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New Series, Volume XII

*The purpose of the Society is to institute and promote inquiries into the
History, Religions, Languages, Literature, Arts, Sciences and
Social Conditions of the present and former inhabitants
of the Island of Ceylon, and connected cultures.*

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CONTENTS

Articles	Page
1. Prof. T. Nadaraja—The Administration of Justice in Ceylon under the Dutch Government 1656-1796 ..	1
2. Dr. C. E. Godakumbura—Kantarodai	67
3. Dr. P. E. P. Deraniyagala—Some Aspects of the Tertiary Period in Ceylon	86
4. Dr. C. E. Godakumbura—Dedigama	109
5. ඒ. ඇස්. කෙට්ටිආරච්චි — මහනුවර රජ පරපුර (Kandyan Dynasty)	123
Book Review	130
Office-Bearers 1967/68	134
Annual Report for 1967	135
Honorary Treasurer's Report for 1967	137
Balance Sheet and Statement of Accounts for 1967 ..	138
Abstracts of Proceedings	144
Publications Received (1-10-66 to 30-9-67)	151
Donations (1-10-66 to 30-9-67)	153
Purchases (1-10-66 to 30-9-67)	153
Members admitted during the year 1968 and Change of Address—Life Members and Ordinary Members ..	154
Notice to Contributors	157

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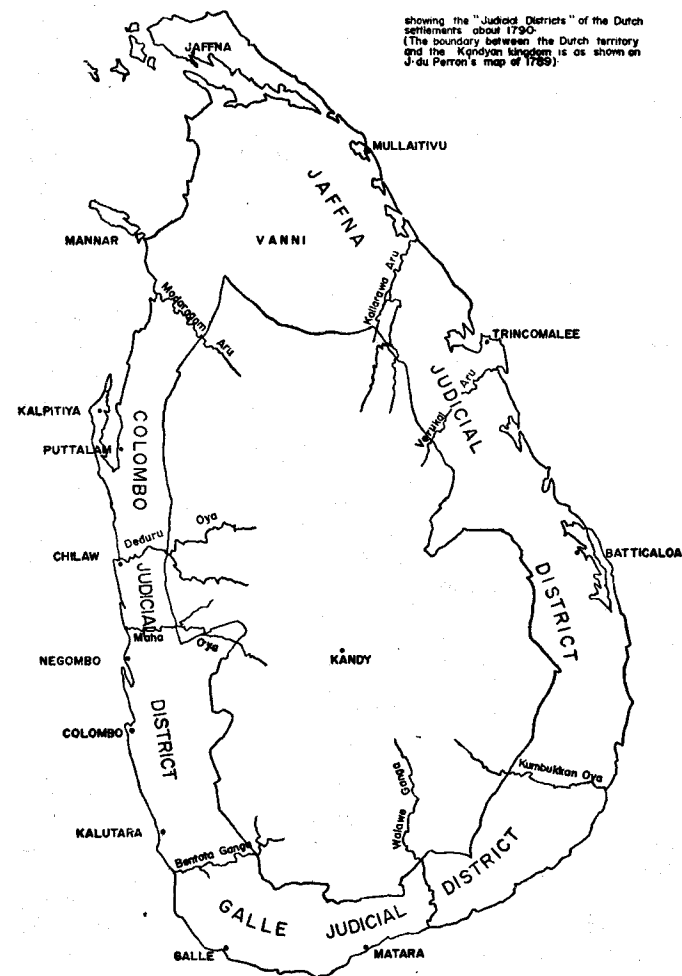
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CEYLON

showing the "Judicial Districts" of the Dutch
settlements about 1790.
(The boundary between the Dutch territory
and the Kandyan kingdom is as shown on
J. du Perron's map of 1789.)



The Administration of Justice in Ceylon under the Dutch Government 1656-1796

By PROFESSOR T. NADARAJA

I. Introduction

The overseas settlements of the Chartered United East India Company (*Vereenigde Geootroyeerde Oost-Indische Compagnie*) of the Netherlands were administered by it on behalf of the Republic of the United Netherlands and were all governed, broadly speaking, in a similar way. The administration in the more important "outstations" (*buiten comptoiren*), like Ceylon, was modelled on that in the eastern headquarters (*hoofd comptoir*) of the Company, which was situated at Batavia in Java. The Governor-General of the East Indies in his Council at Batavia exercised a general control over the outstations; and this Council of the Indies, as well as the heads of the outstations in their Councils, were bound by laws passed in the mother-country by the States-General (*Staten-Generaal*), the supreme governing organ of the Republic of the United Netherlands, and by regulations issued by the Council of Seventeen (*College der Zeventien*), the directorate of the East India Company, which usually obtained the sanction of the States-General in important matters.

Of the outstations of the East India Company, Ceylon was considered one of the most important¹. Between 1638 and 1658 the Dutch had captured the chief centres of Portuguese power in the island—Batticaloa (1638) and Trincomalee (1639) in the east, Galle (1640) in the south, Negombo (1640) and Colombo (1656) in the west, Mannar (1658) in the north-west and Jaffnapatnam (1658) in the north². Over a century later a Treaty of 1766 between the East India Company and the ruler of the kingdom of Kandy in the centre of the island secured for the former the mastery of all the coastal low-lands³, while the King's sovereignty over the central highlands was affirmed⁴. The Dutch regime lasted till 1796, when the Maritime Provinces of the island were conquered by the British. The Kandyan kingdom continued to maintain its independence of European rule till 1815, when the Kandyan districts also came under the dominion of the British Crown⁵.

The main administrative divisions of the Dutch settlements in Ceylon were centred around the three chief towns of Colombo, Jaffnapatnam and Galle. The highest executive authority was the Governor, who was assisted by a Political Council (*Politieke Raad*) or Council of Polity (*Raad van Politie*). The Governor's residence was

within the Castle (or Fort) of Colombo and his rural lieutenant, the Disava, an European official whose office bore a native title⁶, resided in Hulftsdorp not far from the Castle of Colombo. The area under the latter's jurisdiction, the Disavany of Colombo, extended southwards along the coast from the "Caymelle" (Kammala) river (that is, the Maha Oya) in the west of the island, past Negombo and Kalutara, down to the Bentota river in the south-west. The administrative areas centred on Jaffnapatnam and Galle were governed by Commandeurs, who resided in those towns and were assisted by local Councils. The Commandement of Jaffnapatnam covered the northern part of the island⁷: it included the peninsula of Jaffnapatnam and the northern islands under a Disava, the island of Mannar and its dependent districts on the mainland in the north-west under a Chief Resident (*Opperhoofd*) and the troublesome province of the Vanni under a military officer. The Commandement of Galle extended along the coast from the Bentota river to the Walawe river in the south of the island, and it included the Galle Korle⁸ under a Superintendent (*Opziender*) and the more extensive Disavany of Matara under a Disava⁹.

After the Treaty of 1766 the Colombo Disavany was expanded northwards up to the Deduru Oya so as to include the district of Chilaw on the western¹⁰ coast, and the Commandement of Galle was expanded up to the Kumbukkan river in the south-east of the island¹¹; and what had previously been little more than isolated forts at Kalpitiya, Trincomalee and Batticaloa¹² became three additional centres of government for their respective districts¹³ under a civil servant or a military officer. The administrative district of Kalpitiya (which from 1773 included the district of Puttalam)¹⁴ extended from the Deduru Oya, the northern limit of the Colombo Disavany, northwards to the south-western limits of the Commandement of Jaffnapatnam¹⁵. The administrative district of Trincomalee extended from the south-eastern limit of the Commandement of Jaffnapatnam¹⁵ southwards to the Verukal river¹⁶. The administrative district of Batticaloa extended from that river southwards to the Kumbukkan river, the eastern limit of the Commandement of Galle¹⁶.

The six administrative divisions of the Dutch settlements described above differed, with one exception, from the divisions of these settlements for judicial purposes¹⁷. The latter consisted of three districts centred on the *Raden van Justitie*, the High Courts of Justice, of Colombo, Jaffnapatnam and Galle¹⁸. The judicial district of Colombo included the Disavany of Colombo and the administrative district of Kalpitiya-Puttalam and extended from the Bentota river to the south-western limit of the Commandement of Jaffnapatnam. The judicial district of Jaffnapatnam extended from the latter limit down to the Kumbukkan river and covered the Commandement of Jaffnapatnam and the administrative districts of Trincomalee and Batti-

caloa. The judicial district of Galle extended from that river to the Bentota river and thus coincided in extent with the Galle Commandement¹⁹.

One element in the law that was applied in the Dutch settlements was, as we shall see²⁰, the customary law of the "native" inhabitants. The two chief sections of the population that require notice in this connection are the Sinhalese, who spoke the Sinhalese (or Sinhala) language, and the Tamils, whose mother-tongue was Tamil²¹. The former, who inhabited "the interior of the country" (i.e., the kingdom of Kandy) and "its southern and western parts"²², were mainly Buddhists, while the Tamils, who inhabited "the northern and eastern districts"²², were mainly Hindus. Moreover, in all parts of the Dutch settlements there were several Moors²³ or Tamil-speaking Muslims²⁴ and many people in both the Sinhalese-speaking and the Tamil-speaking sections of the population professed Christianity, sometimes "with a view to obtain various offices . . . under the Dutch government"²⁵.

II. The Judicial System

In the outstations of the East India Company, as in Batavia, all courts exercised jurisdiction "in the name and on behalf of their High Mightinesses"²⁶, the States-General²⁷. In Ceylon justice was administered in three kinds of courts of record—the *Raden van Justitie* (the High Courts of Justice), the Landraden (the Land or Country or District Courts) and the *Civiele Raden* or *Stads Raden* (the Civil or Town Courts). Judicial powers were also exercised by certain European officials (like the *Fiscaals*²⁸, the Chief Residents or the military officers in charge of subordinate stations and the Disavas) as well as by the native chiefs²⁹, but none of these officials' courts were courts of record³⁰.

The most important of the three types of courts of record mentioned above was the High Court of Justice (*Raad van Justitie*)³¹. There were High Courts of Justice in Colombo, Jaffnapatnam and Galle³², each consisting of seven or more persons³³ appointed by the Governor in Council from the members of the Council and the civil and military services³⁴. Originally the Governor presided over the High Court of Colombo; but in 1732 Governors and Directors of the outstations of the East India Company were precluded from presiding over the High Courts of Justice³⁵, and the *Secunde* or Second in Command, the *Hoofd Administrateur* or Chief Administrator, became president³⁶. In the High Courts of Jaffnapatnam and Galle the Commandeur³⁷, the chief executive official of these two provincial centres, presided³⁸. In each of the three chief towns there was an official called the *Fiscaal*³⁹ who, amidst a variety of other duties⁴⁰, played an important part in the proceedings of the High Courts: in civil cases he acted as a member of the court, while in criminal cases he was the Public Prosecutor⁴¹. Few members of even the High Courts were

trained lawyers⁴²; for the outstations of the Company, unlike Batavia⁴³, were "badly provided with men learned in the law"⁴⁴. The members of the High Courts were paid no salary apart from what they received from their civil and military offices, but they received a small sum⁴⁵ as *mantel geld* or cloak money⁴⁶.

The High Court of Colombo was the most important judicial tribunal in Ceylon, and exercised an original and an appellate jurisdiction in both civil and criminal cases. It had an original civil jurisdiction, when the matter in dispute was above one hundred and twenty rix dollars⁴⁷ in value⁴⁸, "over natives residing in the Fort of Colombo or at any place" (in the suburb of the Pettah)⁴⁹ "within Kayman's Gate"⁵⁰ and in suits "between Europeans or the descendants of Europeans"⁵¹ residing in the much wider area of the judicial district of Colombo⁵². Within the areas under their jurisdictions⁵³ the High Courts of Jaffnapatnam and Galle had the same powers as the High Court of Colombo. An appeal lay to the High Courts of each judicial district from the inferior courts, the *Landraden*⁵⁴ and the *Civiele Raden*⁵⁵, situated in that district⁵⁶; and in cases exceeding three hundred rix dollars in value⁵⁷ an appeal lay from the High Courts of Jaffnapatnam and Galle to the High Court of Colombo⁵⁸. Subject to the same limitation of the value of the subject-matter of the action, an appeal lay to the High Court of Justice at Batavia from decisions of the Colombo Court (whether in the exercise of its original or its appellate jurisdiction)⁵⁹, but in the case of decisions on appeal from the High Courts of Jaffnapatnam and Galle only if the Colombo Court differed from a judgment of one of those two Courts sitting in appeal⁶⁰. From the decisions of the High Court of Batavia, "there was strictly speaking no appeal, but the dissatisfied party might obtain a rehearing by petitioning the Governor" (more correctly, the Governor-General) "of Batavia"⁶¹.

In criminal cases the High Court of Colombo had an original jurisdiction over all persons—Europeans, Asians and Eurasians⁶²—resident in the judicial district of Colombo⁶³ in matters that were beyond the jurisdiction of the Fiscaal or the Disava, who had authority to try minor cases within the areas of the town or disavany that came under their jurisdiction⁶⁴. Several offences carried the death penalty⁶⁵; but generally no death sentence imposed by a High Court could be executed without confirmation by the Governor⁶⁶. The Governor in Council had the power to suspend the execution of criminal sentences pronounced by a High Court⁶⁷, referring the papers to Batavia as soon as possible after the suspension⁶⁸. In the areas under their jurisdictions the High Courts of Jaffnapatnam and Galle exercised powers similar to those of the High Court of Colombo⁶⁹, and from their decisions there was an appeal to that Court⁷⁰. From the decisions of the High Court of Colombo there was an appeal to the High Court of Justice in Batavia in criminal cases conducted according to the "ordi-

nary" (as distinguished from the "extraordinary") mode of procedure⁷¹, but where the accused was a servant of the East India Company such an appeal could be taken only if he was of a rank higher than that of sergeant in the military service⁷² or its equivalent in the civil⁷³ and other services.

Below the High Court of Justice stood the *Landraad* (the Land or Country or District Court), the establishment of which has been described as constituting "the greatest excellence"⁷⁴ of the Dutch regime. Before the establishment of this court the Disava⁷⁵ exercised jurisdiction in minor cases⁷⁶, more particularly those that arose outside the limits of the town⁷⁷. But in the course of time it was found that the Disava had too much other work to be able to decide all the little disputes of the native inhabitants himself⁷⁸, and *Landraden* were established "to relieve him from a multitude of legal discussions"⁷⁹. He referred to it all cases too complicated for his judgement, or such as he had not leisure to decide, and . . . the inhabitants could appeal from the decisions of the Dessave himself to the *Landraad* where forms of proceedings were simple⁸⁰, and the charges attending the few written deeds these required were fixed at one half of those of the three" (High) "Courts of Justice"⁸¹. . . The *Landraad* was extremely popular and its decisions were generally respected"⁸².

Landraden seem to have existed in Matara and Jaffnapatnam as early as 1661⁸³ though there is evidence that they sometimes ceased to function and were reestablished at various times. *Landraden* were established in Colombo and Galle in 1741⁸⁴. Apart from the *Landraden* of Matara, Jaffnapatnam, Colombo and Galle, *Landraden* existed at various times at Chilaw⁸⁵, Puttalam⁸⁵, Mannar, Mullaitivu⁸⁶, Trincomalee⁸⁷ and Batticaloa⁸⁸.

Although the principal reason for the establishment of the *Landraad* was to deal with cases relating to land (which was the most frequent subject of litigation amongst the native inhabitants)⁸⁹, it was decreed in 1743 that no civil causes of the native inhabitants residing outside the gravets⁹⁰ of Colombo could be brought before the High Court of Colombo until the *Landraad* had first given a decision on them and leave to appeal to the High Court had been granted by the Governor⁹¹. After 1789 this extension of the jurisdiction of the Colombo *Landraad* was applied to the other *Landraden* as well⁹². The *Landraden* were primarily courts of civil jurisdiction; but in places where there were no High Courts of Justice close by, the *Landraden* also assisted in the preliminary stages of criminal trials⁹³. From the decision of a *Landraad* an appeal lay to the High Court which had jurisdiction in that district⁹⁴, and where the High Court in question was that of Jaffnapatnam or Galle there was a further appeal to the High Court of Colombo⁹⁵.

The composition of the *Landraden* varied in different districts. The Disava or the Chief Resident (Opperhoofd) of the District presided⁹⁶, the other members being a variable number of European officers of the Company and native chiefs⁹⁷. Thus, in the *Landraad* of Colombo the Disava, the Fiscaal (who was the Vice-President)⁹⁸, the *Tombhouder* or Keeper of the Registers of Land⁹⁹, the Chief Surveyor¹⁰⁰, the Captain of the Mahabadde¹⁰¹ or Superintendent of the Cinnamon Department¹⁰²—who were all Europeans—the Maha Mudaliyar of the Governor's Gate¹⁰³ and the Atapattu Mudaliyar or Mudaliyar of the Disava¹⁰⁴ were permanent members; and they were reinforced from time to time by some members of the lower grades of the Company's civil service¹⁰⁵ and a few less important native chiefs¹⁰⁶. The Disava or the Chief Resident of the District was usually a person with an intimate knowledge of local conditions¹⁰⁷; and the presence of the "native" members in the *Landraad* ensured that the European members of the court would receive guidance on questions both of fact as well as of native custom¹⁰⁸, which formed an important element in the law applied in the *Landraad*¹⁰⁹. The full *Landraad* generally met once a week¹¹⁰, but a committee of a few members of the court met more often¹¹¹ to conduct preliminary inquiries and to prepare reports and other papers for submission to the full court¹¹². The members of the court were not paid any salary for acting as judges, but they received a small sum¹¹³ as *mantel geld* or cloak money and they were paid their expenses when inquiries were held at a distance from the place where the court usually sat¹¹⁴.

Before we leave the courts that had jurisdiction in the country areas mention must be made of an assembly which exercised judicial among other functions in the district of Batticaloa in the last three decades of the Dutch regime¹¹⁵. This was the *Lands Vergadering* or Country Assembly, which was "composed of the members of the *Landraad* and of all the native chiefs of the country" (that is, the district) "who held their employment¹¹⁶ from the Governor"¹¹⁷. While the *Landraad* exercised jurisdiction over "the Fort" of Batticaloa "and adjacent districts"¹¹⁸, the "litigious causes of the interior of the country¹¹⁹ that the Chief" (of Batticaloa) "did not wish to take upon himself to settle"¹²⁰ were remitted to the Country Assembly, which decided them "generally upon a verbal hearing of the parties, and no appeal lay from its decisions except directly to (the) Government"¹²¹ in Colombo. Apart from its judicial functions, this Assembly also supervised the assessment and collection of the revenue of the district¹²²: in fact it constituted a provincial council "of which all the heads of the Mogua families" (i.e., families of the Mukkuvar¹²³ caste, which owned almost all the land in the district) "were . . . members for the government of their province"¹²⁴. There seems to have been a similar Assembly in the District of Puttalam¹²⁵, where also the Mukkuvar formed a distinct element of the population¹²⁶.

To consider next the inferior courts in the towns, there existed in Colombo, Jaffnapatnam and Galle a court called the *Civiele Raad* (Civil Court) or *Stads Raad* (Town Court) or *Collegie van Huwelijksche en Kleine Gerechtszaken* (Court of Matrimonial and Petty Causes)¹²⁷. It was composed of persons, (usually eight in number¹²⁸), selected each year¹²⁹ by the Governor in Council from the ranks of the servants of the Company and of the "free burghers" or colonists not in the service of the Company¹³⁰. This Court was established in order to relieve the High Courts of Justice of a number of small causes which had formerly been decided by them in the first instance¹³¹. It had no criminal jurisdiction¹³²; but it exercised jurisdiction over all the inhabitants, the Europeans as well as the others¹³³, of "the town and its precincts"¹³⁴ in causes not exceeding one hundred and twenty rix dollars in value¹³⁵. From the decisions of the *Civiele Raden* of Colombo, Jaffnapatnam and Galle there was an appeal to the High Courts in those towns, and there was a further appeal from the High Courts of Jaffnapatnam and Galle to the High Court of Colombo¹³⁶.

Apart from the *Raden van Justitie* (the High Courts of Justice), the *Landraden* (the Land or Country of District Courts) and the *Civiele* or *Stads Raden* (the Civil or Town Courts), which were all courts of record¹³⁷ certain officials exercised more limited jurisdictions in courts which were not courts of record¹³⁸. Within the areas of the towns under their authority the Fiscaals exercised civil jurisdiction in cases of small debts not exceeding one hundred rix dollars in value¹³⁹, and criminal jurisdiction "in assaults and other petty cases"¹⁴⁰ with power to inflict a fine not exceeding one hundred rix dollars or to order the offender to be whipped¹⁴¹. The Disavas had a similar jurisdiction¹⁴² in minor cases in the areas under their authority, and the Chief Residents or the military officers in charge of subordinate stations¹⁴³ also exercised judicial powers in minor cases¹⁴⁴. The native headmen and chiefs of various grades (such as the vidanas, the koralas and the mudaliyars)¹⁴⁵ also had authority to decide the disputes of the local inhabitants; and from their decisions appeals lay to superior headmen and chiefs and thereafter to European officials like the Chief Residents or the Disavas¹⁴⁶.

