England, 5059, 5060. 5186-5199.

Amendments which witness would suggest with respect to the working of the Legislative Council, 5060-5066—As the island at present stands, the nomination of members by the Governor is the best system that can be adopted, 5060—Witness is very far from thinking that the natives have arrived at that point at which they can be allowed any voice in the election of members, *ib.*—Opinion that since the whole of the expenditure of the island has been submitted to the control of the Legislative Council, every part of the island is not sufficiently represented, *ib.*—Besides the members of the Executive Council, there are three or four official members, and five or six unofficial members, but they all come, with one exception, from the metropolis, 5060. 5230-5238.

The Government agent of Kandy is the only official member from any other part of the island, 5060—Suggestion that every Government agent of every province should be a member of the Legislative Council, 5060. 5230-5238—But as this would give an undue preponderance to the Government, one or two of the respectable and intelligent merchants or natives should be selected to sit with them; number of which the Council would consist according to this plan, 5060-5066—The difficulty of the plan would be

whether

Report, 1850—continued.

Talbot, Honourable Gerald. (Analysis of his Evidence)—continued.

whether the Government agent could be spared from his other duties during the session, 5060-5066—Opinion that the presence of the Governor in person in the Legislative Council is prejudicial; it brings him into undue contact with the others, and deprives him of that dignity which, as the ultimate referee of all matters, he ought to have, 5060—It would be quite sufficient for him to open and close the session, *ib.*

When witness left the island he by no means anticipated an outbreak of the magnitude of that which has taken place, 5215-5221—The people, generally speaking, were well affected towards the British Government, 5221—Witness considers it rather an exaggeration to state that “the people had been prepared for a considerable time for a war of extermination with the English, and had been prepared for a general rise whenever called on for that purpose,” 5222, 5223—Witness considers that the chiefs and priests are the least well affected portion of the community, but he does not go so far as to say that “they are always treacherous to the Government, and always hostile to British rule,” 5224-5228—The people in Ceylon are very much under the influence of their priests, 5229.

Evidence as to the political position of the European settlers; how far they are represented in the Legislative Council by the unofficial members, 5230—Witness believes it is felt by them that their position is not sufficiently considered by the Government of the island, 5238-5249—Witness is not aware that they have any ground for this complaint, 5239-5249—All Europeans having any interest in the colony have been consulted on all measures affecting their interests, 5241—The natives have expressed no dissatisfaction at the want of representation in the Legislative Council; it is confined to the English settlers, 5250.

It is not sufficiently kept in mind how very different the interests of the Europeans are from those of the natives, 5250—The natives can hardly be spoken of as labourers in connexion with the proprietors; it is all foreign labour which is performed, 5251—There is no cause of dissatisfaction between the natives and the imported labourers, 5252—There would be no difficulty in the chiefs acting in conjunction with the local proprietors in the management of the different districts, and it might eventually be attended with advantage, 5253-5273—Practicability of reducing the expense of the government of the island, 5274-5276—The present system of government is a very liberal one in its spirit and the tone of its administration, 5277.

Opinion that the late rebellion was entirely under the influence of the priests and the headmen; the actions of the Government having led to their loss of power, and consequently to their disaffection, 5278-5290—Witness's view of the conduct of the rebels is, on the whole, unfavourable to them; grounds for forming the opinion that if they had succeeded there would have been a great loss of life, 5291-5307. 5313-5318—This rebellious and disaffected feeling is confined to the central province, 5308-5312. 5416-5424—The people of the other provinces are generally submissive and loyal, *ib.*

Difficulty of defining the police force of Ceylon; it is an unpaid force; throughout the whole island the aggregate police force is small, and not at all competent to put down an insurrection, 5319-5330. 5342-5349—It is usual on important occasions for the members of the Executive Council to record their opinions upon important subjects, whether they coincide with those of the Governor or not; these recorded opinions are transmitted to the colonial secretary with the measure, 5331-5334—The officer commanding the forces regularly attended the Executive Council while witness was in Ceylon, 5335-5337—In the absence of the Governor he sits as president, 5338.

Evidence showing that any measures tending to the education and the social and moral improvement, of necessity tend to diminish the influence of the headmen and priests, 5339-5341—Their misrepresentations with respect to the tax ordinances, propagated among the people, drew them into rebellion, 5350—Although the tax ordinances were all parts of a whole, still there was something rather imprudent in the accumulation of so many ordinances of a novel character, and the simultaneous adoption of them, 5351—Their justification rests upon the fact that there was a deficiency in the revenue, and an urgent necessity for supplying it, 5352.—This deficiency was brought about by giving up the export duties, 5352, 5353—Opinion that the giving up of these duties was justified upon the whole, and was a wise measure, 5354-5357.

Witness would have wished the whole duty upon cinnamon to have been taken off, but is not quite sure that taking off the duty on coffee was wanted, 5354-5359—The measure, as a whole, may be described as a measure calculated to relieve trade of the taxes pressing heavily upon it, and replacing them by direct taxes, 5360-5370—All the ordinary pains were taken to describe these taxes to the people, but they would rather give credit to the statements of the chiefs, 5371-5379—Evidence relative to the mode of levying the paddy tax, with explanation relative to the commutation thereof, 5382-5393—Way in which the introduction of capital by Europeans has had rather an injurious effect upon the natives as regards their social state, 5394-5415—The reduction of the duty on coffee has not yet had any sensible effect upon the production; there has not been time for this yet, 5425.

Tanks. See Irrigation.

(92.)

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TAXATION:

Report, 1850—continued.