III. The Law

We have considered the various tribunals which exercised judicial power in Ceylon under the Dutch regime and must now turn to the law that was administered in those tribunals. The practice of the Dutch courts with regard to this subject is stated in a memoir left for his successor by A. Pavilioen, Commandeur of Jaffnapatnam, in which he wrote in 1665: "Justice is administered to the Dutch"¹⁴⁷ (and the other Europeans) "according to the laws in force in the Fatherland and the Statutes of Batavia. The natives" (i.e., the Asian inhabitants) "are governed according to the customs of the country if these are clear and reasonable, otherwise according to our laws"¹⁴⁸. To the

three sources of law mentioned in this statement must be added the enactments of the Governor and Council of Ceylon which were binding *prima facie* on the European, the Eurasian and the Asian inhabitants alike. Each of the above mentioned sources of the law applied by the Dutch courts in Ceylon must be considered. We may begin by asking what Pavilioen meant by "the laws in force in the Fatherland and the Statutes of Batavia", and how these bodies of law came to be applicable in Ceylon.

The Charter (*Octrooi*) of the 20th March 1602¹⁴⁹, by which the States-General, the federal legislature of the Republic of the United Netherlands¹⁵⁰, granted to the East India Company the right, *inter alia*, to administer justice in its territories did not mention what law was to be applied there nor did the *Artyckel-Brief*, the code of disciplinary regulations issued by the States-General for the Company's servants¹⁵¹, which those who formed the overseas settlements of the Company had sworn to observe. However, by a resolution passed on 16th June 1625 by the Governor-General and Council of Batavia in accordance with recommendations made by the Council of Seventeen¹⁵² in the mother country, some rules of procedure formulated by two courts at Batavia and certain statutes enacted by the States or provincial legislature of the Province of Holland¹⁵³ were promulgated as laws to be observed in the administration of justice in the East Indies; and it was declared that in all cases for which these laws or the enactments of the Batavian Government did not provide, "the common civil laws as practised in the United Netherlands" should be observed¹⁵⁴. Seven years later Instructions, dated the 17th March 1632, issued by the Council of Seventeen to the Governor-General and Council of Batavia, directed them to secure that "at Batavia and all other places under the dominion of the Company" justice should be done, pending further instructions, "in accordance with the instructions and customs which are as a rule observed in the Provinces of the United Netherlands"¹⁵⁵.

The above provisions of the Resolution of 1625 and the Instructions of 1632 elucidate what Commandeur Pavilioen meant by "the laws in force in the Fatherland"¹⁵⁶. It will be noticed that both sets of provisions refer to the laws and customs observed in the United Netherlands and not to those prevailing in any one of the provinces which formed the Republic of the United Netherlands¹⁵⁷. In practice, however, the laws and customs of the Province of Holland came to be accepted in the overseas settlements of the Company in preference to those of any other province¹⁵⁸ largely because the Chamber of Amsterdam in Holland enjoyed a predominant influence in the Company's affairs¹⁵⁹. It would, therefore, be broadly correct to say that "the laws in force in the Fatherland" meant the Roman-Dutch Law¹⁶⁰, that amalgam of Roman law and native Dutch custom which, as modified by legislation and judicial decision, prevailed in the Province of

Holland, the most important province in the Republic of the United Netherlands¹⁶¹. The chief sources of that law were the statutes enacted by the States-General and by the States of the Province of Holland¹⁶², the decisions of the courts¹⁶³ and the "books of authority" written by celebrated jurists like Huig de Groot or, as he is commonly called, Hugo Grotius (1583-1645), Simon van Leeuwen (1625-1682), Johannes Voet (1647-1713), Dionysius Godefried van der Keessel (1738-1816) and Joannes van der Linden (1756-1835)¹⁶⁴.

The Resolution passed by the Governor-General and Council of Batavia on 16th June 1625 and the Instructions issued by the Council of Seventeen on 17th March 1632 gave legal recognition to the natural presumption that the "the laws in force in the Fatherland" (or so much of them as could be adapted to the conditions of life in the outstations) were carried to their new homes overseas by the early settlers from the Netherlands¹⁶⁵. General statutes issued by the Governor-General in Council at Batavia, as distinguished from statutes which were merely local in their application, also enjoyed legal authority in the outstations of the Company. A compilation of such Batavian legislation, "codified under proper titles" and "amplified where necessary from the common laws of the Fatherland or from the written Imperial laws"¹⁶⁶ (i.e., the Roman Law), was made in 1641 by J. Maetsuycker, President of the Court of Justice at Batavia (who was later to become both Governor of Ceylon and Governor-General of the East Indies). The last article declared that in matters for which the code did not provide, "the laws, statutes and customs in use in the United Netherlands" and, failing these, "the written Imperial laws" (the Roman Law) should be observed, so far as they were applicable to local conditions; and, subject to the same restriction, the authorities in the outstations were required to "regulate themselves according to this book of ordinances"¹⁶⁷. This compilation of what came to be known as the Old Statutes of Batavia or India¹⁶⁸, which was promulgated as a code by Governor-General A. van Diemen in July 1642 and approved by the Council of Seventeen and the States-General in 1650, in effect constituted a code for all the possessions of the East India Company¹⁶⁹.

In the course of time the need was felt for a new edition of the Statutes and a revised code¹⁷⁰, which is generally called the New Statutes of Batavia, was adopted by Governor-General P. A. van der Parra in Council in September 1766. The preamble declared that the code was to be in force not only in Batavia but that it was also intended "for the enlightenment and direction of all the judges and judicial officers at all the outstations of the Netherlands Indies, in so far as they shall be applicable there and the condition of those places and our authority there shall allow, as we desire that the said new local code to that extent shall be considered in force everywhere"¹⁷¹. These New Statutes were sent to Holland in October 1766 for the

approval of the Council of Seventeen¹⁷², which approval was never given¹⁷³. Strictly, therefore, they lacked formal validity; but they continued to be observed in the East Indies for nearly a century after their adoption in Batavia¹⁷⁴ and there are several indications that they were observed in Ceylon¹⁷⁵.

A former Governor of Ceylon, C. J. Simons, wrote in 1708: "The Statutes of Batavia are certainly clear but short, and therefore do not make precise provisions regarding many matters which occur daily"¹⁷⁶. For this reason and because "the laws in force in the Fatherland and the Statutes of Batavia"¹⁷⁷ were not always applicable in the conditions prevailing in Ceylon, the Governor and Council of the island also issued their own enactments¹⁷⁸. This body of law regulated a wide variety of the day-to-day activities¹⁷⁹ of the inhabitants of the Dutch settlements, and was, therefore, in many respects of more real significance to them than the laws introduced from abroad. Attempts were made at various times to consolidate these local enactments. Thus, Governor Simons, who showed a keen interest in improving the administration of justice¹⁸⁰, was responsible for the preparation in 1704 of a compendium of the statutes and orders applicable in the Commandement of Jaffnapatnam¹⁸¹. About two years later he took in hand the wider scheme of causing "the various orders issued by *placaats*"¹⁸² (i.e., placards) "to be summarised under separate headings in a more convenient volume, which must every year be read to the people in the presence of the Fiscal Independent"¹⁸³.

The last element in the law applied by the Dutch courts in Ceylon that requires consideration is the customary law of the Asian inhabitants. Originally the policy of the Dutch authorities in the East Indies had been to apply the Dutch Law to both the European and the Asian inhabitants alike; but experience soon suggested the desirability of permitting the judges to take the native custom into account¹⁸⁴. In Ceylon, according to a report on the administration of justice prepared by H. Cleghorn in 1799¹⁸⁵, "the religion, usages and customs of the different nations, who form the population of those parts of the Island . . . subdued by or ceded to the Company, did not permit of their being governed entirely by the Dutch Laws. In criminal cases these laws were very generally applicable¹⁸⁶; but in civil causes between the native inhabitants they could seldom be applied. It was judged expedient and even necessary to allow the people to preserve the laws and customs which had been established by their ancient princes"¹⁸⁷. Dutch policy regarding the recognition of native custom in Ceylon is explained in the memoir left for his successor by Commandeur A. Pavilioen of Jaffnapatnam in 1665. "The natives", he wrote "are governed according to the customs of the country if these are clear and reasonable, otherwise according to our laws"¹⁸⁸. There are instances of the Dutch authorities in Ceylon denying legal recognition to well-established native usages which were not in accordance with their own

conceptions of morality and public policy¹⁸⁹, while some compilations of "clear and reasonable" native customs were given legislative force by those authorities.

The earliest of these compilations was the *Tesavalamai*¹⁹⁰ Code of the "Ancient Customs and Rules"¹⁹¹ of the district of Jaffnapatnam. As early as 1661 a Dutch official had remarked on the obstinate attachment of the Tamils of Jaffnapatnam to their old customs and habits¹⁹², and in 1697 H. Zwaardcroon, Commandeur of that district, had suggested the need for a "concise digest" of those customs which "might serve for the instruction of the members of the Court of Justice as well as for new rulers arriving here"¹⁹³. In August 1706¹⁹⁴ Governor Simons, whose interest in legal reform has already been mentioned¹⁹⁵, directed that a compilation of the local customary law should be prepared¹⁹⁶ and the work was undertaken by C. Isaaksz, Disava of Jaffnapatnam who had acquired an intimate knowledge of these customs by long residence in the district¹⁹⁷. In April 1707, Isaaksz submitted the draft of his code to the Commandeur of Jaffnapatnam, suggesting that it should be translated into Tamil and referred to "twelve sensible Malabar"¹⁹⁸ *moedeliars* (i.e., Tamil *mudaliyars* or native chiefs)¹⁹⁹ for their approval. The *mudaliyars* approved the draft, subject to certain modifications relating to the rights of masters over their slaves; and in June 1707 Governor Simons in Council approved the code as drafted by Disava Isaaksz, but without the modifications suggested by the *mudaliyars*²⁰⁰. The main subjects with which the code dealt were Succession to Property, Adoption, Possession of Land, Slaves, Mortgage of Land and Pawn of Jewels, Donation, Sale of Lands or Cattle, Hire or Loan of Cattle, and Loan of Money.

Apart from the *Tesavalamai* of Jaffnapatnam, some of the customs of the Tamil-speaking inhabitants of the districts of Puttalam²⁰¹ were also given legal recognition under the Dutch regime. The majority of these inhabitants were Muslim by religion²⁰², and people of the *Mukkuvar* caste²⁰³ formed a distinct element in the local population. After the cession of Puttalam to the Dutch in 1766²⁰⁴, Governor I. W. Falck ordered that civil cases should be decided according to the customs of the district²⁰⁵, and a collection of these was made in 1767 on the basis of information supplied by the chiefs of the *Mukkuvar*²⁰⁶ and the Muslims of the district²⁰⁷.

A third compilation of native custom, which was also in force in the last quarter century of the Dutch regime, related to the customary law of the Muslims who were to be found in all districts of the Dutch settlements²⁰⁸. Since "the people of the *Mohamedan*²⁰⁹ (*sic*) faith were totally ignorant of what was or was not their law and subject . . . to great oppression from each headman deciding causes according to his own partial or corrupted opinion"²¹⁰, Governor Falck is reported to have obtained from Batavia in 1770²¹¹ a "short code . . . relating to the Law of Inheritance and Marriage"²¹⁰, which he "submitted . . . for consideration to all the headmen of the *Moorish*²¹²

inhabitants" and thereafter "ordered . . . to be considered as law by all the Dutch courts of Justice"²¹³. This code seems to have been derived from the chapter entitled "*Bysondere Wetten aangaande Mooren off Mahometanen en andere Inlandsche Natien*" ("Special Laws relating to Moors or Mohammedans and other native races")²¹⁴ in the New Statutes of Batavia of 1766²¹⁵.

Since no code of the customary law of the Sinhalese of the Maritime Provinces appears to have been compiled in Dutch times, it is not easy to say what "clear and reasonable"²¹⁶ Sinhalese customs were recognised by the Dutch authorities. The Sinhalese tenures of land and the services incidental to those tenures, as well as the customary rights and obligations of the different castes, were recognised and enforced²¹⁷ "in conformity with the prejudices and customs of the inhabitants"²¹⁸. It has been suggested that the Dutch "were not likely to extend to the native population in their integrity the personal laws by which they governed themselves, and least of all their peculiar and strictly Christian views of the marriage relation"²¹⁹. But a not inconsiderable proportion of the population in the territories occupied by the Dutch was at least nominally Christian²²⁰, and instances are known²²¹ of Dutch legislation regulating the personal relations of the native inhabitants in accordance with Christian conceptions²²². However, in the absence of a written code, it is not possible to state with certainty exactly what matters were recognised by the Dutch authorities as being governed by Sinhalese custom in the Maritime Provinces until a full examination is made of whatever is still legible in those enactments of the Dutch period and the judgments of the Dutch courts (especially those of the *Landraden*)²²³ which have survived. Yet a report on the native customary laws made by Puisne Justice Alexander Johnston²²⁴ in 1807 suggests that, in the later stages of Dutch rule at any rate, the customary law of the Sinhalese of the Maritime Provinces had been largely superseded by the Roman-Dutch Law.

Johnston, who showed a keen interest in the history, antiquities and customs of the native inhabitants of the Island, collected a great deal of material to enable the new British rulers of the country to understand the "systems of revenue and politics which were pursued at different times by the late Dutch Government"²²⁵. The Governor, Sir Thomas Maitland, had requested him to make a collection of the various "local and customary laws"²²⁶ which he found in the course of a judicial circuit round the Island, and in 1807 he submitted a statement of all such customary laws as are in use amongst the respective classes of natives who inhabit the several parts of these settlements"²²⁷. "Some of the customary laws which I have collected", he wrote²²⁸ "relate to the four Provinces of Putelam, Jaffna, Trincomalie and Batticaloa" (which he refers to as the "Malabar"—i.e., Tamil—Provinces²²⁷), "others to the numerous Mahometans who are to be met with all over the Island, and some to those Chittys" (i.e.,

Chetties) "who live in or about the Pettah of Colombo"²²⁸. He reported, however, that "few or no customary laws peculiar to the Cingalese" (i.e., Sinhalese) "can at present be discovered, because the policy observed by the Dutch has, in general, established amongst that class of people the law of Holland"²²⁹. In the "Cingalese Provinces of Colombo, Galle and Matura"²³⁰ or "the Western and Southern maritime Provinces"²³¹, "the ancient laws and customs . . . seem (according to the most ancient Cingalese histories) to have been the same as those which prevailed in the Candian" (Kandyan) "country"²³²; they have however been completely obliterated and but few of them are still to be traced in their original form for information relative to the local laws and customs of (those) provinces"²³¹.

The question arises why the customary law of the Sinhalese of the Maritime Provinces did not possess the vitality exhibited by the usages of their brethren in the Kandyan highlands, which did not come under European rule till 1815²³³. Why was the Sinhalese customary law not codified by the Dutch government and why was it supplanted by the Dutch law to a greater extent than the customary law of the Tamils and the Muslims? One answer may, perhaps, be found in the progressive assimilation that had been taking place, ever since the advent of the Portuguese, between the habits and ways of life of the Low Country Sinhalese and those of their European rulers²³⁴. The adulteration of native custom and its supersession by the Dutch Law must have been more pronounced in the towns and their environs than in the remoter country districts; and native custom probably continued to form a larger element in the decisions of the *Landraden* than in those of the *Civiele Raden* and the *Raden van Justitie*, which were located only in the large towns²³⁵. The adulteration of the Sinhalese customary law may have been the reason for the Dutch authorities not having undertaken its codification, and the very absence of a code may well have contributed further to the disuse of that law. A code, crystallising its contents in an authoritative, written form, has a much greater power of resistance to extraneous influences than a body of unwritten custom²³⁶, and the Dutch policy of applying the Dutch law to the native inhabitants in cases where there was no distinctive rule of native custom must have been easier to follow where nothing like the *Tesavalamai* or the Code of Muslim Law existed.

A Judge of the Supreme Court of Ceylon complained in 1913 that "the extent to which the Dutch introduced their own law into the outstations is a subject of great difficulty and as yet very partial elucidation"²³⁷. Not less difficult nor less in need of elucidation is the subject of the ways in which the law, introduced from abroad or originating in Ceylon, was applied and developed in the island during the one and a half centuries of Dutch rule. Without making a close study of what is still legible in the legal records of the Dutch period

no conclusions can be reached regarding the order in which the different kinds of authorities would have been considered by a judge engaged in deciding a case. There is, however, evidence to suggest that such a judge would have inquired first whether any local statutes dealt with the matter in hand²³⁸. Where local statutes contained no clear provision on the point or were silent, and in the absence of any local custom having the force of law, he would have had recourse to the Statutes of Batavia²³⁹. If these too were silent, he would then have turned to the law of Holland²⁴⁰ excluding such customs and legislation as had reference to the special local circumstances of the mother-country: in practice this meant that he would have relied on the general principles expounded in those "books of authority"²⁴¹ which were most commonly used. Finally, where all the above sources failed, the judge would have consulted the Roman Law²⁴² as interpreted in Holland²⁴³. In their attitude to earlier judicial decisions it may be presumed that the judges in Ceylon followed the practice that prevailed in Holland: while there was no rule of law binding judges to follow such decisions, a line of consistent decisions to the same effect would generally be followed by later judges unless there was some good reason for disregarding the current of authority²⁴⁴.

In concluding this account of the administration of justice in Ceylon in Dutch times, some general observations may be made. The rulers of the Dutch overseas settlements had emphasised from the earliest times that "justice is the foundation of every good government and its administration must therefore be entrusted to the honestest and ablest persons that can be found"²⁴⁵. It is clear, however, that these ideals were not always realised in practice, especially in the later years of the 18th Century when the administration in the overseas settlements had become moribund and corrupt. Although the supreme authorities occasionally interfered to remedy the worst excesses²⁴⁶, serious defects in the administration of justice persisted, particularly in criminal proceedings, and formed the subject of adverse comment by the first British civil Governor of Ceylon²⁴⁷. Nevertheless, in spite of many defects, the administration of justice under the rule of the Dutch was an improvement on what had prevailed before their arrival in Ceylon. They codified some of the native customary laws²⁴⁸, and the Roman-Dutch law which they introduced was so rich in the sources it could draw upon that it still remains the basis of the common law of the Island in civil matters. Though the areas under Dutch rule were not extensive, the administration of justice in those areas may be said to have foreshadowed, faintly perhaps, the Rule of Law in the modern sense. For in the territories under their dominion the Dutch established a civil administration, based on a regular hierarchy of courts with definite rules of procedure and judicial records, which limited the exercise of arbitrary power and secured a reasonable measure of impartial justice.

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The language of this article is practically identical with that of an anonymous and undated manuscript, bearing no title, which deals with the judicial system in Ceylon in the Dutch period and is now in the Library of the Colombo Museum (English Mss. No. 38). The manuscript formed part of a collection of manuscripts belonging to Chief Justice Sir Alexander Johnston and must have been written before or in 1829; for at its head there appear, in the handwriting of Sir Alexander Johnston, the words "Cameron" (one of the Commissioners of Eastern Inquiry 1829-30) "took a copy of this to Ceylon August 1829".

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NOTES

1. P. Sluysken, *Eene Beschrijving van de Landdienst op Ceijlon*, 1784 S 363.3, i, p. 4 Central Library of the Koninklijk Instituut voor de Tropen, Amsterdam, trans. in part as 'A Description of the Principal Affairs of the Country Services on the island,' in C.O. (i.e., the Colonial Office Papers in the Public Record Office, London) 54/124 p. 82. Cf. F. Valentyn, *Oud en Nieuw Oost Indien* vol. v. pt. 1: *Beschryvinge van het Eyland Ceylon*, Dordrecht-Amsterdam, 1726, p. 13 and Governor J. Schreuder's Memoir for his successor 1762, transl. E. Reimers, Colombo, 1946, p. 19.

2. See, e.g., Wouter Schouten, *Oost-Indische Voyagie*, Amsterdam, 1676, book 2 chaps. 8 to 19 passim, transl. P. Freudenberg *Journal of the Ceylon Branch of the Royal Asiatic Society* (hereafter cited as R.C.B.R.A.S.), xi, 1890, pp. 325-336.