TAXATION:

1. *Nature of the proposed new Taxes ; Object with which they were imposed ; Evidence as to the passing of the Tax Ordinances.*
2. *Estimate of the Amount of Revenue likely to be derived from the new Taxes.*
3. *Handle made by the Priests and others of the proposed new Taxes to stir up the People to Rebellion.*
4. *How far the People generally considered the Taxes were unjust.*
5. *Favourable Position of the Kandyans in respect to Taxation, as compared with the Continent of India.*
6. *Papers laid before the Committee.*

1. *Nature of the proposed new Taxes ; Object with which they were imposed ; Evidence as to the passing of the Tax Ordinances :*

Evidence in detail relative to the passing of the Taxing Ordinance and of the Financial Ordinances generally, *Ackland 3282 et seq.*—Statement that shortly after Lord Torrington's arrival in Ceylon he received instructions to revise the whole system of the taxation of the colony ; it therefore became his duty at once to enter upon such revision, *Wodehouse 4676*—No desire was manifested on the part of the Government to hurry these ordinances through the Council, or abridge the discussion upon them, *Hon. Gerald Talbot 4966*—The native members of the Council raised no obstacle to these ordinances, *ib. 4986-4992*—Although the tax ordinances were all parts of a whole, still there was something rather imprudent in the accumulation of so many ordinances of a novel character, and the simultaneous adoption of them, *ib. 5351*—Their justification rests upon the facts that there was a deficiency in the revenue, and an urgent necessity for supplying it, *ib. 5352*—This deficiency was brought about by giving up the export duties, *ib. 5352, 5353.*

2. *Estimate of the Amount of Revenue likely to be derived from the new Taxes :*

If the Road Labour Ordinance is to be considered as an increase of taxation, taxation as a whole has been increased by the repeal of the export duties ; the estimate made by the Government was that the new taxes would be considerably in increase of the export duties given up, *Ackland 3381-3398*—Whole amount of the estimate made by Sir Emerson Tennent of the new taxes, *ib. 3410-3455. 3483-3485*—Amount at which, and way in which, the inhabitants of Colombo calculated the difference between the amount taken off by the repeal or reduction of the export duties, and the probable amount to be raised by the new taxes, *M'Christie 7405-7421*—Evidence as to the amount which the inhabitants conceived would be the income from the new taxes which were imposed ; and as to the mode in which their calculation was arrived at, *ib. 7422-7430*—The view taken by the people was that the object of the repeal of the export duties and the imposition of the tax ordinances was to develop new resources of revenue through the means of these taxes, *ib.*—Reference to the statement made by Mr. Buller in his report, that many of the complaints respecting the new ordinances were entirely without foundation, and that the people were apparently readily satisfied with the explanations, *ib. 7457-7461.*

3. *Handle made by the Priests and others of the proposed new Taxes to stir up the People to Rebellion :*

The taxes which were made a handle of by the headmen to create dissatisfaction were the gun tax, the shop tax, the dog tax, the stamp tax, the cart and boat tax, and the road-labour tax, *Ackland 3247*—None of these taxes affect the Kandyans, but for an interested purpose they were all cited to show the intention of the Government to tax everything, *ib. 3247-3250*—These taxes were all introduced with the joint object of police and revenue ; particulars in details relative to the introduction of these taxes under what is called the taxing ordinance, and the passing of this ordinance, *ib. 3251-3270.*

Grounds for forming the opinion that the new taxes, or rather the proposed new taxes, had nothing to do with the insurrection, except in so far as they were made a handle or stimulus of by the disaffected chiefs and others to incite the population to rise ; way in which they were misrepresented by them to this end, *Sir T. Herbert Maddock 3674-3686. 3756, 3757. 3763-3770*—Opinion that this insurrection had been hatching long before these taxes were ever contemplated, *ib. 3674. 3685*—It is very doubtful whether the outbreak would have taken place at the time it did, if it had not been that the exaggerated accounts of the taxes prepared the people's minds, *ib. 4083-4091*—This made a far greater number adhere to the cause of the pretender than otherwise there would have been any chance of collecting together, *ib.*

The imposition of the new taxes may probably have given a stimulus to the movement, but the discontent had been long existing before the imposition of these taxes ; evidence as to how far the priests were concerned therein, *Wodehouse 4664-4675*—At the time of witness's tour he took occasion to explain the nature of all the new taxes as well as the Road Ordinance, *ib. 4885-4889. 4893-4894*—In the Southern Province the people were not in the least degree hostile to the new taxes, *Hon. Gerald Talbot 4956*—Witness is very far from thinking that the ordinances have been in any way the cause of the

645-

Report, 1850—continued.

TAXATION—continued.

3. *Handle made by the priests and others, &c.*—continued.

the disturbances in Kandy, though there is no doubt they have been made a handle of by the disaffected headmen, who have misinterpreted the taxes to the people, *Hon. Gerald Talbot* 4993. 5184, 5185—All the ordinary pains were taken to describe these taxes to the people, but they would rather give credit to the statements of the chiefs, *ib.* 5371-5379.

Opinion that the introduction of the new taxes did not produce general discontent, except inasmuch as they were made a handle by the disaffected, *Saunders* 5907, 5908. 5910—One cause of the insurrection witness attributes to the taxes imposed at the end of 1847 and beginning of 1848; the gun tax and others, *Layard* 6218 *et seq.* 6322—Witness has heard the insurrectionary movement attributed to the taxes which were imposed about that time, but believes they could have had very little influence in bringing it about, *Skinner* 7019, 7020—Way in which witness considers that the numerous new taxes which were imposed led to the riots, *Anstruther* 7714 *et seq.*

4. *How far the people generally considered the Taxes were unjust :*

The taxes that were principally opposed were the dog tax, the shop tax, and the gun tax, *Wodehouse* 4499-4503. 4513-4521. 4540-4545—Witness thinks that direct taxes are altogether objectionable in Ceylon, *Saunders* 5907—Evidence in detail on the subject of the various taxes imposed in 1847 and 1848, of which the people complain as being unsuited to them, oppressive, and unjust, *M'Christie* 7363 *et seq.*—Observations on the points, nature, and operation of the various new tax ordinances, *ib.* 7363, 7364—Assertion made by witness that both Lord Grey and Lord Torrington have stated these taxes to be impolitic, oppressive, and unjust; grounds upon which witness makes this assertion, *ib.*