Although the forts of Mannar and Jaffnapatnam did not submit to the Dutch till 1658, the year of the capitulation of the Portuguese to the Dutch has been taken for legal purposes to be 1656 (*Karonchihamy v. Angohamy* (1904) 8 N.L.R. at pp. 5, 14), the year in which the Portuguese surrendered the capital city of Colombo. This occurred on 12th May 1656 (*A Collection of Legislative Acts of the Ceylon Government from 1796*, (hereafter cited as C.L.A.) i, Colombo, 1853, p. 406).

3. Articles 2 and 3 of the Treaty of 14th February 1766. The Sinhalese text and a translation appear in J.C.B.R.A.S., xvi, 1899, pp. 70-1.
4. Article 4 of the Treaty.
5. See the Proclamation of 2nd March 1815 (Ceylon Government Gazette 6th March 1815), which recorded the terms agreed on at a Convention between Governor Brownrigg and the principal Kandyan Chiefs.
6. "Disava" was a Sinhalese title (H. Cleghorn, 'Administration of Justice and of Revenue on the Island of Ceylon under the Dutch Government', 1799, in J.C.B.R.A.S. iii (New Series) 1953 p. 133) "which corresponds almost exactly with that of Landdrost in our" (i.e., the Dutch) "language" (the Instructions for the Company's Officers in Ceylon 1661 Ceylon National Archives (hereafter cited as C.N.A.) 1/2451, transl. S. Pieters, *Instructions from the Governor-General and Council of India to the Governor of Ceylon* 1656-1665, Colombo 1908 at p. 16) and was adopted by the Portuguese (cp. F. de Queyros, *Conquista Temporal e Espiritual de Ceylao* 1687 Colombo, 1916, p. 80, transl. S. G. Perera, Colombo, 1930, i, p. 104) and

by the Dutch to describe the Governor of a Province. For the Disava's functions see S. Pieters' translation of the *Instructions* op. cit. at pp. 16ff., 54ff and 78ff., and Governor G. W. van Imhoff's Memoir 1740 C.N.A. 1/2687, transl. S. Pieters Colombo, 1911 pp. 19-25.

7. H. Cleghorn, op. cit., (in n. 6). J.C.B.R.A.S., iii (New Series), 1953, p. 133 states that the Southern limits of the Commandement were "from the limits between Putalam and Mannar to the river Kokaly" (i.e., Kokkilai) But M. Leusekan's Map of the Commandement 28th September 1719 in the Exhibit Room of the Ceylon Government Archives shows that the exact limits were the mouth of the Modaragam Aru (river) between Puttalam and Mannar on the west and that of the "Kaliravoeaar" i.e., the Kallarawa Aru or the Yan Oya between Kokkilai and Kuchaveli on the east. The name "Rio Serto", found in Maps nos. 52 and 55 of the Surveyor-General's Office (Plates XLVIII and XVI of R. L. Brohier and J. H. O. Paulusz, *Land, Maps and Surveys*, ii, Colombo, 1951) is another name for the Kallarawa Aru (cp. L. Altendorff's Map of the Island of Ceylon 1794 Map. No. 53 of the Surveyor-General's Office, Colombo, and Major-General John Fraser's Map of the Island of Ceylon, 1862, C.N.A. Map. No. 137).
8. A disavany was subdivided into korles and each korle into pattu: see, e.g., Disava G. L. de Coste's Memoir on the Disavany of Colombo 1770 C.N.A. 1/2709 pp. 1, 85, transl. C.O. 54/124 pp. 24 and 85-6 and Gov. Schreuder's Memoir 1762 transl. op. cit. (in n. 1) p. 49.
9. For the limits of the Disavany of Colombo and the Commandements of Jaffnapatnam and Galle in the middle of the 18th Century see, e.g., Gov. Schreuder's Memoir transl. op. cit. (in n. 1) pp. 47, 56-8 and Disava de Coste's Memoir transl. op. cit. (in n. 8) pp. 24, 85-6. Although this last memoir is dated 15th December 1770 the limits of the Disavany set out in it seem to be those that existed before the Treaty of 1766.
10. J. Burnand, 'De l' Administration de la Justice dans l' Isle de Ceylon sous le Gouvernement de la Compagnie Hollandaise des I. Ori.', 1798 C.O. 416/24 pp. 87, 88a and C.N.A. 25/1/44 pp. 6, 8, H. Cleghorn, op. cit. (in n. 6) J.C.B.R.A.S., iii (New Series), 1953, pp. 138, 141. Cp. Gov. W. J. van de Graaff's Memoir 1794 trans. *Ceylon Literary Register* (hereafter cited as C.L.R.), i, 1886-7, at p. 304.
11. J. Burnand, op. cit. (in n. 10) C.O. 416/24 p. 84a and C.N.A. 25/1/44 p. 3, H. Cleghorn, op. cit. (in n. 6) J.C.B.R.A.S.,

- iii (New Series), 1953, p. 133, Cp. Gov. van de Graaff's Memoir op.cit. (in n. 10) p. 394 which says the Matara Disavany included the "Magampattoo."
12. See, e.g., Gov. van Imhoff's Memoir 1740 trans. op.cit. (in n. 6) p. 17, Gov. van Schreuder's Memoir 1762 trans. op.cit. (in n. 1) p. 61.
13. "The island of Calpetty was an ancient possession of the Company"—it had been seized and fortified in 1659—and "the very narrow district of Puttalam was ceded to it by the King of Candia at the peace of 1766" (H. Cleghorn, op.cit. (in n. 6) J.C.B.R.A.S., iii, (New Series), 1953, p. 141). Before 1766 Trincomalee "had but a very small territory annexed to its government"; but in that year "the Candians ceded to the Company the countries of Coetier, Tamblagamme and Koutamkolonpattoe" (i.e., the Koddiiyar, Tampalakam and Kaddukulam Pattu) (op.cit. p. 140). Until 1766 Batticaloa "had no other territory but the small Island of Poeliantivve at the mouth of the river. But at the peace in 1766 the Company obtained in sovereignty from the Candians, the eight provinces of Batticaloa" (op.cit. p. 141) inter alia. Cp. n. 119.
14. See the Instructions for the Commandant of Kalpitiya and Puttalam in Council Minutes 2nd August 1773, C.N.A. 1/167.
15. For which see n. 7.
16. J. Burnand op.cit. (in n. 10) C.O. 416/24 p. 84a and C.N.A. 25/1/44 pp. 3-4, H. Cleghorn, op. cit. (in n. 6) J.C.B.R.A.S., iii (New Series), 1953 p. 133.
17. J. Burnand op.cit. (in n. 10) C.O. 416/24 p. 1 and C.N.A. 25/1/44 p. 3, H. Cleghorn op.cit. (in n. 6) J.C.B.R.A.S. iii, (New Series), 1953, p. 132.
18. J. Burnand op.cit. (in n. 10) C. O. 416/24 p. 83 and C.N.A. 25/1/44 p. 1, where the three districts whose limits he sets out are described as those over which the three High Courts exercised jurisdiction.
19. J. Burnand loc.cit. and H. Cleghorn op.cit. (in n. 6) J.C.B.-R.A.S. iii, (New Series) 1953, p. 129.
20. See pp. below.
21. H. Cleghorn, op.cit. (in n. 6) J.C.B.R.A.S., iii (New Series) 1953, 131, C. Schweitzer, *Journal und Tage-Buch Seiner Sechs*

- Jahrgen Ost-Indienischen Reise*, Tubingen, 1688. p. 50, trans. by R. Raven Hart, *Germans in Dutch Ceylon*, Colombo, 1953, pp. 44, 47.
22. H. Cleghorn, op.cit. p. 131. Cp. C. Schweitzer op.cit. (in n. 21) pp. 43, 50, trans. pp. 44, 47 and J. Brohier, *Historical Account of Ceylon*, 1797, C.L.R., ii, 1887-8, p. 64.
23. "To the Spaniards and Portuguese whose contact was with the Mussulmans of Mauretania who had passed over and conquered the" (Iberian) "Peninsula, all Mahommedans were Moors.... and from the Portuguese the use of the term as synonymous with Mahommedan passed to the Hollanders and Englishmen". H. Yule and A. C. Burnell, *Hobson—Jobson: a glossary of Colloquial Anglo—Indian Words and Phrases*, London, 1903 p. 582. Cp. S. Casie Chitty, *An Essay descriptive of the Manners and Customs of the Moors of Ceylon*, J.R.A.S. of Gt. Britain and Ireland, iii, 1836, p. 338 and J. C. Wolfs, *Reyze naar Ceylon*, the Hague, 1783, p. 113 n. transl. sub tit. *The Life and Adventures of John Christopher Wolf*, London, 1785.
24. For the diffusion of the "Moors" in the Dutch settlements see, e.g., the marginal note in Dutch on L. Altendorff's Map of Ceylon 1794 (map. no. 53 in the Surveyor-General's Office, Colombo; cp. R. L. Brohier and J. H. O. Paulusz, *Land, Maps and Surveys*, ii, Colombo, 1951, p. 53); *Account of Mr. Pybus's Mission to the King of Kandy*, in 1762, Colombo, 1862, p. 36, J. Brohier, *Historical Account of Ceylon*, 1797, C.L.R. ii, 1887, p. 64, J. Burnand, op.cit. (in n. 10) C.N.A. 25/1/44 p. 3 and H. Cleghorn, op.cit. (in n. 6) J.C.B.R.A.S., iii, (New Series) p. 132.
- Governor J. G. Loten wrote in 1757 that the "Moors came originally from the coast of Madura, chiefly Kailpatnam" (Memoir, 1757, trans. E. Reimers, Colombo, 1935 p. 30). Sir Alexander Johnston mentions a tradition prevalent in Ceylon that the "first Mohammedans who settled on Ceylon were.... Arabs driven from Arabia in the early part of the eight century by the tyranny of Caliph Abd al Melek" (*Transactions of the Royal Asiatic Society of Gr. Britain and Ireland*, i, 1827, p. 538). It has been said that the "Moors..... of Ceylon (are) descendants from Arabian ancestors by intermarriage with the native races" (of India and Ceylon) "who embraced the religion of the Prophet" (Sir J. Emerson Tennent, *Ceylon*, 2nd edn., i, 1859, p. 607; cp. A. Bertolacci, *A View of the Agricultural, Commercial & Financial Interests of Ceylon*, London, 1817, p. 41), "Their vernacular is Tamil mixed with a number of Arabic words (Tennent, op. cit., p. 607 n. 6).

The term "Moors" is not usually understood as including the Malays who, though Muslims, possess a distinct individuality of their own. They had been brought to Ceylon by the Dutch for military service or had come as dependants of princes deported by the authorities in Batavia for political reasons. (Governor North to the Court of Directors of the East India Company 26th February 1799 C.N.A. 5/1 pp. 54-5, A Bertolacci, op.cit., p. 42. J. Cordiner, *Description of Ceylon*, 1807 p. 143).

25. H. Cleghorn, op. cit. (in n. 6) p. 132. Cp. n. 220.
26. Governor A. Moens' 'Memorandum on the Administration of the Coast of Malabar', 1781, transl. in A. Galetti and P. Groot, *The Dutch in Malabar*, Madras, 1911, p. 243.
27. See p. 1 above.
28. See nn. 39, 40 and p.
29. See p. 9.
30. Puisne Justice Marshall to the Royal Commissioners of Eastern Enquiry (hereafter cited as C.E.E.) 1829-30 C.O. 416/17F 42 p. 173, C.L.R. i 1886-7, p. 127.
31. The rules applicable to the High Courts of Justice in the outstations of the E. India Co. were broadly the same as those prescribed for the High Court of Justice at Batavia (which are in the New Statutes of Batavia of 1766): see J. A. van der Chijs, *Nederlandsch-Indisch Plakaat-boek*, ix, Batavia—the Hague, 1891, pp. 32 ff. A digest of orders and rules regulating the procedure of the Raad van Justitie and formulier-boeken containing legal forms for actions in the Raad are to be found in C.N.A. 1/4764 to 4766.
32. Cp. the Proclamation of 23rd September 1799 (C.L.A. op.cit. (in n. 2), i, Colombo, 1853, p. 1). At one time, apart from these three High Courts of Justice, "there was an inferior one at Trincomalee, which probably owed its institution to the too extensive jurisdiction of Jaffnapatnam, to which it was subordinate". H. Cleghorn op.cit. (in n. 6) J.C.B.R.A.S., iii, (New Series), 1953, p. 130 Cp. the Instructions for the Landraden, Council Minutes 25th June 1789 (C.N.A. 1/206, trans. C.O. 416/14 and *Journal of the Dutch Burgher Union of Ceylon* (hereafter cited J.D.B.U.C.), iv, 1965, pp. 3ff), which provided that appeals from the *Landraad* at Trincomalee should go to the High Court of Justice (*Raad van Justitie*) of Trincomalee.

33. "It was ordained that, in all Criminal cases, not less than seven, and in all Civil cases not less than five Judges, should assist, and give their voice on passing sentence" (Proclamation of 23rd September 1799, C.L.A. op.cit. (in n. 2 p. 8). In the instructions from Commissioner van Goens to A. Pavilioen, Commandeur of Jaffnapatnam, 1661, the fact that criminal causes had been decided by no more than four persons is mentioned as a serious mistake (Instructions for the Company's Officers in Ceylon 1661 C.N.A. 1/2451 transl. op.cit. (in n. 6) p. 76. The translation is, however, incorrect in referring to "jury" and "juror" which are not mentioned in the Dutch text in C.N.A. 1/2451 p. 230. No jury of the English type was used in the Dutch courts (Judicial Improvements in Ceylon, Asiatic Journal, xxiii, 1827, p. 808 and the Minutes of the Evidence of Sir Alexander Johnston before the Select Committee of the House of Commons on the Affairs of the East India Company, July 1832, in Reports from Committees, British Parliamentary Papers 1831-2 vol. xii (735-iv) p. 152. Marshall P.J. to C.E.E. C.L.R. i, 1886-7 p. 127).
34. Chief Justice Sir Richard Ottley to C.E.E., C.O. 416/16F 41 p. 411. In the Colombo court generally there were, apart from the President, eight members—two military officers and six civil servants "of a rank not inferior to that of junior merchant" (i.e., *Onderkoopman*, see n. 105). G. Lee, 'An Account of the Establishments for the Administration of Justice in..... Ceylon under the Government of the United Provinces', *Ceylon Magazine*, ii, no. xiii, Sept. 1841, p. 17. Apart from the President "the other members consisted of the Fiscal, the Auditor of the Accounts of the Company's trade, two or three Captains or Lieutenants of the army selected for their intelligence, the Cashkeeper of the Company and the Second Civil Paymaster" (Marshall P.J. to C.E.E., C.O. 416/17F 42 p. 178 and C.L.R. i p. 127). For the composition of the High Courts of Jaffnapatnam and Galle see G. Lee op.cit. pp. 19, 20.
35. Resolution of the Governor-General and Council of the Indies at Batavia, 23rd June 1732 (van der Chijs, op.cit. (in n. 31), iv, pp. 311-4). "Formerly the Chiefs of Settlements used to preside in the Court of Justice as well as in the Political Council, but since the well-known case at Ceylon in the time of the late Mr. Vuyst" (Governor of Ceylon from 1726 to 1729, who was "tried for acts of cruelty and judicial murders and publicly executed at Batavia on the 3rd June 1732"), "they were for good reasons excused from the presidency of the Court.....which is now conferred upon the Seconds (in Council) with orders that the Chief should in future not interfere with the administration of justice". Gov. Moens' Memorandum 1781, trans. Galetti and Groot, op.cit. (in n. 26) p. 243.

36. Gov. Schreuder's Memoir 1762, transl. op.cit. (in n. 1) p. 95, H. Cleghorn op. cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 130, Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 178, *C.L.R.* i. p. 127, Ottley C.J. to C.E.E. C.O. 416/17 F. 41 p. 48.
37. See p. 2.
38. Ottley C.J. to C.E.E. C.O. 416/16F 41 p. 411, H. Cleghorn op. cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 130.
39. Marshall P.J. to C.E.E. C.O. 416/17F 42 p. 172 *C.L.R.* i. p. 127. The full title of his office, "Advocaat-Fiscaal" (cp. the New Statutes of Batavia 1766, van der Chijs op.cit. (in n. 31), ix. p. 60) describes his chief functions better than "Fiscaal", which is also liable to be confounded with "Fiscal" (Marshall P.J. loc. cit.)—a "word" now "used to designate the officers charged with the execution of the judgments of the courts" (Viscount Goderich to Gov. Wilmot-Horton 23 March 1833, *C.G.A.* 4/18 p. 145) i.e., a "Sheriff" (H. Dundas to Gov. North 13 March 1801 para 24, *C.N.A.* 4/1; cp. H. Yule, and A.C. Burnell, op. cit. (in n. 23). p. 354, H.W. Codrington, *Glossary of Native, Foreign and Anglicized Words*, Colombo, 1924, p. 16).
40. In each of these courts (i.e. the *Raden van justitie*) "there was an officer called the Fiscal The functions of this officer were numerous and important, especially at Colombo. Besides his duty as Fiscal in criminal cases, he was obliged to superintend the observance of the edicts and orders of government, and to him was committed the inspection of the police of the town, of which he was justice of the peace. Although appointed from Batavia, he was entirely dependent upon the Governor" H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 130. Earlier, however, in 1688 Fiscaals had been made independent of the local administrations in the outstations of the East India Company and directly responsible to the Council of Seventeen (see p. 1 above in Holland (cp. the Instructions for the Independent Fiscaals 30th March 1688, van der Chijs op. cit. (in n. 31), iii. pp. 218 ff.). In Ceylon the "Independent Fiscaal" remained "Independent" till 1713 (F. Valentyn op.cit. (in n. 1) above p. 25).
41. H. Cleghorn loc. cit. (in n. 40). For the Fiscaal's own separate judicial powers see p. below.
42. H. Cleghorn loc. cit., Marshall P.J. to C.E.E. C.O. 416/17F 42 p. 178 and *C.L.R.* i. p. 127 Cp. C. Schweitzer, op.cit. (in n. 21) p. 78, trans. by R. Raven-Hart, (op.cit. (in n. 21), Colombo, 1953, p. 59.

43. The High Court of Justice at Batavia was largely composed of law years, and from 1742 it was almost exclusively so composed (E.S. de Klerk, *History of the Nederlands East Indies*, i, Rotterdam, 1938, p. 348), Cp. the paper, dated 6 January 1809, in J. Burnand's Papers C.O. 416/24 p. 104.
44. Gov. Moens' Memorandum trans. Galetti and Groot, op.cit. (in n. 26) p. 244, which says that when the Chief Administrator appointed Judges to the Court of Justice he should take care to select "men who are staid and conscientious and have a sound judgement, besides reading and experience, in order to supply by these qualities the want of the necessary knowledge of law" (pp. 243-4). Cp. Gov. Schreuder's Memoir 1762, transl. op.cit. (in n. 1) p. 95.
45. 40 rix dollars a year, says Gov. C.J. Simons in his Memoir 1707 *C.N.A.* 1/2681, transl. S. Anthonisz, Colombo, 1914, p. 20 J. Burnand, op.cit. (in n. 10) says that what the members of the Court drew as mantel geld amounted at most to 100 rix dollars a year (C.O. 416/24 p. 83a and *C.N.A.* 25/1/44 p. 1).
46. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 130.
47. The rijksdaalder (rix-dollar), originally a silver coin of the Netherlands, was a common unit of accounting in Ceylon under the Dutch government. In the last quarter of the 18th Century the chief coin in current use in Ceylon was the copper stuiver and the rix-dollar was no longer current in specie: but it was used in keeping accounts, the rix-dollar being divided into 12 fanams and each fanam into 4 stuivers or pice (Gov. North to the Court of Directors of the East India Co., 26th February 1799, *C.N.A.* 5/1, pp. 74-5, A. Bertolacci, *A View of the Agricultural, Commercial and Financial Interests of Ceylon*, London, 1817, p. 80). The British continued to use the rix-dollar for accounts and even minted rix-dollars (op.cit. pp. 88, 94). The rix-dollar ceased to be used for accounts after Regulation No. 8 of 1825 (*C.L.A.* 1853, vol. 1, pp. 323-4) enacted that all accounts of the Government should be kept in the denominations of the currency of the United Kingdom (i.e., pounds, shillings, etc.), and declared that a rix-dollar should be reckoned at 1 shilling and 6 pence.
48. Ottley C.J. to C.E.E., C.O. 416/16F 41 pp. 409-10. The Court also exercised jurisdiction in matrimonial matters. It inquired into cases, referred to it by the Commissioners of Marriage Causes (see n. 127), in which objections had been raised on the proclamation of marriage banns (Ottley C.J. op.cit. p. 413, Marshall P.J. to C.E.E. C.O. 416/17F 42 pp. 174-5); and "all matters of

divorce, whether arising between Europeans, Burghers or natives, were cognisable by the Hoff van Justitie" (i.e., the High Court) "alone, but if the suit was only for separation between natives, the Landraad" (see p. below) "decided" (Ottley C.J. op. cit. pp. 413-4).