Reasons for forming the opinion that the people generally were aggrieved by the imposition of these new taxes, as the repeal of the export duties did not benefit the population of the island generally, *M'Christie* 7405-7421—Quotations made by witness from various passages of different despatches of Lord Torrington, showing, as witness reads them, the intention of the Governor to impose taxes, and that by all these taxes which he did impose, and was imposing, his intention was to raise revenue, *ib.* 7424-7432. 7439. 7441. 7445—Witness has not read the following passage in a despatch of Lord Torrington, although he has quoted from the despatch, "That thus far he has used his strenuous efforts to follow out these prudent recommendations (referring to recommendations from the Home Government), and to be guided by those enlightened views of policy embodied in the Report of the London Committee, and which have received the Secretary of State's sanction," *ib.* 7441-7443.

5. *Favourable Position of the Kandians in respect to Taxation as compared with the Continent of India :*

Favourable position in which the Kandians now stand as regards the taxing of their paddy or rice lands as compared with the continent of India; and also as compared with their taxation under the kings of Kandy, *Sir T. Herbert Maddock* 3691-3694. 3703-3712. 3777-3783—In witness's intercourse with the people of Ceylon he has never heard them complain of the burden of taxation, *Hon. Gerald Talbot* 5049—Their taxation is much more moderate than it was under their former government, or under former portions of our own, *ib.*

6. *Papers laid before the Committee :*

Despatch of Lord Torrington to Earl Grey, dated 12 January 1849, transmitting an address from the Cingalese inhabitants of Ceylon on the subject of the late occurrences, and his answer thereto, *Rep. ii. App.* 400—Copy of the address of the Cingalese inhabitants of Colombo, and the neighbouring corles and pattoos, presented to his Excellency Viscount Torrington, the Governor of Ceylon, on the subject of the late occurrences, and expressive of gratitude for the modification of the recent fire-arms, dog, and other ordinances, *ib.* 400, 401—Copy of the reply of his Excellency Viscount Torrington to the address from the Cingalese inhabitants of Ceylon, *ib.* 401, 402—Despatch from Earl Grey to Viscount Torrington, dated 1 December 1848, acknowledging the receipt of the merchants' memorial on taxation, *ib.* 403.

Despatch from Earl Grey to Viscount Torrington, dated 16 January 1849, on the financial measures and recent alterations; alterations as to dog, gun, and shop licences will be sanctioned; observations on the inconvenience of frequent alterations, *Rep. ii. App.* 403, 404—Despatch from Earl Grey to Viscount Torrington, dated 6 March 1849, congratulating him on the receipt of a native address, expressive of gratitude for the modification of the Fire-arms Ordinance, and the repeal of the dog and shop taxes, *ib.* 409—Extract from the "Colombo Observer" of the 7th November 1848, containing the Governor's speech in the Legislative Council on the 6th November, on the subject of the ordinances respecting taxes, *ib.* 422, 423—Extract from the "Colombo Observer" of the 10th November 1848, containing the Governor's further remarks in the Legislative Council on the 8th November, on the subject of the ordinances respecting taxes, *ib.* 423, 424.

1046

Report, 1850—continued.

TAXATION—continued.

6. Papers laid before the Committee—continued.

Statement of the several old taxes repealed in whole or in part after the arrival of Lord Torrington, and the expected loss of revenue by such repeal or modification, *Rep. ii. App. 428*—List of the several new taxes imposed since the arrival of Lord Torrington, stating the date on which each tax was passed, and estimate of the amount of revenue expected from the same; stating also the dates of subsequent repeal or modification of any of these new taxes, *ib. 429*—Copies of remonstrances, memorials, or petitions from the European or native inhabitants of Ceylon against the new taxes imposed by Lord Torrington's Government, *ib. 429-433*—Instructions given to Sir Emerson Tennent, when he visited Kandy, and on his subsequent tour to Galle and other parts of the Island of Ceylon, to explain the nature of the new taxes, and the object of the Government in enacting them, *ib. 433*.

See also *Direct Taxation. Dog Tax. Export Duties. Gun Tax. Labour Tax. Land Tax. Oulliam Tax. Paddy Tax. Rebellion, 2. Religion. Revenue and Expenditure. Road Ordinance. Shop Tax. Stamp and Tax Ordinances. Torrington, Viscount. Verandah Tax.*

Temple Lands. See *Buddhism, 6. Crown Case Ordinance.*

Tennent, Sir J. E. See *Colonial Secretary. Coolies. Fees. Governors. Indemnity Bill. Taxation, 2.*

Timber. Despatch from Viscount Torrington to Earl Grey, dated 10 January 1849, relative to the necessity of adopting more effectual means for preserving from profitless destruction the more valuable kinds of timber grown upon wild lands the property of the Crown, *Rep. ii. App. 443, 444*—Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council, to regulate the felling and removal of timber grown on the Crown lands in the island, *ib. 444-447*—Schedule to the Timber Ordinance, containing forms of licence to fell timber, permit to remove timber grown on Crown land, and permit to remove timber from private lands, *ib. 447, 448*—Despatch from Earl Grey to Viscount Torrington, dated 23 March 1849, for information previous to sanctioning the ordinance for regulating the felling and removal of timber, *ib. 448*.