49. "Pettah" from the "Tamil pettai. The extramural suburb of a fortress, or the town attached and adjacent to a fortress" H. Yule and A.C. Burnell, op. cit. (in n. 23) p. 533. The limits of the Fort of Colombo as it existed under the Portuguese were reduced after the Dutch conquest (cp. J. Ribeiro, *Fatalidade Historica da Ilha de Ceilao*. 1685, trans. P.E. Peiris, 2nd edn., Colombo, 1909, pp. 414-5) by the erection of a line of bastions which excluded the northern suburbs, the Pettah or Old City, from the Fort or Castle.

50. Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 409. By "any place within Kayman's Gate" what is meant is the suburb of the Pettah of Colombo (see n. 49) as far as Kayman's Gate which was once the northern entrance to the city (J.W. Heydt, *Allerneuester Geographisch—und Topographischer Schau—Platz von Africa und Ost—Indien*, Wilhemsdorff, 1744, p. 144, trans. R. Raven-Hart, *Heydt's Ceylon*, Colombo, 1952, p. 4. Over the native inhabitants resident outside this area but within the "gravets" (see n. 90) of Colombo the High Court of Justice seems to have had concurrent jurisdiction with the Landraad (see n. 91). For the limits of the "Four Gravets" of Colombo in 1770 see Disava G.L. de Coste's Memoir 1770, C.N.A. 1/2709 pp. 2-3 and 86, trans. C.O. 54-124 pp. 24, 86.

51. Ottley, C.J. C.O. 416/16 F 41 p. 409. Strictly only those born in Europe were termed "Europeans" by the Dutch. Children, born in Ceylon, of "European" parents or of parents of European descent who had themselves been born in Ceylon—the so-called "poosties", *poestizen* and "casties", *castizen* (J.C. Wolfs, op. cit. (in n. 23) the Hague, 1783, p. 174, trans. *John Christopher Wolf*, London 1785, p. 267) would be covered by the phrase "descendants of Europeans" used by Ottley C.J. in defining the limits of the High Court's jurisdiction. "Mixties", *mixtizen*, the children of an European father and an Asian mother (C.J. Wolfs, op.cit. p. 174, trans. pp. 267-8, Schweitzer, op.cit. (in n. 21) p. 117 trans. R. Raven-Hart, op.cit. in n. 21 p. 77) were probably also treated as "descendants of Europeans". Some Eurasians of a lower social status, like the dark-skinned *toopasses* (*toepassen*) of mixed Portuguese and Asian descent, tended for many purposes to be assimilated to the "native" or Asian inhabitants (cp. Gov. Schreuder's Memoir trans. op.cit. in n. 1) p. 26 and, for Malabar, Gov. Moens' Memoir and Gov.

van Gollennesse's Memoir, trans. Galetti and Groot, op.cit. (in n. 26) pp. 188 and 89).

52. J. Burnand, op.cit (in n. 10) C.O. 416/24 p. 83 and C.N.A. 24/1/44 p. 1, H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 129. The judicial district of Colombo included the Fort and Pettah and extended in the north even beyond the Disavany of Colombo; cp. p. 3.

53. The civil jurisdiction of the Galle Court (scil. over the native inhabitants) extended over "the town of Galle and its immediate environs" and that of the Court of Jaffnapatnam extended over "the town and fort of Jaffnapatnam" (sic) "and a small part of the country known by the name of the Fiscal's Church District" (G. Lee, op. cit. (in n. 34) pp. 19, 20). These two Courts probably had jurisdiction over "Europeans or the descendants of Europeans" (cp. p. at n. 51) resident, even outside the above limits, in the judicial districts of Jaffnapatnam and Galle (for the limits of which see p. 3 above).

54. See p. below.

55. See p. below.

56. G. Lee op.cit. (in n. 34) pp. 18, 20, 21, Marshall P.J. to C.E.E. C.O. 416/17 42 p. 178.

57. G. Lee op.cit. (in n. 26) pp. 19, 20. The decisions of all three High Courts were final in civil cases not exceeding 300 rix dollars (op.cit. pp. 17, 19). J. Burnand says (op.cit. (in n. 10) C.O. 416/24 p. 83 and C.N.A. 25/1/44 p.1) that the Governor had a supervisory power to order a review of a civil judgement given by a High Court since the time of Governor I.W. Falck (Governor 1765 to 1785), whose wisdom and experience had originally induced the Government of Batavia to entrust him with this power (cp. Cleghorn op.cit. (in n. 6) pp. 129-130, where only the High Courts of Galle and Jaffnapatnam are said to be subject to the power). It is likely that the Governor rarely exercised this "dangerous power" (Cleghorn loc. cit.), except where an appeal was not possible (i.e., in cases not exceeding three hundred rix dollars in value).

58. G. Lee op.cit. (in n. 34) p. 17, Marshall P.J. to C.E.E. C.O. 416/17 F 42. p. 179 and *C.L.R.* i p. 127, Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 410.

59. G. Lee op.cit. (in n. 34) p. 17, Marshall P.J. to C.E.E. C.O. 416/17 F 42 pp. 178-9 and *C.L.R.* i p. 127, Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 410.

60. Ottley C.J. to C.E.E., C.O. 416/16 F 41 p. 413.

61. Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 179 and *C.L.R.*, i. p. 127.
62. Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 177 and *C.L.R.* i. p. 127, Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 414.
63. See n. 52 above. G. Lee, op.cit. (in n. 34) p. 17 says that the jurisdiction extended over the disavany of Colombo, but this contradicts the authorities in n. 52, and he does not explain what court had jurisdiction over the administrative district of Kalpitiya-Puttalam which, as we have seen (cp. p. 3), fell outside the Colombo disavany but within the judicial district of Colombo Cp. also n. 69.
64. H. Cleghorn, op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953 pp. 130, 133-34. See p. 7, below.
65. E.g., purchasing, selling or stealing cinnamon (Proclamations of 10th June 1660 and 18th September 1663, C.O. 54/124 p. 262); trading in spice (Procl. 29th June 1733, op. cit. p. 259); stealing rice belonging to the Government (Procl. 10th July 1660, op.cit. p. 258); purchasing, selling, bartering or making a gift of gunpowder (Procl. 18th June 1663 and 4th November 1713, op.cit. p. 257); slaves running away from their masters for the second time (Procl. 17th April 1679, op.cit. p. 253).
66. Cp. the Instructions for Commandeur Pavilioen of Jaffnapatnam trans. in S. Pieters, The Instructions from the Governor-General and Council of India to the Governor of Ceylon 1656-65 p. 69 and cp. op.cit. p. 120.
67. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 129 and G. Lee op. cit. (in n. 34) pp. 17-18 where it is pointed out that in all criminal cases the sentences could not be executed without formal ratification by the Government i.e., the Governor in Council (cp. Gov. Moens' Memorandum trans. Galetti and Groot op.cit. (in n. 26) p. 246), who could ratify or suspend but not alter the sentence (G. Lee, loc. cit.).
68. G. Lee op.cit. (in n. 34) p. 18 Cf. Gov. Moens' Memorandum 1781 transl. in Galetti and Groot, op.cit. (in n. 26) pp. 243, 246 and Gov. van Gollennesse's Memorandum transl. op.cit. p. 80.
69. According to G. Lee, op.cit. (in n. 34) pp. 19, 20, the criminals jurisdiction of the Court of Jaffnapatnam extended "over the District of Jaffna including the Wannay and Mannar" (i.e., over the Commandement of Jaffnapatnam), and that of the Court of Galle extended over "the District of Galle and the Dessavonie.....of Matara" (i.e. over the Commandement of Galle which, as we have seen (p. 3) was coextensive with

- the judicial district of Galle). But the criminal jurisdiction of the High Court of Jaffnapatnam extended not merely over the Commandement of Jaffnapatnam but also over the wider area of the judicial district of Jaffnapatnam which (as we have seen, see p. 3) included the administrative districts of Trincomalee and Batticaloa. Cp. Ottley C.J. quoted in n. 144.
70. Ottley C.J. to C.E.E., C.O. 416/16 F 41 p. 415, G. Lee op.cit. (in n. 34) p. 20.
71. Ottley C.J. to C.E.E., C.O. 416/16 F 41 p. 414. "In criminal cases the procedure must, in conformity with the law" (cp. Philip II's Code of Criminal Procedure 1570, articles 32, 35 in *Groot Placaatboek*, ii, p. 1007) "start as 'extraordinary' " but the judge when he 'returns' the application and the documents by which the Fiscal tries to justify the same, must decide with all possible care, whether the crime is clearly proved or whether further proofs and elucidations are necessary, and whether the facts constitute a case which should be proceeded with as 'extraordinary' or give the accused the right to be tried 'ordinarily'" (Remarks of the Batavian Government on Gov. Moens' Memoir, trans. Galetti and Groot, op.cit. in n. 26 at p. 263). For the distinction between the shorter and less expensive "extraordinary" procedure and the "ordinary" procedure, see Gov. Moens' Memoir trans. op.cit. p. 245, S. van Leeuwen, *Het Roomsche-Hollandsche Recht*, edit. C.W. Decker, Amsterdam, 1780, book 5 chap. 27 sections 7 and 10-18 and J. van der Linden, *Rechtsgeleerd Practicaal en Koopmans Handboek*, Amsterdam, 1806, book 3 part 2 chaps. 2-4.
72. J. Burnand, op.cit. (in n. 10) p. 83 and C.N.A. 25/1/44 p. 1, H. Cleghorn op.cit. (in n. 6) p. 129. The grades in the military service were (in ascending order): Private, Corporal, Sergeant, Ensign, Lieutenant, Captain-Lieutenant, Captain and Major.
73. In the civil service the relevant rank was that of (Senior) Assistant; cp. n. 105.
74. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953 p. 144.
75. See p. 2 and n. 6.
76. The Instructions for the Colombo, Matara and Jaffna Disavas in the Instructions for the Company's Officers in Ceylon 1661 trans. Pieters op. cit. (in n. 6) pp. 20, 55, 79 and 117, and Memoir of Commandeur Zwaardcroon of Jaffnapatnam, 1697, C.G.A. 1/2469, transl. S. Pieters, 1911, at p. 58 (where '100 pordaus' may be a mistake for '10 pordaus'). Gov. Simons in his Instructions for the Disava of Colombo 1707 says that,

- where the subject-matter of the suit was between 10 and 80 rix dollars, there was an appeal from the Disava's decision to the Civile Raad (the Town Court mentioned below at p. 8); F. Valentyn, op.cit. (in n. 1) pp. 306-7. For the criminal jurisdiction of the Disava see p. 9a.
77. The Fiscaal had a similar petty jurisdiction within the towns; see p. 9.
 78. J.W. Heydt, op.cit. (in n. 50) p. 147, transl. op. cit. (in n. 50) p. 115: shows how busy the Disava of Colombo was before the institution of the Landraad of Colombo in 1741 (see p. 8 at n. 84). The book was written between January 1737 and March 1740 (Raven-Hart op.cit. (in n. 50) p. 181 ad fin.).
 79. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 134. "Disputes with regard to properties and lands..... are so frequent that these alone would occupy half (his) timeand have to be left very often now in the hands of native officers employed for the purpose by the Dessave.....this opens a way for all kind of underhand dealings on the part of the native officers.....The Landraad.....not only will be in a better position to investigate.....and decide who is wrong, but being partlycomposed of natives the latter would not all agree to mislead the other members, who do not understand the language, by false reports of mistranslations; while..... the Dessave alone may be easily misled" (Gov. van Imhoff's Memoir, 1740 transl. op.cit. (in n. 6) p. 20-1).
 80. See generally the Instructions for the Landraden in the Council Minutes of 25th June 1789 (C.N.A. 1/206) and J. Burnand, *Precis sur la constitution et les fonctions des cidevant Land Raads dans l'Isle de Ceylon* 1810, C.O. 416/24 p. 74.
 81. See, e.g., the Council Resolution of 5th November 1779 (C.N.A. 1/179) trans. C.O. 54/124 pp. 213-4) which is cited in the Instructions for the Landraden in the Council Minutes of 25th June 1789 (C.N.A. 1/206). A Resolution of 16th November 1750, cited in the same Instructions (C.N.A. 1/206) exempted Sinhalese and Tamils litigants before the Landraden from the use of stamps in respect of summonses.
 82. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 134. "A court of this kind of easy access is more particularly necessary in a country where the greater part of the lands are private property, where the revenue is paid in kind, and where of course a variety of little disputes arise between the landed proprietors and the farmers of the revenues". (ibid.) Cp. op.cit. p. 138.
 83. Commissioner van Goens' Instructions to the Disava of Matara and the Commandeur and the Disava of Jaffnapatnam, 1661 in The Instructions for the Company's Officers in Ceylon 1661 transl. Pieters op.cit. (in n. 5) pp. 55, 69, 79, Commandeur Zwaardcroon's Memoir 1697 transl. op.cit. (in n. 76) p. 58.
 84. Council Minutes 26th April and 13th May 1741 (C.N.A. 1/252) and see Resolution of 21st June 1741 (C.N.A. 1/252) approving the form of oath for the "newly-established" Landraad of Galle, transl. C.O. 54/124 pp. 117-8. The Landraden of Colombo and Galle were established on the recommendation of Governor van Imhoff: see his Memoir 1740 transl. op.cit. (in n. 6) pp. 19 and 21.
 85. In 1767 Governor I. W. Falck established Landraden in Chilaw and Puttalam (Report on his circuit from Kalpitiya through the Northern province to Batticaloa 30 June 1767 C.N.A. 1/2743 transl. C.O. 54/125 at pp. 493a, 495).
 86. After the subjugation of the Vanni by Lieutenant Thomas Nagel in 1785, he "established" at Mullaitivu (H. Cleghorn, op.cit. (in n. 6) *C.L.R.* vi p. 44) "a Landraad, the members of which were the Adigars and Provincial Moodeliars and decided cases according to the Jaffna Native Laws compiled in 1706 by Governor Simons" (T. Nagel, Report on the Vanni, 23rd May 1793, transl. C.O. 54/125 at p. 558a.).
 87. Established in 1789 (Council Minutes 25th June 1789, C.N.A. 1/206).
 88. It seems to have been established in 1789 (Memoir of Jacob Burnand, Chief of the Batticaloa District, 1794, C.N.A. 1/2711 transl. C.O. 54/125 at pp. 735a-6).
 89. G. Lee op. cit. (in n. 34) p. 18, cp. H. Cleghorn op. cit. (in n. 6) pp. *J.C.B.R.A.S.*, iii (New Series), 1953, 134, 138.
 90. The word "Gravet"—Corrupted from Sinh. kadawata, through Port. (uguese) garaveto and Dutch gravetten (pl.)" means "A watchhouse on the boundary of a kingdom or district. Hence Kadawat hatara, "the four gravets" or limits of Colombo and other towns" (H. W. Codrington, op.cit. (in n. 39) p. 19).
 91. Resolutions of the Council 23rd Sept. 1743 and 11th July, 1746 explained in Resolutions of 18th October 1770 (C.N.A. 1/161) and 5th November 1779 (C.N.A. 1/179), transl. in C.O. 54/124 at pp. 120-1 and 211a-212. The Landraad seems to have had concurrent jurisdiction with the High Court of Justice (p.) and with the Civile Raad (p.) over the native inhabitants resident within the "gravets" (see n. 90 above) of Colombo

- but outside the areas over which these latter courts had an exclusive jurisdiction (Marshall P.J. to C.E.E. C.O. 416/17 F 42 pp. 175-6 and 177 and *C.L.R.* i p. 127). CP. nn. 50 and n. 134.
92. The Instructions for the Landraden, Council Minutes 25th June 1789 (C.N.A. 1/206) do not restrict their jurisdiction to cases relating to land. These Regulations of 1789 were not approved by the authorities in Batavia which "directed that the Landraad should be limited to the determination of those matters only for which it had originally been instituted". Much correspondence between Ceylon and Batavia followed, "each Government adhering to its own opinion". But "in the meantime" the new Regulations "had been introduced and (were) observed by all the Landraads, it being found by experience to be well adapted to the circumstances of the natives and the decisions of their contests". G. Lee, op.cit. (in n. 34) p. 19.
 93. In such places the preliminary inquiries in criminal cases arising in the district were made before the Landraden; and in the case of the more serious offences the Fiscaal of the High Court having jurisdiction over the area and two members of the local Landraad took the depositions of the witnesses for transmission for the trial before that High Court. J. Burnand, op.cit. (in n. 80) p. 74 Cp. for the Landraden of Trincomalee and Batticaloa Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 415, quoted in n. 144.
 94. For the Courts to which appeals were taken in the late 18th Century, see the Instructions for the Landraden, Council Minutes 25th June 1789, (C.N.A. 1/206), transl. J.D.B.U.C., lv, 1965, pp. 11-12.
 95. Ottley, C. J. to C.E.E. C.O. 416/16 F 41 p. 412, Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 178 and *C.L.R.* i p. 127.
 96. Thus, at Colombo, Jaffnapatnam and Matara the Disava presided, at Galle the Opziender or Superintendent of the Korle and at Batticaloa, Trincomalie, Puttalam, Mannar and Chilaw the Chief Resident. In Mullaitivu the Commandant of the Vanni presided (H. Cleghorn, *C.L.R.*, vi, pp. 44-5).
 97. For the composition of the various Landraden see H. Cleghorn in *C.L.R.* vi pp. 44-5 and G. Lee, op. cit. (in n. 34) pp. 18-22.
 98. J. Burnand, op.cit. (in n. 80) p. 75.
 99. A *tombo* (a word derived from the Portuguese '*tombo*' and Latin '*tomus*', a tome) was a register of lands and the services and dues attached to them (cp. Gov. Schreuder's Memoir (trans. op.cit. (in n. 1) p. 61). The *Tombohoulder* was a senior member of the Dutch civil service, who was directly responsible to the Governor (op.cit. p. 63).
 100. J. Burnand, op.cit. (in n. 80) p. 74 Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 176 and *C.L.R.* i p. 127.
 101. i.e., the "Great Revenue" ("Kurundu", The Chaliah Caste in Ceylon, 1819, in *Asiatic Journal*, xii, 1833, p. 269; History of the Mahabadde..... "obtained by Sir Alexander Johnston from a respectable native" in *Colombo Journal* 1832 p. 358). Cinnamon, "the bride round whom they all dance in Ceylon, and that which must bear the burden of the administration" (Memoir of Governor van Goens Jr. 1679 C.N.A. 1/2674, transl. S. Pieters 1910 p. 8), was the most profitable of the sources of revenue of the Dutch Government in Ceylon (P. F. de Meuron, Report of..... Researches into the Dutch Books etc. relative to the Revenues of this Island, 1798, C.N.A. 7/2029, reprinted Bulletin No. 1 of the Ceylon Historical Manuscripts Commission Colombo 1937 p. 4).
 102. The Mahabadde or Cinnamon Department comprised the cinnamon peelers (who were mainly of the Chalia or Salagama caste) organised as a department under native chiefs and headmen of various grades with an European Superintendent at the head. ("Kurundu", op.cit. (in n. 101) p. 274; Memorial of..... Chiefs, Headmen and People of the..... Chalia Caste, Colombo Observer 8 July 1841, reprinted *C.L.R.*, v, 1890-1, p. 284). The office of Superintendent of the Cinnamon Department or Captain of the Mahabadde was one of the most important posts in the service of the E. India Company in Ceylon. An early set of Instructions for this officer is in the Instructions for the Company's Officers in Ceylon 1661 trans. op. cit. (in n. 6) pp. 43-54. For the history and organisation of the Department see P. Sluysken, op.cit. (in n. 1) pp. 60ff., transl. C.O. 54/124 pp. 499-517.
 103. i.e., Great (Maha) Chieftain (*Mudaliyar*, Tamil for "Chief", H. Yule and A. C. Burnell, op. cit. (in n. 23) p. 569). "The word gate is a literal translation of the term Wahsela, applied to ministers about the King with whom he transacted the business of the kingdom at the gate of the palace" (A Description of the Duties of the Chiefs and Headmen in the Maritime Provinces, *Colombo Journal* 1832 p. 262, reprinted *Monthly Literary Register* iv, 1896 p. 53). "The first in point of rank of all the native servants", the Maha Mudaliyar "was the first interpreter of the Governor, and without having any particular district to govern, he had nevertheless great influence over the native inhabitants" H. Cleghorn op. cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953 p. 143.
 104. "Attepattoo is the department of the Dessava. It is now called Cutcherry and the Dessave is called Collector". (A Description of Castes in the Maritime Provinces of Ceylon, their Trade and

their Services to Government, Colombo Journal, 1832, p. 255, reprinted in *Monthly Literary Register*, iii, 1895, pp. 274-7 and sub tit. "A Description of Castes in the Island of Ceylon, their trade and their services to Government, supplied to Sir Robert Wilmot-Horton by A. de Saram, Maha Modliar, on 24th January 1832", Galle, no date, p. 1), and the Atapattu Mudaliyar was the Mudaliyar of the Disava (Cleghorn op. cit. (in n. 6) *C.L.R.* vi. p. 44, Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 176, G. Lee op.cit. (in n. 34) p. 18; cp. Disava de Coste's Memoir op.cit. (in n. 8) trans. C.O. 54/124 pp. 91, 97). His duty was to act as interpreter for the Disava and generally to supervise, and afford information on, revenue matters in the disavany.