Tone, Mr. Theobald Wolfe. See *Courts Martial, 4.*

Torrington, Viscount. Assertion made by witness that, in one of his despatches, Lord Torrington says that he is fully conscious that charges may be made against him that his conduct in reference to these taxes is a proof of the error of his policy, and tends to justify the assertion that they brought about the discontentment of the people, *M^cChristie 7445, p. 324*—Statement made by witness that part of these words are the words of Lord Torrington in his despatch, but not the whole of the words which witness has stated; it is a short statement of what Lord Torrington says, *ib. 7446-7448*—Request made by the Committee to witness to turn to Lord Torrington's despatch and read those particular words, or words to the purport of that which witness has asserted, *ib. 7449*—Paragraph 19, *p. 292* of the Blue Book, read by witness, in which Lord Torrington says, "I am nevertheless fully conscious that charges may be made against me to the effect that the reconsideration of these ordinances, by the alteration of one and the repeal of two others, is a proof of the error of my policy, and tends to justify the assertion that they really brought about the discontentment of the people," *ib.*—Request made to witness to read the remainder of the paragraph, *ib. 7450*—Statement made by witness that he has read all that he proposed to read on behalf of the inhabitants, *ib. 7450-7457*.

Further request made to him to read the remainder of the paragraph; the remainder read, which goes on to say, "I trust that the explanations I have already given will satisfy your Lordship's mind that I am far from being justly chargeable with any error of this description; I think I have demonstrated to your Lordship in my former despatches on the Kandyan insurrection, that the rebellion was planned, organized, and prepared long before the taxes were thought of, and indeed many of the parties implicated and tried in 1848 were the same parties who were implicated and tried in 1845," *M^cChristie 7451-7457*.

Despatch from Earl Grey to Viscount Torrington, dated 31 January 1849, acknowledging despatches containing review of the general policy of Lord Torrington, *Rep. ii. App. 408*—Despatch from Viscount Torrington to Earl Grey, dated 9 February 1849, in justification of the policy adopted by him as Governor of Ceylon with reference to the recent occurrences in that island, *ib. 414-416*—Copy of the Commission appointing Viscount Torrington to be Governor and Commander-in-chief in and over the Island of Ceylon, dated 27 March 1847, *ib. 434, 435*—Copy of the public and private instructions given to Lord Torrington as Governor of Ceylon, *ib. 435-441*.

See also *Buddhism, 2. 3. Burghers. Confiscations. Crown Case Ordinance. Delada Tooth. Executions. Executive Council. Export Duties. Legislative Council. Mackenzie, Governor. Madras Government. Martial Law. Public Meetings. Road Ordinance. Taxation, 1. 4.*

Trade.

647

Report, 1850—continued.

Trade. Observations on the import and export trade of the colony, showing the relative amount of trade that is carried on by the European and by the native community, *Ackland* 7218-7223.—See also *Export Duties*.

Travelling Expenses. How far the Governor and Colonial Secretary are now allowed their travelling expenses, *Anstruther* 7754-7758.

Treason. See *Rebellion*.

Trial by Jury. Witness believes the people of Ceylon enjoy the right of trial by jury; this is not the case with the people of India, *Sir T. Herbert Maddock* 4056, 4057.

Trials. Evidence with respect to the trials which took place in Kandy after the suspension of martial law; explanation relative to the preparing of the jury lists, *Sir T. Herbert Maddock* 3791-3800.—See also *Executions*. *Prisoners*.

Trigonometrical Survey. Evidence relative to the trigonometrical survey of the Island of Ceylon, *Skinner* 7195-7198.

Troops. Number and distribution of the troops in the province of Kandy at the time the insurrection took place; the force amounted only to about 600 men, *Wodehouse* 4249-4251—Small amount of the effective force in garrison at Kandy, *Bird* 6160-6162.

V.

Verandah Tax. Evidence in detail relative to the verandah question, about which so much has been said and done in Colombo, *Wodehouse* 4578-4656—Witness does not believe that this question has had any share in bringing about the late discontented feeling, *ib.* 4657-4663—The effect of the verandah tax was to excite a great bitterness of feeling among the burghers and the native population inhabiting the Pettah of Colombo, *Layard* 6378-6380—Memorandum drawn up by witness with reference to the verandahs of the houses of the inhabitants of Colombo, *M'Christie* 7359-7362.

Copy of advertisement respecting the removal of the verandahs of the houses of Colombo, contained in the "Ceylon Government Gazette" of 21 February 1846, *Rep.* ii. *App.* 477, 478—Copy of advertisements respecting the verandahs of the houses of Colombo, extracted from the "Ceylon Government Gazette" of 18 April, 1 August, and 31 October 1846, *ib.* 478—Despatch from Sir C. Campbell to Earl Grey, dated 14 November 1846, transmitting petition from the inhabitants of Colombo respecting the removal of the verandahs of the houses, *ib.* 479—Copy of petition from inhabitants of Colombo, signed by 3,200 persons, to her Majesty, dated November 1846, complaining of the proposed Government measures respecting the verandahs, and praying for relief, *ib.* 480, 481.

Copies of correspondence which took place in Colombo relative to the petition forwarded to Her Majesty upon the subject of the verandahs, *Rep.* ii. *App.* 481-494—Despatch from Viscount Torrington to Earl Grey, dated 10 July 1847, forwarding a memorial from the inhabitants of Colombo, *ib.* 500, 501—Copy of a memorial to Earl Grey from a deputation of the inhabitants of Colombo, dated 7 July 1847, who had waited on the Governor, complaining of the treatment they had experienced, and copies of the documents referred to in that memorial as having been annexed to it, *ib.* 501-514—Despatch from Viscount Torrington to Earl Grey, dated 28 June 1847, relative to the removal of verandah encroachments in Colombo, *ib.* 516-518—Copy of Government notice, dated 26 June 1847, as to the removal and sale of encroachments upon Crown property, *ib.* 523.

Letter from the committee of inhabitants of Colombo to Earl Grey, dated 13 November 1846, authorizing Mr. M'Christie to wait on his Lordship as their agent on the subject of the verandahs, *Rep.* ii. *App.* 494—Letter addressed to the Right hon. Her Majesty's Under-secretary of State for the Colonies by Mr. M'Christie, dated 27 March 1847, on the subject of the verandahs, *ib.* 495-499—Copy of all despatches from Earl Grey to the Governor of Ceylon relating to the subject of Mr. M'Christie's letter, and to the proposed Government measures affecting the verandahs of the houses of Colombo, *ib.* 499, 500—Copy of letter addressed to Earl Grey by Mr. M'Christie, dated 31 August 1847, relative to the memorial from the inhabitants of Ceylon, *ib.* 514, 515—Remarks by Captain Pickering, R. A., dated 14 June 1847, upon Mr. M'Christie's letter on the subject of the removal of the verandahs in Colombo, *ib.* 519-523.

W.

Wages. See *Coolies*.

Western Province. In the Western Province generally there is a general feeling of dissatisfaction, *Skinner* 7000.

Wodehouse, Philip Edmond. (Analysis of his Evidence.)—Situations witness has held in the civil service of the Government of Ceylon since 1829; 4111-4118—Was a member of both Councils while acting as Treasurer and as Colonial Secretary, 4119—Has been

Wodehouse, Philip Edmond. (Analysis of his Evidence)—continued.

a member of the Council under Sir Colin Campbell, and under the present Governor, 4120—By Article 18 of the Queen's Instructions the Government of Ceylon is enjoined "twice in each year to transmit" to the Government at home, "through one of the Principal Secretaries of State, a full and exact copy of the minutes of the Legislative Council for the last preceding half year, with an index to the subjects," 4121, 4122 —This was always done while witness was in office, 4123—They are sent home as soon as they can be conveniently completed after the expiration of the term to which they apply, 4124—All the proceedings of the Legislative Council in the months from July to December 1848 ought to be in this country by this time, 4125, 4126.

Reference to the orders in the 36th article of the Queen's Instructions, that "draft ordinances are to be published in the 'Gazette,' or publicly made known for at least three weeks next before the enactment thereof," 4127-4137—Witness's impression is that this rule was complied with; grounds for forming the opinion that three weeks is insufficient for the purpose, 4132-4137—Article 38 requires that the Governor shall "in all cases consult with the Executive Council, excepting in unimportant matters, or in matters too urgent to admit of such advice being given by the time within which it may become necessary for the Council to act in respect of such matter," 4138—"Provided that in all urgent cases the Governor shall subsequently, as soon as practicable, communicate to the Executive Council the measures so adopted, with the reasons thereof," *ib.*—When witness was in the Council, before Lord Torrington arrived, it was not the practice to comply with this article, *ib.*—None of the Governors have complied with this regulation, 4139—Lord Torrington, although he has not done it in every instance, has on the whole done it much more frequently than any other Governor, 4140-4147—Witness would recommend that in all cases, and in the first instance, before any measure is taken by the Executive, or any legislative act determined on, the Governor should consult the Executive Council, 4141-4173.

Article 39 of the Instructions, which requires "that distinct minutes shall be kept of the deliberations and proceedings of the Executive Council, by the Colonial Secretary or his assistant, and be transmitted home twice a year at least," was in all cases complied with while witness was in the Executive Council, 4174-4184—The Executive Council has no control over the acts of the Governor; the 40th clause distinctly gives the Governor the power of acting in opposition to any advice which they may give, if he thinks fit, 4185-4193—The Executive Council was consulted before the proclamations of martial law, both in Matelle and in Kornegalle, in July 1848; 4194-4213—Ground for forming the opinion that the Governor was in both instances justified in proclaiming martial law; on the first proclamation he took the advice of the Executive Council, 4214-4239—The effect upon the natives of the district in which martial law was in force could not be other than that of alarm and uneasiness, 4240, 4244-4246.

Number and distribution of the troops in the province of Kandy at the time the insurrection took place; the force amounted only to about 600 men, 4249-4251—Extent to which witness considers the priests and headmen to have been concerned in the insurrection, 4252-4264, 4274-4281, 4313-4315—Evidence showing that the European settlers approved of the policy of the Government in proclaiming martial law, 4265-4273—Opinion that one great difficulty in carrying on the government of Ceylon is the entire opposition between the interests of the natives and the European settlers who have now come into the country, 4265—Witness is of opinion that the statement that 60,000 rioters were assembled, and that they had 16,000 stand of arms, must be erroneous, 4282-4287.

Much might probably have been done at Matelle against the mob if the police magistrate had acted at the outset, 4288-4301—Witness does not consider the letter written by Loko Banda, the head of the police in Kandy, to the secretary of the Governor, on 25 July, as an official document, 4302-4312—No insurrection would be likely to be successful unless the priests had direct participation in it, 4313-4315—Particulars in detail relative to the case of an influential priest convicted of treason and shot at Kandy in full robes, as mentioned in a despatch of Lord Torrington, dated 14 September 1848; Evidence relative to the trial of this man by court martial, 4316-4378—Witness has heard that the Queen's Advocate had waited upon Lord Torrington to solicit his pardon or a remission of the sentence; but never heard that Lord Torrington told him it was no business of his to interfere, till he read it in the "Observer" some months ago, 4344-4349.

The members of the Executive Council do not see all the despatches from the Secretary of State; as the Queen's Instructions stand they have no right to see them; when they are laid before them, it is the exception and not the rule, 4379-4381, 4394-4410—Opinion that all public despatches from the Secretary of State upon matters referring to the government of the colony should be laid before the Executive Council, 4382, 4407-4410—The despatches and all other correspondence ought to pass through the Executive Council, 4382, 4383—Reserving to the Governor, on his own responsibility of course, if he pleases, the power of writing confidential despatches in his own name; and also of receiving them, *ib.*—Records or minutes should be kept of all the proceedings in the Council, recording the opinions of the Executive Council where difference

649

Report, 1850—continued.