105. Such as the grades of Boekhouder or Bookkeeper and Onderkoopman or Under Merchant (Cleghorn op. cit. (in n. 6) *C.L.R.* vi. p. 44, G. Lee op. cit. (in n. 34) p. 18, Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 410). The grades in the civil service were (in ascending order): Ananquekeling or Zoldaat bij de pen (Apprentice), Adsisistent (Assistant, first Junior Assistant and later Absolute or Full Assistant), Boekhouder (Bookkeeper), Onderkoopman (Under Merchant), Koopman (Merchant) and Opperkoopman (Upper Merchant). Cp. Ottley C.J. to C.E.E. C.O. 416/16 F 41 pp. 407-8.

106. Cp. Gov. van Imhoff's Memoir trans. op.cit. (in n. 6) p. 21.

107. Cp. the Instructions for the Disava of Jaffnapatnam in the Instructions for the Company's Officers in Ceylon 1661 trans. op. cit. (in n. 6) p. 78 and the Memoir of L. Pyl, Commandeur of Jaffnapatnam, 1679, transl. at p. 34 of S. Pieters' translation of the Memoir of Gov. van Goens (Jun.), op.cit. in n. 93. For example, Class Isaaksz, Disava of Jaffnapatnam, who was entrusted with the task of drafting the Tesavalamai Code of the customary law of Jaffnapatnam (see p.) had spent 37 years in Ceylon most of them in Jaffnapatnam, and was well qualified to compile a code "in consequence of experience obtained by long residence and intercourse at that place" (Tesavalamai Code ad init. and ad fin. (L.E. 1956) vol. 3. pp. 76, 109).

108. See Gov. van Imhoff's Memoir quoted in n. 79. By a Council resolution of 31st October 1747 (C.N.A. 1/273) the Colombo Landraad was prohibited from deciding any cases in the absence of the native chiefs, who were "versed in their language and able to give explanations upon the causes and usually knowing the litigating parties" (trans. C.O. 54/124 p. 119).

109. E.g., the Landraad at Jaffnapatnam was "composed of Nederlanders and Indianen" i.e., Europeans (cp. n. 147) and Asians. A very intelligent native skilled in the ancient laws of his country

sits here with three other Modliars" (P. Baldaeus, *Naauwkeurige Beschryvinge van Malabar en Choromandel derzelver aangrenzende Ryken en het machtige Eyland Ceylon*, Amsterdam, 1672, p. 187 (trans. P. Brohier, Colombo, 1960, p. 375). Did the "native" members of the Landraad have the same powers as the European? J. Burnand says that in the Colombo Landraad the Maha Mudaliyar and the Mudaliyar of the Atapattu could advise but not take part in the decision (op.cit. (in n. 80) p. 74a). Cp. the "Nota" at the end of his Memorandum op.cit. (in n. 10) C.O. 416/24 p. 93a and C.N.A. 25/1/44 p. 14 and cp. Burnand's suggestions for the revival of the Landraads in his *Fragmens sur l'etat ancien et moderne de l'Isle de Ceylon sur son Agriculture, les Servitudes de ses habitans and ses revenues*, 1809, C.O. 416/24 p. 50, transl. *Asiatic Journal* xii, 1821, p. 130, *Ceylon Miscellany*, i, 1842 p. 166.

110. At any rate in Colombo, where it met on Saturdays (Disava de Coste's Memoir on the Disavany of Colombo C.N.A. op.cit. (in n. 8) trans. C.O. 54/124 p. 28.

111. In Colombo two members met five times a week, Burnand, op. cit. (in n. 80) C.O. 416/24 p. 74a; cp. Cleghorn op.cit. (in n. 6) *C.L.R.* vi. p. 44 and *J.C.B.R.A.S.* (New Series) iii, p. 138.

112. J. Burnand, loc. cit., Cleghorn op. cit. (in n. 6) *C.L.R.* vi p. 44, Instructions for the Landraden 1789 C.N.A. 1/206 trans. J.D. B.U.C. iv, 1965 pp. 6-10 cp. de Coste's Memoir 1770 op.cit. (in n. 8) trans. C.O. 416/24 p. 28.

113. J. Burnand, op.cit. (in n. 10) C.O. 416/24 p. 93a says 30 or 40 rix dollars per year, Cleghorn says 40 rix dollars op.cit. (in n. 6) *C.L.R.*, vi, p. 45.

114. Cleghorn op.cit. (in n. 6) *C.L.R.* vi, p. 45. "Committees of (the Landraad) were often obliged to go to the country to investigate claims with regard to landed property on the spot" Cleghorn op.cit. p. 44; cp. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii, (New Series), 1953 p. 146.

115. It was established in 1767 (J. Burnand, Memoir on the District of Batticaloa, 1794, C.N.A. 1/2711, transl. C.O. 54/125 p. 734a and C.O. 416/24 p. 184).

116. J. Burnand, op.cit. (in n. 10) says "un acte ou Commission directe du Gouverneur de Ceylon" (C.N.A. 25/1/44 p. 8 and C.O. 416/24 p. 88a).

117. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 141.

118. H. Cleghorn loc.cit., J. Burnand (op.cit. n. 10 at p. 88a and C.N.A. 25/1/44 at p. 8) uses the phrase "district of the Fort".
119. With regard to the phrase "interior of the country" or what G. Lee op.cit. (in n. 34) p. 22 describes as "the Provinces belonging to Batticaloa", it must be remembered that after the treaty of 1766 between the King of Kandy and the E. India Company the territory under the Company's sovereignty had increased considerably (cp. n. 13) e.g., in 1789 the "districts belonging to the Chiefship of Batticaloa" consisted of "the eight Batticaloa Provinces, the lands of Pannoe" (i.e., Panama Pattuva in the south) and the Corlepattoe" (i.e., Korle Pattuva in the north). (Proclamation of Gov. W. J. van de Graaff 2nd June 1789, transl. C.O. 54/123 p. 200; cp. op.cit. p. 188 and J. Burnand, op.cit. (in n. 10) p. 88 and C.N.A. 25/1/44 p. 8).
120. J. Burnand, op.cit. (in n. 10) p. 88a and C.N.A. 25/1/44 p. 8.
121. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 141; Proclamation of Gov. van de Graaff, 2nd June 1789, trans. in C.O. 54/123 pp. 203-203a.
122. H. Cleghorn loc.cit.
123. "Mukkuvar" (plural "Mukkuvar") means a "diver" in Malayalam and Tamil: "A name applied to the fishermen of the Western Coast of the (Indian) Peninsula near C. Comorin" (H. Yule and A.C. Burnell, op.cit. (in n. 23) p. 592). Cp. E. Thurstan, *Castes and Tribes of Southern India*, Madras, 1909, v, pp. 106 ff.
- In Ceylon the chief Mukkuvar settlements were in the northern coast of the Jaffna peninsula, and in the districts of Puttalam and Kalpitiya in the northwest and of Batticaloa in the east. The *Yalpana Vaipava Malai*, an 18th Century Tamil work, says (ed. K. Sabanathan, Madras, 1953, pp. 9-10, trans. C. Brito, Colombo, 1879, p. 5) that "Pandu maha raja" (? King Pandukabhaya, who reigned before 250 B.C.) banished the Mukkuvar who lived in a settlement in the northern coast and that the followers of two Mukkuvar chieftains migrated to Batticaloa. De Queyros (op.cit. (in n. 6) trans. vol 1 pp. 18-19) mentions a persistent tradition that the Mukkuvar of Batticaloa were descended from the followers of a prince from "Tanacerim" (? Tennasserim) who, having embarked for Jaffnapatnam and been repulsed thence, had settled in Batticaloa. The *Mukkaru Hatana*, a Sinhalese work of the second half of the 17th century (H. Nevill Collection British Museum Or. 6606 (53), trans. M. D. Raghavan, *The Karava of Ceylon*, Colombo, 1961, pp. 16-18), records the defeat of Mukkuvar encamped at Puttalam by South Indian mercenaries of Parakrama Bahu VI, King of Kotte (1412-67).

124. Sir Alexander Johnston, Papers on "Ceylon Native Laws and Customs" C.O. 54/123 p. 6. He says that the Mukkuvar of Batticaloa "centuries ago came from the Malabar coast" (cp. n. 203) and settled in the provinces of Puttalam and Batticaloa, "in the latter" of which "they not only became proprietors of almost all the lands in the province but they also gradually acquired the complete government of the province". He adds that the Mukkuvar "may be considered the first natives in any part of Asia who were authorised by a European Government to become members of a legislative assembly for the government of their own country" (op.cit. pp. 5a, 6). For the history and functions of the Lands Vergadering see also the Memoir on the District of Batticaloa by J. Burnand, Chief of that District 1794 C.N.A. 1/2711 transl. in C.O. 54/125 at pp. 734 ff. and C.O. 416/24 at p. 184 ff.
125. Cleghorn says that at Puttalam "there was an Assembly" whose "proceedings were regulated in the same manner as those of Batticaloa" (op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, pp. 141-2). Cf. J. Burnand op.cit. (in n. 10) at pp. 88a-89 and C.N.A. 25/1/44 pp. 8-9 and the Instructions for the Commandant of Kalpitiya and Puttalam in Council Minutes 2nd August 1773, C.N.A. 1/167.
126. Cp. p. and n. 203.
127. This "Court of matrimonial and petty causes otherwise called the Civil or Town Court" (Proclamation of 23rd September 1799, op.cit. (in n. 2) p. 8) was formed by the amalgamation in 1783 of the "Colleges" of the Commissioners of Petty Causes and of the Commissioners of Marriage Causes (G. Lee, op.cit. in n. 34 p. 18). The latter were charged with the duty "of demanding the observation of the civil ordinances with regard to marriage affairs" (Gov. van Imhoff's Memoir 1740 transl. (op.cit. in n. 6) p. 64): e.g., their certificate that the marriage banns had been duly proclaimed without any objection being raised was a prerequisite to the solemnisation of a marriage (Marshall P.J. to C.E.E. C.O. 416/17 F 42 pp. 174-5, *C.L.R.* i. p. 127). See "the formalities for the consummation of marriages" in the Council Minutes of 19th December 1776 (C.N.A. 1/173).
128. Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 175 and *C.L.R.* i. p. 127, G. Lee says (op.cit. in n. 34 p. 18) that the Court consisted of the President and six members.
129. On the anniversary of the capture of the town from the Portuguese.
130. Gov. Simon's Memoir 1740 transl. op.cit. in n. 45 p. 20; cp. Commandeur Zwaardeeroon's Memoir 1697 transl. op.cit. in n. 76 p. 61.

Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 175 and *C.L.R.*, i, p. 127. In the Colombo Court generally three members were "free burghers" and the others were in the service of the Company (G. Lee op.cit. in n. 34 p. 18), and a member of the Governor's Council (Marshall P.J. loc.cit., G. Lee loc.cit.), usually the Hoofd Administrateur (cp. p. 4), presided. For the composition of the Civile Raden in Jaffnapatnam and Galle see G. Lee op.cit. pp. 20, 21.

- 131. H. Gleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 131.
- 132. Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 411.
- 133. Ottley C.J. to C.E.E. loc.cit.
- 134. H. Gleghorn op.cit. (in n. 6) p. 131. The local limits of the Court's jurisdiction, at least over the native inhabitants, seem to have been the same as the limits of the High Court in civil cases (G. Lee, op.cit. (in n. 34), p. 18), for which see p. 4 above. Before the establishment of the Landraad, the Civile Raad may have had jurisdiction even outside these limits in cases where the value of the subject matter exceeded the limits of the Disava's jurisdiction but fell below that of the High Court. After the area over which the Landraad had exclusive jurisdiction had been defined (see p. 7 at n. 91), the Civile Raad seems to have had concurrent jurisdiction with it over the native inhabitants resident within the "gravets" but outside the area in which the Civile Raad had exclusive jurisdiction, in cases where the subject matter did not exceed 120 rix dollars (cp. Marshall P.J. to C.E.E. C.O. 416/17 F 42 pp. 175-6 *C.L.R.* i, p. 127 and cp. p. 6 n. 91).
- 135. Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 411; cp. the Proclamation of 23rd September 1799 cited in n. 127.
- 136. Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 412, Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 178 and *C.L.R.* i, p. 127, G. Lee (op.cit. in n. 34) pp. 18, 20, 21.
- 137. See p. above.
- 138. Cf. pp. 3, 6 and 7.
- 139. Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 172 and *C.L.R.*, i, p. 127, where the area under the jurisdiction of the Fiscal of Colombo is said to be "the Fort and Pettah". For a more precise definition of the area see n. 135.
- 140. Marshall P.J. to C.E.E. C.O. 416/17 F 42 p. 173 and *C.L.R.*, i, p. 127. "The Fiscal in his character of 'Daily Justice' tried and punished trespasses, affrays, quarrels and petty larceny,

which with the powers he exercised for preventing smuggling formed his whole criminal jurisdiction". (Sir Hardinge Giffard, C.J., in his Address to Magistrates in opening a Sessions of the Supreme Court, Supplement to the Ceylon Gazette 8th February 1823).

- 141. Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 415. But he had no power to imprison except for non-payment of a fine (ibid).
- 142. See p. 5 above for the civil jurisdiction, and for the criminal jurisdiction of the Disava of Colombo see the Memoir of Disava de Coste, op. cit. (in n. 8) transl. C.O. 54/124 at pp. 25-25a; Commissioner van Goens' Instructions for the Disava of Matara 1661 and Commandeur Pavilioen's Memoir 1665 at pp. 55 and 117 of S. Pieters' transl. of the Instruction for the Company's Officers in Ceylon 1661 op.cit. (in n. 6), Gov. Simon's Instructions for the Colombo Disava, 1707, in F. Valentyn op.cit. (in n. 1) p. 306, Gov. van Imhoff's Memoir 1740 transl. op.cit. (in n. 6) p. 19. For the limits of the jurisdictions of the Disava and the Fiscal of Colombo, see Disava de Coste's Memoir transl. op.cit. at pp. 25, 87 and Council Resolutions of 30th December 1773 (C.N.A. 1/167).
- 143. See p. above.
- 144. E.g., in criminal cases the Chief Residents (Opperhoofden) of Trincomalee and Batticaloa "had the same jurisdiction as the Fiscal had in Colombo over minor offences. In the more aggravated cases the Fiscal and two members of the Court of Landraad took information which was transmitted to Jaffna and the case was tried there in the Hoff van Justitie" (i.e., the High Court of Justice). Ottley C.J. to C.E.E. C.O. 416/16 F 41 p. 415.
- 145. These were the names for certain grades of chiefs and headmen. H. Gleghorn, op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, pp. 142, 143, Disava de Coste's Memoir op.cit. (in n. 8) transl. C.O. 54/124 pp. 40-45, 97-9.
- 146. H. Gleghorn, op.cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, pp. 134, 143, 145. Cp. for the district of Batticaloa, Gov. van de Graaff's Proclamation of 2nd June 1789, transl. in C.O. 54/123 at pp. 200 ff. and the Memoir of J. Burnand, Chief of Batticaloa, 1794 C.N.A. 1/2711 (transl. in C.O. 54/125 at p. 712a); and for the Vanni District the Memoir of Land Regent T. Nagel, 1793, transl. in C.O. 54/125 at pp. 558a-559. A Proclamation of the 20th October 1758 (cp. *A Collection of Legislative acts of the Ceylon Government* from 1796, i, Colombo 1853 p. 412, translated in Colombo Museum Ms. No. 38) directed "in which way the natives ought to prefer their complaints

first to their lesser heads and afterwards to the superior and the subordination which every one is to observe". Disava de Coste's Memoir op.cit. (in n. 8) trans. C.O. 54/124 p. 73. Cp. also the Instructions for the Landraden, 25 June 1789 (C.N.A. 1/206 trans. *J.D.B.U.C.*, lv, 1965 pp. 5-6) which provided that the Sinhalese and Tamil inhabitants should not bring suits before the Landraden without having applied for relief in the first instance to the lesser, and thereafter to the greater, chiefs.

Before we turn from the judicial authorities to the law, mention must be made of one of the boards or "colleges" which exercised legal functions. This was the "Orphan Chamber" (*Weeskamer*) which administered the property of Dutch minors who had lost one or both of their parents. These Chambers (the earliest of which was established in Galle in 1696, Council Minutes C.N.A. 1/3) existed in Colombo, Jaffnapatnam and Galle, and consisted of officials of the Company and "free burghers" or colonists (see e.g., Commandeur Zwaardcroon's Memoir, 1697, transl. op.cit. in n. 76 p. 59), elected annually by the Governor in Council (ibid. and Gov. Simon's Memoir, 1707 transl. op.cit. in n. 45 p. 20), to whom accounts had to be submitted twice a year (Gov. J. C. Pielat's Memoir 1734, C.N.A. 1/2685 S. Pieters' translation, Colombo 1905 p. 17). For the Instructions for the Weeskamers, see van der Chijs, op.cit. (in n. 31), i, pp. 173 ff. and Council Minutes 4th July 1780, C.N.A. 1/180. (transl. C.O. 416/18 F 63 pp. 15-24). "Boedelkamers" for the administration of the property of native orphans existed in Colombo, Jaffnapatnam, Galle, Negombo, Matara and Trincomalee, and included representatives of the different native communities (such as, in Colombo and Galle, the Sinhalese, the Chetties and the Paravar (see n. 228); see, e.g., Council Minutes 12th September 1737 and 22nd May 1770, C.N.A. 1/75 and 1/160 and cp. the Report dated 20th May 1760 of the Special Commissioners investigating the Sinhalese, Chetty and Paravar boedelmeesteren in Colombo (C.N.A. 1/2900).

147. The word used in the Dutch text (C.N.A. 1/2671) is "Nederlanders". But "in Ceylon, the 'Dutch' may be said to consist of almost every nation to be found in Europe" (J. C. Wolfs op. cit. (in n. 23) p. 174, trans. op.cit. (in n. 23) p. 267). In the service of the East India Company and in the ranks of the "free burghers" (or colonists not in that service) were people who came not only from the Netherlands but also from other parts of Europe, such as various German states, Denmark, Sweden, France, Switzerland and the British Isles. The "Europeans and descendants of Europeans" (cp. n. 51) would have been

governed by the Dutch Law, which also, as we shall see (pp.), gradually supplanted parts of the customary law applicable to the native inhabitants.

148. C.N.A. 1/2671, p. 366, transl. in S. Pieters, *Instructions from the Governor-General and Council of India to the Governor of Ceylon* 1656-65, at p. 117. Cp. J. Burnand op.cit. (in n. 10) C.O. 416/24 p. 83 and C.N.A. 25/1/44 p. i, and H. Cleghorn, op.cit. (in n. 6) p. 128.
149. *Groot Placaet Boek*, i, the Hague, 1658, pp. 530 ff.
150. Cp. p. 1 above.
151. See, e.g., the Artyckel-Brief, dated 8th March 1658 (*Groot Placaet Boek*, ii, the Hague, 1664, pp. 1278 ff).
152. See p. 1.
153. Or, more correctly, the Province of Holland and West Friesland. The conquest of West Friesland by the Counts of Holland and its annexation to Holland had taken place in the 13th Century. Cp. J. F. Niermeyer in *Algemene Geschiedenis der Nederlanden*, ii, 1950, Utrecht p. 293.
154. van der Chijs, op.cit. (in n. 31), i, 1885, p. 126.
155. van der Chijs, op.cit., p. 263. These Instructions of 17th March 1632 together with later Instructions of 26th April 1650 (op.cit., ii, pp. 135 ff.) constituted the fundamental bases of the law in force in the Company's outstations.
156. See p.
157. The provinces which sent delegates to the States-General were Holland, Zeeland, Friesland, Utrecht, Gelderland, Overijssel and Groningen. The law in these provinces, despite certain variations derived from custom and legislation, was broadly similar, so that the legal authorities used in one province could usually be cited in the others. Especially, in the overseas settlements, where people who had come from various provinces lived under a single government, there was a tendency for provincial differences in the law to become blurred.
158. Cp. *Fitzgerald v. Green* 1911 Eastern Districts Local Division (S. Africa) at p. 493. "Holland was more advanced than the other provinces and had more institutional law books" (*Spies v. Lombard* 1950 (3) S. African Law Reports at p. 483). Cp. n. 164 below.
159. Six boards or "chambers" represented the shareholders of the companies in different towns and districts of the Netherlands which had amalgamated to form the United East India Company.