Wodehouse, Philip Edmond. (Analysis of his Evidence)—continued.

difference of opinion prevails, and these minutes of proceedings ought to accompany the letter of the Governor communicating the result upon each particular subject; this practice prevails in India, 4384-4393. 4475 *et seq.*

Duties of the private secretary to the Governor; he has no public duties to perform connected with the Government; witness would not consider any communication which should come from him as official, 4411-4422—How far, under the instructions of Lord John Russell, when Colonial Secretary, or under the later instructions of Lord Grey, when a measure has been determined on in the Executive Council, the members of that Council are bound to support it in the Legislative Council, 4423-4473—The right of expressing their opinions has always been fully exercised by the members of the Executive Council, as well as of the Legislative Council, although the members of the Executive do not consider themselves at liberty to oppose the Governor, *ib.*—If the machinery were improved as to communication with the Secretary of State, there would be no particular danger in the restriction upon voting, because the Secretary of State, seeing that members abstained from voting, would be just as well informed that they dissented, as by their names being put down on paper on a division, 4471-4473.

When the Governor sends home an ordinance he ought at the same time to send home a statement of all the objections which have been made by the members of his Council; how far any such notice is now sent home, 4471. 4475-4497—The Government can originate measures in the Legislative Council which have not been discussed in the Executive Council, 4474—Extent to which opposition was shown to the Stamp and Tax Ordinances; how far the Secretary of State for the Colonies would be aware of this opposition from the despatches and papers sent home on the subject, 4498 *et seq.*—The taxes which witness principally opposed were the dog tax, the shop tax, and the gun tax, 4499-4503. 4513-4521. 4540-4545—Reference to the public feeling generally against the shop tax; particulars relative to the repeal thereof, 4521-4560. 4571-4577—A gun tax had been previously proposed in Sir Colin Campbell's time, but was not carried out, 4561-4570.

[Second Examination.]—Evidence in detail relative to the verandah question, about which so much has been said and done in Colombo, 4578-4656—Witness does not believe that this question had any share in bringing about the late discontented feeling, 4657-4663—The imposition of the new taxes may probably have given a stimulus to the movement, but the discontent had been long existing before the imposition of these taxes, further evidence as to how far the priests were concerned therein, 4664-4675—Statement that shortly after Lord Torrington's arrival in Ceylon he received instructions to revise the whole system of the taxation of the colony; it therefore became his duty at once to enter upon such revision, 4676—One branch of revenue which he was instructed to get rid of was the export duties, as bad in principle, 4677-4680. 4684, 4685—Witness did not consider that this repeal was particularly called for, except as regards the cinnamon duty, but he is satisfied that Lord Torrington was instructed to repeal them, as a matter of principle, 4678-4680. 4684, 4685.

The instructions directed Lord Torrington to consider in what way the deficiency which would arise in the revenue by the repeal of the export duties might be provided for; particulars relative to the mode in which the repeal of these duties was carried, 4681-4755—Opinion that a well-arranged land tax would be the most equitable and best mode of taxing the country, 4700-4705. 4725-4771. 4800-4822—The introduction of coffee planting by Europeans, on the extensive scale on which it has been introduced, must be most advantageous to the natives of the island, 4772-4799.

Opinion that the whole tendency of everything which has taken place in Ceylon for some years has been to break down almost all restraints upon disorderly characters, and to weaken the influence of the more respectable part of the community; nature of the policy which has been adopted which has produced this result; witness does not mean to say that it could have been avoided, but he has no doubt that such has been the case, 4823-4835—With reference to the abolition of the export duties, coupled with the imposition of a land tax, the Executive Council came to the conclusion that the export duties should be abolished without a corresponding land tax being imposed, 4836-4840.

The amount of the tax imposed upon the coffee lands upon the repeal of the export duties was simply to be a tax so calculated as to be as nearly as possible equal to the then existing export duty, 4841-4845—But this, from the impracticability of arriving at what would be an equivalent, led the Executive Council to come to the conclusion that they would abolish the export duties, and not impose a land-tax, *ib.*—Still the merchants have not had the full benefit of the repeal of the export duties without any corresponding tax having been imposed, as the Stamp Ordinance imposes a very large amount of additional taxation, 4846, 4847—The Stamp Ordinance is a direct tax; the export duty was an indirect tax, 4848, 4849—The whole of the alteration of taxation proceeded with the object of removing indirect taxes, and imposing direct ones, 4850.

Witness is the main author of what is called the Road Ordinance in Ceylon; the Bill and the details of the Bill were prepared immediately by him, 4851, 4852—The Bill was very carefully drawn, so that the Government should make no direct revenue by it, but

Report, 1850—*continued.*

Wodehouse, Philip Edmond. (Analysis of his Evidence)—continued.

that it should only go in aid of the revenue by relieving the Government of the road expenditure, 4853-4855—Control which witness proposed to retain in the hands of the Government for repairing and making good the roads, 4856-4862—Probable result of this ordinance with regard to the revenue; difficulty of assessing the tax, 4863-4865—Some apprehensions were entertained as to the operation of this ordinance in Ceylon, and some dissatisfaction was created by its being represented that it was a poll tax, 4866.

Particulars relative to a tour witness made in several of the provinces of Ceylon with the view of making the ordinance understood, and ascertaining the opinion of the people on the subject, 4867-4871. 4895-4922—Witness did not meet with any persons who, when the nature of the ordinance was explained to them, were adverse to its provisions, 4872-4874. 4895-4922—Opinion that if this ordinance could be carried into practical operation it would be most useful and beneficial, 4875-4879—There is no foundation for the representation that roads have been made more with reference to the benefit of particular properties than to the general interests of the island, 4880-4882—Great variations in the amount paid by the Government for roads under the old system; difficulty of calculating the sum likely to be raised under the new system, 4883, 4884.