Of these six the Chamber of Amsterdam was the most influential. It had subscribed about half the original share capital; and no less than eight members of the Council of Seventeen, the governing board of the Company, were elected from nominations submitted by the Chamber of Amsterdam. See generally A Succinct History of the Rise, Progress and Establishment of the Dutch East India Company Collected chiefly from their own Writers in J. Harris, *Navigantium atque Itinerantium Bibliotheca*, 2nd edn., London, 1744, i, pp. 945-6.

160. The term "Roman-Dutch Law" (Rooms-Hollandts-Recht) seems to have been used first by Simon van Leeuwen as the sub-title of his *Paratitula Juris Novissimi*, published in 1652, and later as the title of a fuller work spelt *Het Rooms-Hollands-Recht* the first edition published in 1664, and as *Het Roomsche Hollandsch-Recht* in the twelfth edition of 1780 (cp. R. W. Lee, *Journal of Comparative Legislation*, N.S., xii, p. 548). In a Dedication, dated 2nd September 1678, to this latter work he says that he had tried to show how the Roman Law was to be applied in daily practice where local laws and customs were absent and how it differed from or agreed with "our own law" (i.e., the native law of the Province of Holland); and he adds that "this is the reason why I have given my work the name of Roman-Dutch Law".

161. The story of "the momentous process, not inappropriately called the Reception of Roman Law" in Western Europe after the Roman Empire fell in the West in the 5th Century A.D. has been described as "a ghost story.....of a second life of Roman Law after the demise of the body in which it first saw the light" (P. Vinogradoff, *Roman Law in Medieval Europe*, 2nd edn., 1929, p. 13). For the reception of Roman Law in the Netherlands and the varying extent to which it was received in the different Provinces there, see Sir John Kotze's notes to his translation of Simon van Leeuwen's *Het Roomsche Hollandsch Recht*, 12th edn., Amsterdam, 1780, I.II.II (translation, 2nd edn., London, 1921, pp. 459-68).

162. While the States-General possessed legislative authority (which it did not often exercise) over the Company's outstations (*Muller v. Grobler* 1946 Orange Free State Provincial Division (S. Africa) at p. 277, *Rex v. Sacks* 1943 Appellate Division (S. Africa at pp. 422-3), "enactments of the Estates of the province of Holland could have had no application *proprio vigore* to other provinces of the Netherlands or to the Dutch possessions beyond the seas" (*Spies v. Lombard* 1950 (3) S. African Law Reports at p. 482). However, rules derived from even provincial statutes which had been woven by the Dutch textwriters into the fabric of the common law, though losing

their identity as legislation, may have been applied in the outstations of the Company as part of the Common law (cp. *Jafferjee v. de Zoysa* (1953) 55 N.L.R. at p. 127).

163. Cp. n. 244 below.

164. These five writers belonged to the Province of Holland. For a list of books available for consultation by lawyers and judges in Colombo in the 18th Century, see J. van Kan, *Uit de Rechts-geschiedenis der Compagnie*, ii, Bandung, 1935, pp. 198-202.

165. The provisions of the Resolution of the 16th June 1625 and of the Instructions of 17th March 1632 relating to the law that was to be applied in the East Indies may be compared with the provisions of the last article of the Old Statutes of Batavia quoted in the text.

166. van der Chijs, op.cit. (in n. 31) i, pp. 472-3.

167. Op.cit. pp. 593-4.

168. This latter name, by which the code is usually referred to in the records of the Cape of Good Hope (see, e.g., the Resolution of the Governor in Council of the Cape, 12th February 1715, Cape Council of Policy Archives C 9 pp. 279-281, declaring that the code should be observed as the law of the settlement so far as its provisions did not conflict with laws issued by the local legislative authority at the Cape) suggests that the code applied to all the settlements of the E. India Company. cp. the Preface to the Statute Law of the Cape of Good Hope for the period 1714 to 1853, Cape Town, 1862, p. v.

169. Valentyn op.cit., iv, *Beschryvinge van Groot Djava* p. 294, *Dona Clara v. Dona Maria* (1822) P. Ramanathan, Reports 1820-33 at p. 37. In *Karonchihamy v. Angohamy* (1904) 8 New Law Reports (Ceylon) at p. 23 de Sampagyo A. J. said "it appears that the Statutes of Batavia were formally adopted in Ceylon by resolution of the Governor in Council on 3rd March, 1666, as shown by a statement to that effect in memoir written by Heer Zwarderkwron" (sic), "once Commandeur of Jaffnapatnam". The correctness of this statement is open to doubt if it refers to what Zwaardcroon in his Memoir for the Council of Jaffnapatnam (1697) trans. op.cit. (in n. 76) p. 62 says about the Statutes of Batavia in their relation to the Instructions for the Assizer. Unfortunately the minutes of meetings of the Colombo Council for the relevant period are no longer extant in the Ceylon National Archives or in the Archives at the Hague or at Djakarta (the former Batavia). However, even before 1666, the Statutes were cited in various enactments as applying in Ceylon (e.g., the Proclamation of 24th August 1659 which penalties

the cruel treatment of slaves C.N.A. 1/2438 pp. 102-4 transl. C.O. 54/124 at pp. 298-300) and in Instructions addressed to officials (e.g., Instructions from Commissioner van Goens to the Governor of Ceylon 1661 in the Instructions for the Company's Officers in Ceylon 1661 trans., op.cit. (in n. 6) p. 7; cp. Commandeur Pavilioen's Memoir 1665 trans. op.cit. p. 117).

170. In 1715 the Council of Seventeen in the mother-country had written to the Governor-General at Batavia ordering a revision of the Statutes and two commissioners were appointed; but nothing further was done till the second half of the century. Finally, in 1764 Upper Merchant, J. J. Craan, who had been entrusted with the work of revision, submitted the result of his labours to a committee of the Council of Batavia, which amongst other things modified the rigour of many of the penal provisions. See generally van der Chijs, op.cit., ix, pp. 1-25.

171. van der Chijs, op.cit. p. 28.

172. Op.cit. p. 25.

173. J. Burnand, op.cit. (in n. 10) p. 83 and C.N.A. 25/1/44 p. 1. H. Cleghorn op.cit. (in n. 6) p. 129 quoted in n. 175. Burnand hints that the approval of the Council was not given because the New Statutes went too far in the directions of "modifying the laws of Europe" with a view to "adapting them to the custom of India" (loc.cit.).

174. van der Chijs, op.cit., ix, p. 25.

175. In 1773 two members of the High Court of Justice of Colombo declared that the New Statutes ought to be observed in Ceylon as "being the latest and most modern Law of the Capital of India" on the subject of intestate succession (*van Cleef's Case* (1773) in J. W. Vanderstraaten. The Decisions of the Supreme Court of Ceylon sitting in Appeal from 1869 to 1871 Appendix A pp. xxviii-xxix). H. Cleghorn, following J. Burnand op.cit. (in n. 10) at p. 83 and C.G.A. 25/1/44 p. 1, wrote "although these Statutes have never obtained from the superior tribunals of the Republic the sanction of Law, still their local utility has induced them to be adopted in all the colonies; and it is these Statutes which now regulate the functions and the duties of the different Courts of Justice and Police, in Ceylon". (op. cit. (in n. 6) *J.C.B.R.A.S.*, iii (New Series), 1953, p. 129). In the Alexander Johnston Papers on "Ceylon Native Laws and Customs" (1832) it is stated that the New Statutes "though never, finally confirmed by the Directors in Holland were, however, transmitted by the Supreme Government at Batavia to the Dutch Government in Ceylon for their guidance and were observed by them as law upon several occasions"

(C.O. 54/124 pp. 6-7). These Johnston Papers contain lists of enactments applicable in Ceylon under the Dutch regime in which the New Statutes are cited on several points. Ottley C.J. in his replies to the questions of the Royal Commissioners of Eastern Enquiry (1830) said that the New Statutes were in force in Ceylon; cp. *Karonchihamy v. Angohamy* (1904) 8 New Law Reports at p. 10. See also the *Wolfendahl Church Case* S. Grenier, The Appeal Reports for 1873 Part III at pp. 83-84.

176. Instructions from Commissioner Simons to Governor van Asseburg of the Cape of Good Hope, 1708, in F. Valentyn, op.cit. (in n. 1), v, part 2: Beschryvinge van de Kaap der Goede Hoope p. 139. In order to supplement the Statutes, Simons sent to Batavia a list of law books which were to be procured from Batavia for the Cape Court (ibid.).

177. To use the words of Commandeur Pavilioen's Memoir see p. 10.

178. See, e.g., C.N.A. 1/2438 to 1/2450. Sir Alexander Johnston reports having made "as accurate a collection.....as can be procured" of the legislation enacted by the Dutch Government and also "a short summary.....of the contents of each of the Regulations (letter to the Governor 14th January 1815 C.N.A. 6/649). The Johnston Papers on "Ceylon Native Laws and Customs" C.O. 54/124 pp. 252-273 contain "a list of all the proclamations published in Ceylon from the time the Dutch took possession of the Maritime Provinces" (op.cit. p. 4). This list, which classifies the enactments under topics, appears also as an annexe to Johnston's letter to the Governor 4th November 1807 (C.N.A. 5/79). A more or less chronological "Index of Regulations of the Dutch Government" appears in the Christie Collection of the Johnston papers in C.N.A. 25/1/2. This latter list is for the most part the same as the somewhat fuller "Index to the Legislative Acts of the Dutch Government of the Island of Ceylon" which appears as an Appendix to C.L.A. op.cit. (in n. 2).

179. The following heads, under which the enactments have been classified in the list of them given in the Alexander Johnston Papers on "Ceylon Native Laws and Customs" (C.O. 54/124 pp. 252-73) indicate the chief topics with which they deal: "Slaves; Religion; Concubinage and Adultery; Military Men; Duel; Taverns and Arrack shops; Weapons, Gunpowder, etc.; Thefts, Commerce; Coins; Roman Catholicicks; Bazar; Maurmen and Gentoos; Burghers (or Citizens); Cinnamon; Chingaleese; Produces of the Country; Lands; Wards, Streets and Roads, Assayer Government Duty; Public Trade; Loans of Money; Ships and Vessels; Beggars, Ramblers and Lepers; Strangers; Stamp Paper; False Evidence; Monopoly; Employments; Correspondence; Marriages; Administration of Justice; Coins".

180. He was a "Meester in de Rechten", a Doctor of Laws (cp. the Tesavalamai Code ad fin., L.E. 1956 vol. 1 p. 109) and was Governor from 11th May 1703 to 22nd November 1707 (Ceylon Calendar 1215 p. 114). For his efforts to provide an up-to-date and consolidated edition of the orders issued from the home country and Batavia and to induce the members of the High Court of Justice at Colombo to study the Statutes of Batavia and the placaten (see n. 182) "which have been more than four times proclaimed here", and for the catalogue which he caused to be made of the "very useful library in the Council Chambers" at Colombo, see his Memoir, 1707, trans. op.cit. (in n. 45) pp. 4 and 20.
181. C.N.A. 1/2393. See n. 196 for the reasons which led to this compilation. For English translations of the Orders see the translation in the Alexander Johnston Papers on "Ceylon Native Laws and Customs" C.O. 54/123 pp. 516-47 (which seems to be identical with the translation in C.N.A. 5/79 pp. 126-88) and that which appears in C.N.A. 1/2393 (which also once belonged to the Johnston Collection of manuscripts). H. F. Mutukisna *A New Edition of the Thesavaleme*, Colombo, 1862, pp. 686-706 reproduces an English translation made "from the Tamil Versions published at different times by the Dutch authorities" (op. cit. p. 685). "The Tamil version of the Seventy Two Orders" that appears in the Appendix to the same book seems to have been prepared "by collating several copies" of the "Version published at different times by the Dutch authorities" (op. cit. p. 685).
182. In Dutch "placaat" (plural "placaten") meant a public notice affixed to a board (cp. the English "placard") and, derivatively, a legislative enactment promulgated by being so affixed.
183. Gov. Simons' Memoir transl. op.cit. (in n. 45) p. 4.
184. B. H. M. Vlekke, *Nusantara: A History of Indonesia*, 2nd edn., the Hague, 1959, pp. 155, 165, 222-3, 248; E. S. de Klerk, *History of the Netherlands East Indies*, Rotterdam, 1938, i, pp. 350-1.
185. H. Cleghorn, op.cit. (in n. 6).
186. See, e.g., J. C. Wolfs, op.cit. (in n. 23) p. 177, trans. op.cit. (in n. 23) p. 272.
187. H. Cleghorn op.cit. (in n. 6) *J.C.B.R.A.S.*, iii, (New Series), 1953, p. 131; cp. F. Valentyn, op. cit. (in n. 1) p. 267.
188. See note 148.

189. See, e.g., the Placaat of 28th May 1773 prohibiting marriage between persons closely related to each other (n. 221). The 56th Order of the Compendium of Orders for Jaffnapatnam (see p. 20 and n. 181 above) prohibited the practice of the native inhabitants, "on the occasion of the marriage of their children and when they first enter a new house, receiving money on having given beate" i.e., betel leaves presented as a token of regard—a practice which "in former times was a good usage amongst relatives and friends" but which later assumed "the appearance of a tax and obligation", for "the poor ignorant people.....being awed by the great are afraid to refuse giving". (Mutukisna, op.cit. (in n. 181) pp. 699-700). Cp. the Council Resolutions of 27th February 1785 C.N.A. 1/190 and 26th April 1785 (trans. C.O. 54/124 pp. 215-7), the Circular Letter of 5th March 1785 (trans. *C.L.R.*, ii, 1887-8, pp. 430-1) and the Proclamations of 26th November 1784 (trans. C.O. 54/124 p. 270) and 24th October 1785 (trans. Mutukisna op.cit. p. 715) prohibition the taking of presents for securing employment under the Government, e.g., as native headmen. Note also Governor Simons' refusal to accept the suggestions, which had been made by many mudaliyars (native chiefs) that legal force should be given to the revival of the ancient Tamil custom by which emancipated slaves behaving improperly towards their former masters could be reduced into slavery (Governor Simons' letter dated 4th June 1707 to Commandeur van der Duyn see n. 200). For two other changes made by the Dutch in the Tamil customary law relating to the sale of land, see the Tesavalamai Code Part VII article 1 and the above-mentioned letter of Governor Simons.
190. The Tamil word "tecavalamai" (so spelt in the "Tamil Lexicon published under the authority of the University of Madras", vol. 4 Madras, 1931, p. 2053), means "the custom of the country". Various spellings of the word are to be found in different Ceylon enactments: e.g., "Thase Walema" in Regulation No. 18 of 1806 "Thesawalamy" in the title on the cover of the printed copy of the Code issued in the early British period (C.N.A. Pending File (Old) no. 105), "Thesavalamai" in Ord. No. 4 of 1895, "Tesawalamai" in Ord. No. 1 of 1911 and "Thesawalamai" in Ord. No. 59 of 1947. In the present article "Tesawalamai" has been used as being closest to the form adopted by the above mentioned Lexicon and to current usage in Ceylon.
191. The compiler's preamble to the Tesavalamai Code, transl. in *The Legislative Enactments of Ceylon*, 1900 edition, Colombo, i, p. 12 and 1956 edn. vol. 3 p. 76. The phrase in the Dutch text is "de Jaffnapatnamse oude Costuymen en Insettingen" (C.N.A. 1/2392).

192. The Instructions, dated 21st June 1661, from Commissioner Rijcklof van Goens Senior to Governor van der Meyden in the Instructions for the Company's Officers in Ceylon 1661 trans. Pieters op.cit. (in n. 6) p. 12. A century later Commandeur A. Mooyaart of Jaffnapatnam wrote: "the natives are very anxious for the old customs to be maintained". (Memoir, 1766, C.N.A. 1/2706, trans. S. Pieters, 1910, at p. 6).
193. Memoir of the Commandeur for the Council of Jaffnapatnam, 1697, trans. S. Pieters, Colombo, 1911, p. 50.
194. The preamble to the copies of the Dutch text of the Tesavalamai Code in the Ceylon National Archives (C.N.A. 1/2392) and in the Algemeen Rijksarchief at the Hague (Kol. Arch. Aanwinsten 1876 no. A XXII, 1395) gives the date of the Governor's directive as 14th August 1706. But the date given in the translation of the Code in the Appendix (at p. 740) to the translation of S. van Leeuwen's *Het Roomsche-Hollandsche Recht*, made in Ceylon at the request of Sir Alexander Johnston (cp. n. 225) and published in 1820, in the Alexander Johnston Papers on Ceylon Native Laws and Customs in the Public Record Office, London, (C.O. 54/123 pp. 77, 110) and in the annexe to Alexander Johnston's Report to the Governor on the Customary Law, November 1807 (C.N.A. 5/79 p. 189) is 14th August 1704. This latter date must have been an error made by those whom Johnston had employed (cp. ch. 5n. 25) to translate the Code into English. The versions of the English translation of the Code "corrected from the original Dutch by the Hon. J. A. Swettenham" (*Legislative Enactments of Ceylon*, 1895 edn., iii, Preface p. iii), that appeared in the Legislative Enactments of Ceylon 1895 edition and in subsequent editions of the Enactments give the same date as in the Dutch text in the Ceylon National Archives.
195. Cp. pp. 19-20 and n. 180.
196. See Disava Isaaksz's statements in the preamble to the Tesavalamai Code and at the end of it (C.N.A. 1/2392, translated L.E. 1956, vol. 3, pp. 76, 109).

The Governor is said (Alexander Johnston to Maitland 4th November 1807, C.O. 54/120 p. 85 and C.N.A. 5/79 pp. 46-7) to have acted on complaints, made by some residents of Jaffnapatnam, that the courts there did not follow the statutory orders and the customary law. Upon inquiry "it was found to be extremely difficult to ascertain what usages and what regulations were in force", and "in order to simplify the law according to which the magistrates and courts were bound to decide and to prevent for the future the sort of confusion and discontent which has arisen amongst the people from not knowing the

duties that they were expected to perform", the Governor directed the preparation of a compendium of the statutory regulations (for which see p. and n. 181) and the Tesavalamai Code.

197. Cp. n. 107 above.
198. i.e., Tamil. Cp. the phrase "the Malabar or Tamul Inhabitants" in the description of those governed by the Tesavalamai Code in the English translation in the Alexander Johnston Papers C.O. 54/123 at p. 77 and in the translation of Van Leeuwen's *Het Roomsche-Hollandsche Recht*, 1820, pp. 737, 741. "The Portuguese arrived first on the western coast of India, and..... called the language they found spoken on that coast by the name by which the coast itself had long been called by their Arab predecessors, viz., Malabar". Later "they made their acquaintance with various places on the eastern or Coromandel coast, and..... the coast of Ceylon, and finding the language spoken..... on the eastern coast similar to that..... on the western, they came to the conclusion that it was identical with it, and called it..... by the same name, viz., Malabar, a name which has survived to our own day amongst the poorer classes of Europeans and Eurasians. The better educated members of those classes have long learned to call the language of the Malabar coast by its proper name, Malayalam, and the language of the eastern coast Tamil". R. Caldwell, *A Comparative Grammar of the Dravidian or South Indian Family of Languages*, 2nd edn., London, 1875, p. 11.
199. Cp. n. 103 above.
200. See the letters from Disava Isaaksz to Commandeur A. van der Duyn, from the Commandeur to Governor Simons and from the Governor to the Commandeur, dated 5th April, 9th May and 4th June 1707, in C.N.A. 1/2392, trans. in the *Legislative Enactments of Ceylon*, 1895 edn., iii, pp. lix-lx. See also Alexander Johnston's letter to the Governor, 4th November 1807, C.N.A. 5/79 at pp. 46-7 and C.O. 54/120, and his letter of 1st May 1814 to the Governor, C.N.A. 6/469.
201. The district was inhabited for the most part by people who spoke Tamil: see, e.g., the Memoir of Governor van Gollennesse 1751, trans. C.O. 54/125 at p. 260 and the Report on the district (? by its Commandant, Elias Paravacini de Capelli, 1775), transl. in part in C.O. 54/123 pp. 58-68).
202. The Report trans. op.cit. p. 58.
203. See n. 123 above. The ancestors of these Mukkuvar "came over centuries ago from the coast of Malabar and settled partly in this district and partly in that of Batticaloa..... Although they have since their arrival in this Island been converted"

- (from Hinduism to Islam or to Christianity), "yet they all preserve a sort of hereditary affection for those customs and laws which their ancestors brought with them from their original country" (Johnston C.J. to the Governor, 1st May 1814, C.N.A. 6/469).
204. See p. n. 13 above.
205. Johnston's letter to the Governor, Nov. 1807, C.N.A. 5/79 p. 46. Cp. Governor Falck's Report on the circuit made by him from Kalpitiya through the Northern Province to Batticaloa in 1767 C.N.A. 1/2743 (transl. C.O. 54/125 at pp. 495a-496), which adds that lesser criminal offences were to be punished in the same manner as before the cession of Puttalam by the King of Kandy to the Dutch (*ibid.*).
206. See n. 203 above. Even before their subjection to European rule, these Mukkuvar chiefs or "Wannienaars" (Vanniars) had "formed a kind of Land Raad Court to decide all cases relative to the management of the place" (Gov. Falck's Report, cited in n. 205, transl. C.O. 54/125 p. 495a). This tribunal, which consisted of eighteen Vanniars, was called the Muttrakudam (S. Casie Chitty, *The Ceylon Gazetteer*, Cotta, 1834, pp. 277-8). Later their number was reduced to twelve (*op.cit.* p. 278) and later still to nine (Gov. Falck's Report *loc.cit.*).
207. Gov. Falck's Report cited in n. 205, transl. C.O. 54/125 pp. 495a-496, paragraph 5 of the Instructions for the Commandant of Kalpitiya and Puttalam in Council Minutes 2nd August 1773 C.N.A. 1/167.
208. See n. 24 above.
209. There are many variations in the spelling of the English word for the name of the Prophet of Islam and in that of the derivative for those who follow his teachings. But, strictly, "the word "Mohammedan", in whatever form it may be spelt, is incorrect and should not be used"—the "correct expression" "to designate a person professing the religion preached by the Prophet" being "Muslim" (Report of the Committee appointed to.....report upon the variations.....in the spelling of the word 'Mohammedan', S.P. xxxv of 1924, Colombo, 1924). In the present work this suggestion has been followed and applied also to the law applicable to the Muslims, although it has been pointed out that "such terms as Muslim law, philosophy, science art, culture are all unsatisfactory", because "strictly speaking ("Muslim") cannot be applied to any thingexcept a rational human being capable of making a decision about his faith" (A.A.A.Fyzee, *Cases in the Muhammadan Law of India and Pakistan*, Oxford, 1965, p. xxi).
210. Alexander Johnston's Letter to the Governor, 4th November 1807, C.N.A. 5/79 pp. 51-2.
211. Ceylon Native Laws and Customs C.O. 54/123 p. 494 quoted in n. 215 below.
212. See n. 23 above.
213. Alexander Johnston to the Governor, 4th November 1807, C.N.A. 5/79 pp. 51-2; cp., for Jaffnapatnam, Johnston to the Governor 1st May 1814, C.N.A. 6/469.
214. The chapter (van der Chijs, *op.cit.* (in n. 31), ix, pp. 410-451) contains 36 sections, the 34th of which contains a code of "civil laws and customs by which the Mohammedans are guided in the decision of the differences among them as regards succession, inheritance, marriage, etc. collected from the Mohammedan books of law and approved by the Council of India" (*op.cit.* pp. 417-8). This latter code consists of 102 articles arranged under two "Titles" or Chapters—the first Title consisting of 63 articles which deal with succession on death and the second consisting of 39 articles, which deal with marriage and some of its consequences. This code had originally been given the force of law by a Resolution of the Governor-General and Council of Batavia on 25th March 1760 (*op.cit.*, vii, pp. 392-3). For translations of this code see the Alexander Johnston Papers on "Ceylon Native Laws and Customs" C.O. 54/123 pp. 494-502 (cp. n. 215 below) and item 5/17 of the Mackenzie (Private) Collection in C.L. Blagden, *A Catalogue of Manuscripts in European Languages belonging to the Library of the India Office*, i, pt. 1, London, 1916.
215. No copy of the Code of Muslim Law promulgated by Governor Falck has been found amongst the Dutch Records in the Ceylon National Archives. But at the end of volume 2 of P. Sluysken's "Eene Beschrijving van de Landdienst op Ceillon, 1784, (see n. 1), which was intended inter alia to be a manual for the instruction of the Land Regents in Ceylon (*op.cit.* p. 1), there appears (at pp. 383-417) the Dutch text of what is entitled "Besondere Wetten aangaande Mooren off Mahometaanen ofte On Christenen onder de Inlandse Natien" (p. 244). This contains 23 of the 36 sections of the chapter entitled "Special Laws relating toMohammedans" in the New Statutes of Batavia, including section 34 (which contains the code, consisting of 102 articles, mentioned in n. 214 above).
- A Petition, dated 4th July 1827, submitted by the "Moors" of Colombo to the High Court of Appeal states that "the Mahometan Code of Batavia was sent for during the Dutch Government and adopted as the Laws of the Moorish inhabitants of

Colombo with certain modifications" (C.O. 416/18 F 66 pp. 1-2). Amongst the Papers on "Ceylon Native Laws and Customs" presented to the Colonial Office by Sir Alexander Johnston (see p. below), is a document in English, entitled "Orders stipulated to be observed by the Moormen or Mohammedan (sic) living in different places" (C.O. 54/123 p. 494), which are stated (p. 502) to have been "sent from Batavia in Dutch language to Governor I. W. Falck on September 2nd 1770 who (had them) translated into Malabar" (i.e., Tamil, cp. n. 198) "and ordered to be observed". This document is in substance a translation of the code contained in Section 34 of the chapter, already mentioned of the New Statutes of Batavia, with slight adaptations to local circumstances (cp. the use of the Tamil "sidenam" for "dowry" in clauses 2, 66 and 75 and "lebbe" for "priest" in clauses 68-70, 76 and 78); and it is probably a translation of the code which was in force in Ceylon in late Dutch times, a translation of which is known to have been made at the instance of Sir Alexander Johnston.

216. See p. 15 above.

217. See, e.g., de Coste's Memoir 1770 op.cit. (in n. 8) above trans. C.O. 54/124 pp. 14 ff.), Peter Sluysken, op.cit. (in n. 1) trans. in part in C.O. 54/124 pp. 481-519 and Gov. J. G. Loten's Memoir 1757, C.N.A. 1/2703, trans. E. Reimers, Colombo, 1935, pp. 27-31.

218. Lord Hobart's Minute on the Political Department 16th February 1798, C.O. 55/2 p. 71. Many regulations sought to secure the faithful discharge by the native inhabitants of the services they owed to the Company. E.g., regulations prohibiting the alienation or mortgage of "service" lands (Council Resolution of 10th December 1744 C.N.A. 1/93 trans. C.O. 54/124 p. 144; Proclamation of 13th January 1745, C.N.A. 1/2442 trans. C.O. 54/124 pp. 157-8; Resolution of 27th August 1746, cp. Disava de Coste's Memoir C.N.A. 1/2709 trans. C.O. 54/124 pp. 33, 46; Proclamation of 15th September 1746, C.N.A. 1/2442); or the evasion of obligations, based on caste, by the native inhabitants dressing like Europeans (Resolution of 11th October 1759, C.N.A. 1/131 trans. C.O. 54/124 pp. 151-2) and regulations to determine the caste of children of parents not belonging to the same caste (cp. de Coste's Memoir trans. op.cit. at p. 36 and Resolution of 23rd August 1747, trans. C.O. 54/124 p. 145; Resolution of 23rd March 1753, C.N.A. 1/114 trans. C.O. op.cit. pp. 118-9 and Resolution of 21st August 1770, C.N.A. 1/160 trans. C.O. op.cit. p. 146; cp., for Jaffnapatnam, Orders 21 and 35 of the so-called "Seventy Two Orders" translated in Mutukisna, op.cit. in n. 181 pp. 690-1 and 695). The marriage of children of brothers and sisters was favoured as it avoided the division

of property which "prejudices the performance of the Government services which is the duty of the possessors of such property". (de Coste's Memoir, trans. C.O. 54/124 p. 36).

219. *Karonchihamy v. Angohamy* (1904) 8 N.L.R. at p. 24; cp., as regards the formalities for the constitution of marriage, Case no. 59572 D.C. Colombo (1872) K. D. G. Browne, Reports of Cases decided in the Supreme and other Courts of Ceylon, i, Appendix A p. iii.

220. The inducements to profess the "Government Religion" were many. "Proclamation was publicly made that no native could aspire to the rank of modliar" (cp. H. Cleghorn op.cit. (in n. 6) p. 133) "or be even permitted to farm land or hold office under the government, who had not first undergone the ceremony of baptism.....and subscribed to the doctrines contained in the Helvetic confession of faith" (J. E. Tennent, *Christianity in Ceylon*, London, 1850, i, p. 45). Cp. J. Cordiner, *A Description of Ceylon*, London 1807 i, p. 155, Rev. T. J. Twisleton to Gov. Maitland, 8th January 1810 in C.N.A. 2/4 at p. 268 and Gov. Maitland to Lord Castlereagh, 4 March 1809, C.O. 54/34). "Accustomed.....under the Portuguese and Dutch to regard baptism as the test.....for the enjoyment of numerous civil advantages", the native inhabitants even in British times "still retained the idea that the inheritance of property by their children as well as other personal privileges would be contingent on the insertion of their names in the thombo or baptismal register of the district". (Tennent, op.cit. p. 87; cp. Rev. T. J. Twisleton to Gov. Maitland, 8th January 1810, C.N.A. 2/4 at pp. 266-7).

221. See, e.g., the Placaat of 28th May 1773, the provisions of which are based (see Council Minutes of 28th May and 24th November 1773 C.N.A. 1/165 and 1/166) on Articles 54 to 66 of the *Echt Reglement* (Marriage Ordinance) of the States-General of 18th March 1656. This Placaat recites that marriages and unions were often being entered into "amongst the heathen Sinhalese and Malabars" by persons who are closely related to each other, makes known to "all inhabitants belonging to the territory of the Dutch East India Co." the categories within which marriage is prohibited, renders the marriages of persons within the prohibited degrees "null and void and entirely ineffective" and penalises the parties to incestuous unions (C.N.A. 1/2445); cp. Notification 13 of 1st July 1773 (transl. in Mutukisna, op.cit. (in n. 181) p. 712). For the penalties on adultery and fornication see, for Jaffnapatnam, Order 52 of 1704 (Mutukisna op.cit. p. 699) and see Notifications 8-12 of 1st July 1773 (Mutukisna p. 712). As regards the formalities for the constitution of marriages of "Roman Catholics, Mahomedans and

Heathens" see, e.g., chapter 5 of Disava de Coste's Memoir op.cit. (in n. 8) trans. C.O. 54/124 p. 37; cp. op.cit. p. 73.

222. The native inhabitants must often have followed practices inconsistent with Christianity; but it is unlikely that such practices were given legal recognition in the case of these who professed Christianity (cp. the Report of the Native Commissioners in *Walliamme v. Maylwagenam* (1821) H. F. Mutukisna op.cit. (in n. 181) p. 18); and it may be doubted whether in other cases they were given such recognition except in special circumstances, as where they were supported or believed to be supported by religious sanctions. Muslims were permitted polygamy "according to the law of Mahomet" (Article 100 of the Code of "Special Laws relating to.....Mohammedans" (cp. nn. 214, 215) in the New Statutes of Batavia, 1766, van der Chijs op.cit. (in n. 31), ix, p. 431). The Tesavalamai Code 1707 (see p.) permitted polygamy to a "Pagan who comes from the coast" (of India) "or elsewhere" and married a "Pagan" woman (clauses 17, 18 of Part I of the Code *Legislative Acts of Ceylon* 1913 edn., i, p. 10); cp. "the Heathen Law among the Vellales and Chitties on the Coast of Coromandel", compiled about 1738 by J. Mossel, President of the Court of Justice at Nagapattinam, in C.O. 54/123 at pp. 225, 225a. For the circumstances in which polygamy was permitted in Hindu Law see P. V. Kane, *History of Dharmasastra*, ii, Poona 1941, pp. 550-4 and J. D. Mayne, *Treaties on Hindu Law and Usage*, 11th edn., Madras 1950, pp. 172-4.
223. Cp. p. 7 at n. 45a and nn. 108, 109 below. Native custom must also have played a prominent part in the decisions of the Disavas, the Fiscaals, the Chief Residents and the native chiefs (see p. above); but their courts were unfortunately not courts of record; cp. n. 30.
224. He was born in 1775 and came to Ceylon as Advocate-Fiscal in 1802. He was appointed Provisional Chief Justice in 1806, Puisne Justice in 1807 and Chief Justice in 1810. Owing to Lady Johnston's ill-health he left Ceylon on leave on 30th December 1817 (C.N.A. 5/9 p. 315) and relinquished his post with effect from 1st March 1819 (C.N.A. 4/4 p. 369). After his retirement he was a member of the Privy Council and of its Judicial Committee. He died in London 6th March 1849, aged 74 (Times of Ceylon 30th April 1849).
225. Johnston's letter to the Governor 4th November 1807 C.O. 54/120 p. 89 and C.N.A. 5/79 p. 55. He "most laudably exerted the energies of his mind to make those researches and collections which should illustrate (the island's) past and present condition". E. Upham in his Introduction p. vii to *The Sacred and*

Historical Books of Ceylon, London, 1833, being a translation, made by Johnston's "official translators" (p.x), of the Mahavamsa, the Rajaratnakaraya, the Rajavaliya and of some "curious tracts and treatises on the doctrine of Guardma" (Gautama) "and other subjects of Buddhist literature, furnished by competent native authorities". Johnston presented the original texts of the above, as well as a translation made by his direction of the parts relating to Ceylon of V. Valentyn's *Oud en Nieuw Oost Indien*, 1726 (cp. n. 1 above), to the Royal Asiatic Society of Great Britain (cp. C.O. 54/124 pp. 3, 5), of which he was one of the founders (D.N.B., x, p. 940).

To the Library of the Colonial Office he presented translations of memoirs and reports by various Dutch officials and other material relating to Ceylon under the Dutch regime; see especially C.O. 54/123, 54/124 and 54/125. Amongst this material were a "Statement of the Placaats which the Dutch government made for the regulation of these settlements" (annexe to Johnston's letter to the Governor November 1807 C.N.A. 5/79 cp. nn. 178, 179) and a translation of S. van Leeuwen's *Het Roomsche Hollandsche Recht*, 11 edn., 1744, "made under the orders of Sir Alexander Johnston by the translators of the Supreme Court" (C.O. 54/124 p. 8a). A revised version of this latter translation, with an Appendix containing the Tesavalamai and the Mohammedan Codes, was published in London in 1820 "by Command of His Majesty's Secretary of State for the Department of War and of Colonies". Amongst the Johnston Papers in the Library of the Colombo Museum are a translation of "such of" the Old Statutes of Batavia "as apply to Ceylon at present" and of the preamble to the New Statutes, as well as a statement of differences between the two codes (Museum Ms. No. 15), and an account of the courts which administered justice in Ceylon under the Dutch regime (Ms. No. 38).

226. Johnston's letter to the Governor, 4th November 1807, C.N.A. 5/79 p. 44.
227. Op.cit. p. 56 Cp. n. 22 above Johnston (loc.cit.) describe Colombo, Galle and Matara as "the Cingalese Provinces".
228. "Chittys are merchants" who "do not have their origin in Ceylon but in the opposite coast" (of India); F. Valentyn, op.cit. (in n. 1) p. 8. "The Coast Chitties, Parruas" (i.e., Paravar, Tamils of a fishing caste (Gov. T. van Thee's Memoir trans. 1697, C.N.A. 1/2677, S. Anthonisz, Colombo, 1915, p. 8; S. Casie Chitty, Remarks on the Origin and History of the Parawas *J.R.A.S. of Gt. Britain* iv, 1837, p. 130) "and Moors under their respective heads" each had "their special location" in Colombo (Gov. Simons' Memoir, 1707, transl. op.cit. (in n. 45) p. 20; cp. Gov. Schreuder's Memoir 1762, transl. op.cit. (in n. 1) p. 55).

The account of the customary laws of the "Chitties" submitted to the Governor in 1807 appears in C.N.A. 5/79 pp. 311-2. A fuller account appears in the Alexander Johnston Papers on "Ceylon Native Laws and Customs" in C.O. 54/123 at pp. 220-247; cp. op.cit. pp. 7a-8. These Johnston Papers also contain (op.cit. at pp. 162-164a, 258-260, cp. 214-218a) a statement of the customary law of the Paravar, "who resort to Ceylon" from South India "for the purposes of trade and who form a considerable portion of the divers who dive for the pearl oysters at the several pearl fisheries held on the coasts of Ceylon" (op.cit. p. 7a), and an outline of the customary laws of the Parsee merchants of Ceylon (C.O. 54/124 pp. 11, 476-9). Sir Alexander also had "a great number of different collections" of "the laws which prevail in the Canadian Country" "some made by the Portuguese, some by the Dutch Government, some collected by himself from different persons whom he had sent into the interior of the country to collect information upon the subject" (op.cit. pp. 2-3; cp. n. 232).

229. Johnston's letter to the Governor, 4 November 1807 C.N.A. 5/79 p. 45. In a report, dated 6th September 1814, to the Governor on a sessions of the Supreme Court held at Galle and Matara, Johnston suggested the need for a Regulation to be enacted setting out the law relating to Wills, Inheritance, Executors and Administrators, Guardians and Minors, and Unsoundness of Mind; and he said that "this Regulation, in as far as it relates to Mahometans and Hindoos, must be founded upon their respective laws; but in as far as it relates to the Cyngalese, it must be founded upon the Dutch Roman Law, which, as all trace of their own law has been obliterated from their recollections by the policy of the Dutch, is the only law that at present prevails among them" (C.N.A. 6/469). With regard to the Dutch law of succession applying to the Sinhalese, even to those who did not profess Christianity, compare the "Ceremony of Marriage as practised in Ceylon" amongst the "Buddhist Tracts", translated in E. Upham, op.cit. (in n. 225), iii, where a description is given of the "manner of marrying, according to the Cingalese custom" (p. 323) "of the people who are not Christians" (p. 324), and that ceremony is said to have been "admitted in the time of the Dutch government, on which account the rights of inheriting property are according to the Dutch law".

230. Johnston's letter to the Governor 4 November 1807, C.N.A. 5/79 p. 56. Cp. n. 22.

231. The Alexander Johnston Papers on Ceylon Native Law and Customs C.O. 54/124 p. 1.

232. Sir Alexander wrote (Transactions of the Royal Asiatic Society of Great Britain, iii, 1831, p. 192; cp. C.O. 54/124 pp. 2-3) "Although I possess a great many different accounts of the Kandyan government, laws and institutions, some of them drawn up while the Portuguese and the Dutch held establishments on the island, and some since the English have been in possession of those establishments, I have none which gives so accurate and so detailed a view of that government, and of those laws and institutions, as the one drawn up.....by Sir John D'Oyly". This Sir Alexander presented to the Royal Asiatic Society of Great Britain in 1829 and it was published in the Transactions of that Society op.cit. pp. 193 to 252. An abridged version of the earlier part of it appeared in the Asiatic Journal, vi. 1831 pp. 254-9.

One of the accounts referred to by Sir Alexander Johnston as having been made in the Dutch era may have been the "Answers given by some of the best informed Candyan Priests to Questions put to them by Governor Falck, in the year 1769, respecting the antient Laws and Customs of their Country". A translation of these Answers (which deal mainly with what would today be put under the head of Public Law but also with marriage, divorce and succession) is to be found in Appendix A of A. Bertolacci, *A View of the Agricultural Commercial and Financial Interest of Ceylon*, London, 1817, reprinted in *Asiatic Journal*, iv, 1817, pp. 22-28 and 118-120.

Among the Alexander Johnston Papers in the Library of the Royal Commonwealth Society in London is a manuscript containing "Information concerning the form of government, laws and cutoms of the Kings of Kandy" (Wainwright and Matthews, op.cit. p. 225). This is dated 14th August 1800 and is probably one of the accounts referred to above by Sir Alexander as having been made in the British period.