At the time of witness's tour he took occasion to explain the nature of all the other new taxes as well as the Road Ordinance, 4885-4889. 4893, 4894—There is no doubt the taxes were made a handle of to augment the existing discontent, but the main cause of the insurrection was the differences respecting religious matters, 4890-4892—Evidence as to the approval by Lord Grey of the Road Ordinance as it passed originally, 4923. 4926, 4927—No objection was made to the ordinance in the course of its passage through the Legislative Council; it was impossible for any ordinance of such magnitude to have gone through the Council with less discussion, 4924, 4925—Concession which was made to the Buddhist priests in respect of this ordinance, 4928-4940.

[Third Examination.]—Was in Ceylon in August 1848; was a member of the Executive Council, 5534. 5536—Has seen the proclamation by Colonel Drought on the 8th August 1848, directing the attachment of lands and houses, in the papers; this proclamation read, 5535, 5536—Witness can only infer from the wording of it that Colonel Drought considered it within his power to issue it as commandant of the Kandyan provinces during the disturbances; he refers to no other authority of any sort, 5538—How far the subject of the sequestrations and confiscations of property under this proclamation was brought before the Executive Council, 5539 *et seq.*

Particulars as to the amount to which property had been sequestrated, and also with respect to the nature of the property seized and sold, with evidence relative to the introduction and passing of the Indemnity Bill before the Legislative Council, 5543-5572. 5590-5605. 5625-5640—The property was of course seized by the officers employed under martial law in the district; some complaints were made of the manner in which it was seized, 5573-5580. 5586-5588. 5590—After the termination of martial law no proceedings were taken in any court in reference to the mode in which the property had been seized and confiscated; there is one clause of the Indemnity Bill which bars all proceedings of that kind, 5579-5585. 5605-5616—It is clear that the officer commanding Her Majesty's forces in Ceylon highly approved of the conduct of the subordinate officers entrusted with the execution of the law in the disturbed districts 5588, 5589—Witness approves of the general principle of the Indemnity Bill, but objects to the clause barring all proceedings in courts of law, 5605-5616—How far any steps have been taken with respect to compensation to the innocent parties who have suffered, 5616-5624.

The insurrection in Kandy was of such a character that it could not possibly have been suppressed by the police, 5641-5645—At the time martial law was proclaimed, Lord Torrington applied to the Madras Government for military aid; opinion that this application was quite necessary, 5646-5671—How far the rebellion might have been put down by the civil authorities, aided by the military, without the proclamation of martial law, 5672-5699—Evidence showing that Lord Torrington consulted the Executive Council previously to proclaiming martial law, 5700-5710—The general opinion in Ceylon was that the insurrection was promptly and decisively suppressed, 5711—Particulars as to the destruction of property during the insurrection, 5712-5713—Witness does not consider that the alarm among the Europeans at the time of the outbreak was very great, 5714-5717. 5738-5756.

Witness was a member of the Executive Council when the second proclamation of martial law in the district of Kornegalle was proclaimed, 5718—Nature of the evidence upon which witness gave his assent to this proclamation; the district had been in an unsatisfactory state for some years, 5719-5728—The sending for troops from Madras will not entail the continuation of a larger military expense for the island of Ceylon than if it had not taken place, 5735-5737—The Government has often contemplated making some of the planters magistrates, but it is a question of very great delicacy to deal with, 5757-5769—Many of them are very unfit to be magistrates, and if two or three who were fit were selected, the others would be offended, if they were not made magistrates, *ib.*

Witness is not altogether satisfied with the local administration of the government in Ceylon, 5770—Grounds for forming the opinion that the Legislative Council, from its constitution

637

Report, 1850—*continued.**Wodehouse, Philip Edmond.* (Analysis of his Evidence)—*continued.*

constitution, is a very useless body, and worse than useless, 5771-5776—If the Executive Council were put upon a proper footing, the colony would be much better governed without any Legislative Council, the Executive Council having a better means of communicating with the home authorities than they now possess; way in which this might be carried out, 5777-5780. 5785-5814—The security for the proper administration of affairs must be with the Secretary of State in England, 5781-5784.

A free press would be perfectly compatible and advisable with the system of government that witness would recommend; the public press in Ceylon is at the present time perfectly free, 5815-5817—The new Council proposed by witness would be, in a great measure, the same as the Council in India, and would possess the same powers, 5818—Opinion that the natives do not understand the distinction between the Legislative and the Executive Council, 5819—How far it would be practicable to associate the natives with the Europeans in the composition of the Council recommended by witness, 5820, 5821.

[Fourth Examination.]—Witness has given particular attention to the subject of the connexion of the Government of Ceylon with Buddhism, 6526—Substance of a proposition submitted by witness in 1845, for settling the connexion between the Government and the Buddhist priests; the object of this proposition was to carry out Lord Stanley's instruction, that the Government was to cease to participate in Buddhism, 6527 *et seq.*—Reference to the opinion expressed by Governor Mackenzie that it was altogether improper for a Christian Government to have any connexion with Buddhism, 6528-6531—Particulars relative to a minute that Governor Campbell proposed and the ordinance which was proposed to be passed before giving up the relic; disallowance of this ordinance at home, 6537-6548.

Evidence in detail relative to the giving up of the relic after the arrival of Lord Torrington; he having imperative instructions from home to that effect, 6548-6586—Fears expressed by witness at the time that this surrendering of the relic would lead to disaffection among the priests; extent to which these fears have been realized, 6576-6589—Grounds for forming the opinion that no arrangements that could have been made would have been agreeable to the priests, whatever they might have been with the chiefs, 6590-6602.

Difference between the means proposed by Lord Stanley and by Lord Grey for accomplishing the severance, 6603—Difficulty of giving a general description of Lord Grey's despatch; it embodied a far more religious view of the question, and, as witness holds, an utterly impracticable view of it, *ib.*—It carries out the views of the missionaries rather than any system of government, *ib.*—Lord Grey's despatch is more extreme in reference to the Government sanctioning religious ceremonies than the despatch of Lord Stanley, in so far as it allows nothing to be substituted in their place, 6604—It throws every thing adrift, and denies that the Government is bound to do certain things, *ib.*—Lord Stanley began his despatch by laying down that the Government was bound to do these things; Lord Stanley's orders are much more practical and liberal than those of Lord Grey, 6604-6606—The priests invariably point to the agreements made in 1815 and 1818 as the right on which they mean to stand, 6607-6621—Extent to which the religion of Buddhoo is declared to be maintained in these conventions, *ib.*

[Fifth Examination.]—Witness has seen the report of Mr. Rogers to Mr. Gladstone, dated June 1846, on the subject of the ordinance of Governor Campbell which had been disallowed, recommending the remodelling of the ordinance and carrying it out; witness does not concur in the recommendation of Mr. Rogers, 6622-6625—Evidence relative to two conferences held by Lord Torrington with the Buddhist priests; parties who were present at these conferences, 6629-6631—The first demand on the part of the priests was, that the convention of 1815 should be carried out, in the same way as it had been done by the kings of Kandy; particulars relative to a petition on this subject presented by the inhabitants of the island of Ceylon professing the Buddhist religion, sent home by Sir Colin Campbell, 6632-6640.

Copy of a memorandum which was read at the first conference Lord Torrington had with the priests, to prevent any misapprehension, and stating that the propositions then made to them were the solemn and final decision of Her Majesty the Queen; nature of those propositions, 6641-6643—Opinion that those propositions might have been carried out carefully if other legislation had been preparatorily allowed, 6644-6646—The effect of these proceedings has been to leave the large landed property of the temples of the country without any legal management, 6648-6654—The persons now in office as the headmen of the temples of the country have no legal appointment as such, 6648—Way in which, and date at which the relic was given over, 6655-6658.

There is no wish on the part of any person to perpetuate any interference with the Buddhist worship, or any religious ceremony, but simply to impress upon the Government here the absolute necessity for civil and political legislation, 6658 *et seq.*—Their principal object is to be enabled to manage their own property without the risk of confusion,

 Report, 1850—continued.

Wodehouse, Philip Edmond. (Analysis of his Evidence)—continued.

6658–6663—Witness believes no measures have been adopted since the 2d October 1847, when the relic was delivered over, 6664—Opinion that the Governor is fully alive to the difficulty of his situation, and has done all in his power to make this known in the proper quarter, but nothing further has been done, *ib.*—Reference to a recommendation of Lord Torrington, in many respects similar to the disallowed ordinance, proposing to create a certain board, as before, for the management of the religious property in the colony, 6665–6668. 6673–6697.

Colonel Drought, on the part of the Government, took charge of the relic at the time of the disturbances; there was always political importance attached to the relic, 6669–6672—The Government approved of the proceeding of Colonel Drought, 6671—The question of connexion or disconnexion of the home Government and the local government from Buddhism has been very much at the bottom of the discontent on the part of the Buddhist priests with British rule, 6698–6711—Witness does not consider that the apprehension of the establishment of Christianity in the island has been any great source of discontent on the part of the priesthood, 6712, 6713. 6719. 6737–6739.

The Buddhists do not look upon Christianity with any hostility whatever; many of the natives think very little of attending Christian worship and attending Buddhist worship too, 6712—The priests have certainly lost influence since our possession of the Kandyan provinces; whatever may be done for them they cannot be made friends of, 6714–6719—Grounds for forming the opinion that the disconnexion of the British Government with the Buddhist religion is likely to promote infidelity in the island, 6720–6730—Witness is not aware that there is anything very offensive to Christian morals in the rites and ceremonies of the Buddhist religion, 6731–6736.

There has been no attempt on the part of the Government to promote conversion, or to alienate their flocks from the priests, 6737–6739—The people have not respected the priests so much since we have had influence in the island as they did formerly; the priests have not the same power in the colony as they formerly had, 6740—The Buddhist priests are not paid; it is against their principles to hold property; but there are lands attached to the temples, 6741—To a certain extent these lands become more valuable in proportion as capital is laid out by European settlers, 6742—But still they profess to attach more importance to influence than to the acquisition of riches; how far there is any faith to be put in this profession, 6742–6752.

Evidence as to the jealousy existing between the chiefs and the priests, 6753–6757—If witness had been left to his own discretion, he would have left things as they were as regards the religious ceremonies of the natives, 6758—If any influence is to be made, under orders from home, it should be done by the enactment of some ordinance for the purpose, 6759–6772—How far there is anything immoral in the rites and ceremonies of the Buddhist religion, as practised in the island of Ceylon, 6773–6786.

There is scarcely a more difficult question to deal with than the question of the severance of the connexion of Government from the religion of the country, and the best mode of effecting it, 6787—Opinion that the difficulty of the local government in settling the question will be increased by the publication of the papers presented to Parliament, and the discussion in this Committee, 6787–6807—The great mischief has been the active part which the missionaries have taken on the subject of the severance of the connexion of the British Government with the Buddhist religion, of course urging the disconnexion, 6801–6807.

Wodehouse, Mr. Memorandum by Mr. P. E. Wodehouse on the subject of the repeal and modification of certain ordinances passed in the last session of the Legislative Council, dated 14th February 1849, *Rep.* ii. *App.* 424, 425.

See also *Road Ordinance*, 3.