233. See p. 1 above.

234. Cp. R. Knox, *An Historical Relation of Ceylon*, London, 1681, pp. 121 and 64, C. Langhansz in the account of his visit to Ceylon in 1695, transl. C.L.R., 3rd series, iv. 1935-6 p. 42, J. Davy, *An Account of the Interior of Ceylon*, London, 1821, pp. 108-9, S. Casie Chitty, op.cit. (in n. 206) p. 52, Gov. Torrington to Earl Grey 15th January 1850 C.N.A. 5/37 at pp. 116-7. A. K. Coomaraswamy, *Mediaeval Sinhalese Art*, 1907, p. 11 and H. Parker, *Ancient Ceylon*, London, 1909, p. 30 (quoting W. Goonetilleke in *The Orientalist*, iv, 1890, p. 93). With regard more particularly to the law, cp. A. St. V. Jayewardene,

The Roman Dutch Law as it Prevails in Ceylon. Colombo, 1901, p. 9: "the Singhalese laws do not seem to have received that regular and consistent application which the laws of the Moors and Malabars have receivedit may be that the Sinhalese, whose laws were not inseparable from their religion, and who are an imitative and progressive race, possessed a sort of alloyed body of law so adulterated by the spontaneous admission of Portuguese and Dutch legal rules and principles that codification seemed of doubtful utility".

235. Cp. pp. above.

236. See p. 15 at n. 188.

237. *Colombo Electric Tramway Co. v. The Attorney-General* (1913) 16 N.L.R. at p. 173, per Wood Renton J.

238. See, e.g., the Report of the Commissioned Members of the High Court of Justice of Colombo in *Van Cleef's Case* (1773) in 1869-71 Vanderstraaten's Reports Appendix A at pp. xxviii ad init. and xxx ad med.

239. The Report, cited (in n. 238) op.cit. p. xxx and the decision of the Court op.cit. p. xxxi.

240. Cp. the last article of the Old Statutes of Batavia, quoted at p. 17. As we have seen (p.) "the laws statutes and customs in use in the United Netherlands" were in practice understood to mean the laws observed in the Province of Holland.

241. See p. above.

242. Van Leeuwen, *Censura Forensis*, 4th edn., Lugduni in Batavis, 1741, 1.1.12, Van Der Keessel *Theses Selectae Juris Hollandici et Zelandici*, Lugduni Batavorum, 1800, 1.2.18-22, Van der Linden op.cit. (in n. 71) 1.1.4. where he quotes the Resolution of the States of Holland and West Friesland of 25th May 1735 (see *Groot Placaet-Boek*) vii, the Hague, 1770, at p. 964) which directed the Supreme Court and all other judges in the province to "do justice according to the laws and ordinances of the land as well as the charters and well-established customs and usages, and in default of these according to the written law" (i.e., Roman Law). Cp. the last article of the Old Statutes of Batavia quoted at p. above.

243. *Cp. Master v. African Mines Corporation Ltd.* 1907 Transvaal Sup. Court Reports at pp. 928-9.

244. See, e.g., S. van Leeuwen, op.cit. (in n. 71) 1.3.12 and 5.31.13. J. van den Sande, *Decisiones Frisicae*, 1635, Preface and J. Voet, *Commentarius ad Pandectas* 1.3.19. Cf. *Bandahamy v. Senanayake* (1960) 62 N.L.R. at pp. 323-4.

It must be noticed that a prerequisite to the effective application of the doctrine of binding precedent or *stare decisis* (the duty to stand by earlier decisions)—namely, the availability to judges and practitioners of a series of continuous reports of the judgments of the higher courts—was lacking in the Dutch era. In the Netherlands the "courts did not give reasons for their decisions" and "the views expressed by the judges remained secret" (J. E. Scholtens in S.A.L.J., lxxxiv, 1966, at p. 397), although the reasons could with some research be traced in the court's archives. Private collections of judicial decisions were few when compared with the number of treatises of the jurists—a fact which reflects the relative importance of these two sources of law at the time.

The position was similar in the overseas possessions of the East India Company, and the following statements made with regard to the Cape of Good Hope would be applicable to Ceylon as well: "In the Cape under the rule of the Dutch East India Company (1652-1795) the Raad van Justitie gave no motivated decisions" (i.e., decisions giving reasons) "in criminal or civil cases, but simply what appeared to be ex cathedra judgments. Nor were these judgments freely available, as the day of printing had not yet dawned at the colony. In the circumstances there could hardly be said to be a doctrine of *stare decisis*". (E. Kahn in lxxxiv S.A.L.J., 1967, at p. 44).

245. The Instructions of Commissioner van Goens to Gov. van der Meyden of Ceylon, 1661, in The Instructions for the Company's Officers in Ceylon 1661 trans. S. Pieters op.cit. (in n. 6) p. 7. Cp. article 1 of the Instructions of 17th March 1632 from the Council of Seventeen to the Governor-General and Council of India in van der Chijs, op.cit. (in n. 31), i, 263, and article 10 of the Instructions of 5th January 1689 from the States-General to the Governor of Suriname in *Groot Placaetboek*, iv, the Hague, 1705, p. 1337.

246. See, e.g., n. 35.

247. Gov. North to the Court of Directors of the E. India Co. 26th February 1799, May 1799 and 5th October, 1799, C.N.A. 5/1 pp. 42-3, 106-8 and 5/2 pp. 118-9. Some of the incidents of the "inquisitorial" procedure followed in criminal cases in the Dutch courts (e.g., the fact that not all the proceedings were conducted in open court, that an accused person did not have legal representation as of right and that he was liable to interrogation) must have been distasteful to an Englishman accustomed to the different "accusatorial" system which prevailed in the English criminal courts. But Governor North's other criticisms relate to defects of organisation and personnel which were not entirely absent in the British settlements. For example, the "Dutch system" of "small salaries and extensive acknowledged, though not authorised, emoluments" was "not dissimilar to that which formerly prevailed in the British settlements". (Lord Hobart's Minute 9th June 1797 C.O. 55/2 p. 7, C.N.A. 7/2029); and the absence of a separate judicial service and the combination in the same person of executive and judicial functions (which was due, inter alia, to the insufficiency of trained lawyers in the overseas settlements), persisted in Ceylon for many decades under British rule.

248. See pp. above.

Kantarodai

Lecture delivered before the Meeting of the Society by Dr. C. E. Godakumbura, the President, on the 7th November 1967.

Half a century ago two lectures were delivered before your Society on the present subject by the well-known scholar and historian, the late Dr. Paul. E. Peiris.¹ I wonder if any who heard him is present today. But I am sure that most of you must have read the two papers published in the Journals of this Society.

There is but scanty reference to the Jaffna Peninsula in the chronicles. We, however, read occasionally of the Nāgadīpa in the old Sinhalese literary works and the Pali writings of Ceylon. At the same time a few ancient records of importance which give the name Nāgadīpa, or its equivalent, and which mention other sites of the present Peninsula, have come to light, and some of these have been read and some published. Evidence from archaeological investigations supplements and adds to the knowledge gained from literary and epigraphical sources. The study of the place names of the area is also instructive.

The ancient name of the Jaffna Peninsula was Nāgadīpa. The guess of Dr. Peiris, made fifty years ago, has now been confirmed through inscriptions. The first site in the Peninsula which received Dr. Peiris's attention was Chunnakam, where there are mounds covering the remains of ancient dagobas. A fine standing statue of the Buddha, made of limestone, found here, is now in the Archaeological Museum at Anuradhapura. It was once suggested that the name Chunnākam was the equivalent of Pali Cūṇṇagāma (or Sinhalese Hunugama). It is now suggested that the name may be the Tamil equivalent of the Sinhalese Suḷunāgama (Pali: Cullanāgāma).

I do not propose to deal with other sites explored during the years 1917 to 1919 by Dr. Peiris. I shall limit my observations to a site in the village of Kantarodai about two and a half miles from Chunnakam on the Chunnakam-Manipay road. To reach Kantarodai one has to proceed along Chunnakam-Manipay road and then go by Kandiah-Upadyayar road. Coming from Jaffna one can get to Kantarodai through Uduvil along village roads also.

Before relating the story of the excavations at Kantarodai, and detailing the results obtained so far, I should like to come back to

1. PAUL E. PIERIS: "Nāgadīpa and the Buddhist Remains in Jaffna", *JCBRAS*, Vol. XXVI (No. 70, pt.1), 1917, pp. 11-30; XXVIII (No. 72, pt. 1-4), 1919, pp. 40-66. Also C. E. GODAKUMBURA: "Archaeology of the Ceylon's Northern Peninsula" [I], *Ceylon Today*, January 1967; II. *ibid.* September, 1967; III, November 1967.

Nāgadīpa wherein Kantarodai is situated, and dwell on a few literary and epigraphical references to Nāgadīpa, Nāgavihāra and Kadurugoda, as Kantarodai was known in Sinhalese. Nāgadīpa was also known in literature and inscriptions Maṇināgadīpa (Pali) and Miṇinakdiya or -divayina (Sinhalese).

The book of Buddhistic stories, the *Saddharmālaṅkāra*² of the 14th century, which contains material going back to the very early period of Buddhism in Ceylon, relates a story of a marriage union between a crow from the very south of Ceylon with a hen-crow from somewhere in or near Kantarodai. There were no racial or linguistic barriers between the south and the north of Ceylon. A crow whose home was on a wild *bo*-tree on the lower bund of the Tisāvāva in Māgama was journeying in search of food throughout the Island, and in course of time came to Maṇināga-divayina (or Nāgadīpa according to the Pali version, the *Rasavāhinī*).³ Here the crow fell in love with a hen-crow whose home was on a palmyra palm growing at the entrance to the village of Nāga, and marrying her, took her to his own home at Māgama, and lived on the wild *bo*-tree. In course of time the hen-crow from Nāgadīpa found out that her husband was not loyal to her and returned to Nāgadīpa. The crow came in search of her for a reconciliation. His journey was through Matale.

The gold plate inscription of Vasabha (A.D. 65-109)⁴ speaks of Nakadiva. The Ramesvaram inscription of Nissankamalla (A.D. 1187-1196)⁵ has the passage "Puvagu-divayina, Miṇinakdivayina, Kappadivayina, Kārādivayina ādivū no-ek divayin balāvadārā". These confirm that the name Nāgadīpa was applied to the Peninsula. What is now a peninsula was considered as an island belonging to the main island, that is, the Sihaḷa-dīpa.

Now we come to further inscriptional evidence of a very interesting character. This is contained in the fragment of a stone pillar on which had been originally inscribed an immunity grant of the 9th century. The inscribed pillar terminates on top with a pot of special shape, and this sculpture has been published by Dr. P. E. P. Deraniyagala.⁶ The original inscription on this pillar, in the Sinhalese script of the ninth or the tenth century, was on three faces. On the fourth face the outline drawing of a wheel appears in the preserved fragments.

2. *Saddharmālaṅkāraya*, ed. Śrī Jñāneśvara Sthavira, Granthaparakāśa, Colombo, 1914, pp. 576-578 (Varga XVIII, No. 4).

3. *Rasavāhinī*, ed. Saranātissa Thera, Jinālaṅkāra, Colombo, 1928, pp. 51-00 Vagga VII, No. 1).

4. S. PARANAVITANA, *Epigraphia Zeylanica*, Vol. IV, London, Art. No. 29, (pp. 229-237).

5. S. PARANAVITANA, *Epigraphia Indica*, Vol. XXXVI, Art No. 3, pp. 23-32.

6. *Spolia Zeylanica*, Vol. XIX, pt. 2 (Dec., 1961), p. 267.

From the preserved portion of the introduction on the first face, we are able to infer that the record belongs to the reign of King Kassapa IV (A.D. 898-914). The rest of what is preserved of the inscription on the other two sides contains the usual type of immunities in *attāṇi-pārāhar* grants of the ninth and the tenth centuries and the names of two of the officers who came to the site to proclaim the immunities (Agbo and Mahakilingam Kasaba). The name of the village in respect of which the immunities were proclaimed is not found in the fragment preserved.

What is more important for the history of the Nāgavihāra and Kadurugoda is the later writing in very small characters executed between the lines of the original inscription and running over them. Among other subjects, these give the full text of the original inscription as given in the Compendium of Stone Inscriptions (*Śilālekhaṇa-saṅgraha*)⁷ compiled by Sumangala Sthavira. Dr. Senarat Paranavitana has in several places described what this "Corpus of Inscriptions" was, and I do not propose to hold my audience describing the same. I am indebted to Dr. Paranavitana for the subject matter of these interlinear inscriptions which he read after a visit to Kantarodai excavation site and the Archaeological Museum at Jafna on the 8th of July this year.

The necessity to write the full text of the inscription would no doubt have arisen from the reason that even about the 14th century only this fragment of the pillar would have been known. The inscription has been copied after a collation of the text as it was found in two copies of the "Corpus of Inscriptions", namely, the one at the Maṇḍa-lagiri-vihāra in Ceylon and the other at Suvarṇapura (Palembang in Sumatra). Both versions of the text agree in giving the name of the village which was the recipient of the immunities as "Kadurugoda in the district of Valviṭa in the Northern Quarter", but the Suvarṇapura text has the words *Nā-veherbad*, meaning "belonging to the Nāga-vihāra", before the name Kadurugoda. If this is accepted as the correct reading, the ruins at Kantarodai can be identified as those of the ancient Nāga-vihāra.

From this record we know that the village of Kadurugoda belonged to the Nāgavihāra. If you take your minds back to the love-story of the crow from Māgama, you will remember that he took his bride from a palm that grew at the entrance to Nāga-gāma, that is, the village in which the Nāga-vihāra was situated.

Further historical information relating to Kadurugoda is gathered from the interlinear writings. In the tiny writing of the 15th century

7. See C. E. GODAKUMBURA, "Epigraphical Studies in Ceylon", *Ceylon Today*, October, 1968.

one reads also the 34th chapter of the *Paramparā-pustaka*. This particular chapter of the voluminous historical work contained the history of the Śailendra king Samarāgravīra⁸ of Yavadvīpa (Jāva) who was the son of Samarottunga, the builder of Borobudur and of a vihāra called Abhayagiri for Sinhalese monks in Jāva. Samarāgravīra's mother is said to have been the daughter of King Dappula II of Ceylon (A.D. 815-831). Samarāgravīra's son was King Balaputra who built a vihāra at Nālandā as stated in the well-known copper plate of Devapāladeva.

We learn from the interlinear inscriptions that King Samarāgravīra came to Nāgadīpa with hostile intentions, but the Sinhalese king of the time was strong enough to defeat the invader, who thereupon came to a treaty with the Sinhalese king. Samarāgravīra then built an image-house at the Nāgavihāra and granted a village named Kandarasthāla for its maintenance. Kandarasthāla is the Sanskrit equivalent of Kaṇḍara-goḍa, which is a variant form of Kaṇḍurugoḍa or Kadurugoḍa. "Kandara" means a stream, or a "water-course", and if we look for one in the area, we notice that a stream now called Valuki-āru flows in the vicinity of the present archaeological reserve at Kantarodai, and this must be the stream which gave the name to the village.

With this information before us, there is no difficulty now in identifying the Nāgakōvila and the Kadurugoḍavihāraya of the "Demalapattānamā" in the Sinhalese *Nampota*.

Excavation⁹

Before commencing the excavation a thorough exploration for surface finds was made in the reserve and the gardens near by. At the site of the pit of 1917-1919 there were still visible the landing slab of a *vihāragē*, fragments from Buddha statues, a water-trough, etc. At the north-eastern part of the reserve, where there were but few palmyra palms, were a number of spur stones and at the north-eastern corner were a finial of a stūpa and a Sanchi type of railing visible on ground. In a garden to the west of the archaeological reserve at Kantarodai was a large quantity of ancient tiles, similar to those that had been discovered in 1917-1919. The tiles appear to have fallen with the collapsing of a roof and been there on the ground for centuries. There are yet stumps of pillars in some of the gardens close to the reserve.

In the reserve itself, to the west of the Uduvil-Kantarodai road, there was a mound which could have been mistaken to be the remains of a dagoba. But on the other side was the abandoned excavation of 1917-1919, and we were able to recognize this to be the earth heaped

up from those diggings. Three pits were dug in order to clear our doubts. A collection of a variety of potherds, sea-shells, brickbats and coral-slabs was made.

A systematic excavation was begun on the 24th of April, 1966, on the piece of land at the north-eastern side of the reserve mentioned earlier, where only a few palms grew rather poorly, and where were found a number of spur stones and other cut stones. There were very low mounds here, the ground was not flat, and the contour was undulating.

The excavation was carried out on a grid basis. A large grid measuring 100 ft. east-west by 100 ft. north-south was pegged out. In this grid were marked out 100 squares. A two ft. wide baulk was allowed between the squares each of which measures 8 ft. by 8 ft. The present grid was marked D, as the squares dug on the opposite side of the road now running through the reserve, that is on the north-western side, had been marked A, B and C. The squares on the grid are numbered in serial order D1, D2, D3, D4 etc. beginning from the west and running east, and each pit has a peg with its distinguishing number painted bold in black, so that there would be no confusion in the recording.

Strata:

At the very outset it was possible to make a useful observation with regard to stratification at this site. Due to the dryness of the weather and the very strong winds that blow over the area, the top soil had eroded from time to time. This was evident in the course of the excavation. Structures belonging to a very early period, that is, to about the beginning of the Christian era, were met at relatively low levels. Remains of buildings of the same period are found at very much deeper levels in sites at Anuradhapura and elsewhere.

Structural Remains:

Coming to the finds at the excavation, we shall first enumerate the architectural remains. These may be classified first into four main divisions: (1) remains of stūpas, (2) remains of a building, (3) floors (4) spur stones.

(1) Stūpas:

Up to the first week of July 1967, remains of twenty stūpas had been uncovered. The circumference and the diameter of these stūpas vary. Until the baulks between the squares are removed, it is not possible to give accurate measurements of the stūpas. It can, however, be roughly stated that the largest stūpa hitherto excavated measures 23 feet in diameter, and the smallest is about 6 feet.

8. For Samarāgravīra see *Epi. Ind.*, Vol. XVII, Art. 17; Hirananda Shastri, "Nālandā Copper plate of Devapāladeva", pp. 310-327.

9. See *Ceylon Today*, op. cit. Note 1; *Administration Report of the Archaeological Commissioner for Financial year 1946-1947*.

An effort was made to understand the order or plan in which these stūpas have been sited, but so far no set or stereotyped pattern has been observed. It may be possible that the stūpas are built around a main shrine in groups. It is only when a larger area is excavated that one would be able to study the ground plan of the stūpas and form some idea about their purpose. If they are built around a main shrine, it may perhaps be that the foundations of that edifice are not included in the present reserve. In such an event, the making of arrangements for excavations in the adjoining lands, which are occupied, will be a very difficult undertaking.

Stūpas of uniform design:

All the stūpas have a moulded base. The base comprises four moulded tiers or courses of coral stones. The centre is filled with coral rubble. The facing of the dome may have been of dressed coral stone. The dome appears to have been capped with a *harmikā* (a square box), sculptured out of limestone decorated on the four sides with Sanchi type railings. On the top of the *harmikā* there is a mortice hole which would have accommodated the *chatravāli* (finial). The *chatravāli* is of limestone, the identical material of the *harmikā*, and it has about nine rings or bands on its tapering finial. It appears to have been dowelled into the *harmikā*. From the large collection of finials that are now in the Archaeological Museum at Jaffna, it is evident that the number of stūpas has been very large. This is the first instance where so many finials have been found in a single small compact area.

Inside one of the stūpas was an urn with a fragment of decayed matter, but it has not yet been ascertained whether the contents are human bone. In the same stūpa there was a fragment of decayed bone, and this also awaits examination.

All the stūpas are not contemporaneous. They fall into two periods. Some stūpas are situated on strata No. 2 (floor 2). We see that some stūpas are earlier than floor 2 as the intervening spaces between the stūpas have been filled up and covered with the floor.

Building:

Close to the stūpas are the remains of a building with a moulded limestone base. The coping stones of this structure are lying fallen on the ground. The ground plan of this building has not yet been obtained as further excavation is needed for the purpose.

Floors:

There are three floors pertaining to three periods. Floor one is in layer one, and almost on ground level. Floor two belongs to layer two

Floor three lies just underneath the second floor. In one pit, the cutting has been so done that the three layers are visible together, and the visitor is able to get a clear idea as to how a site is built through occupation.

The floor is made of lime concrete with an admixture of quartz. In some places the floor is in a good state of preservation, and at some places the floor has cracked due to the subsidence of the earth. Contemporaneous with floor 2 is the stone pavement. The flagstones are of dressed coral, and are square or rectangular in shape.

Spur Stones:

Fourteen spur stones in all have come to light. Some are on floor one, and others are on floor two. It is quite possible that these spur stones belonged to the very early period, and were utilized by the builders of the later periods, raising them up to upper strata. It should be stated that the spur stones found on the top level are relatively smaller than those found in the second level, indicating that the lighter ones which are easier to carry were raised up to the new level. The sockets of the spur stones are about 6 in. by 6 in. and about the same depth. They evidently supported wooden posts. So far not a single stone pillar or fragment which had been fitted into these sockets has been found.

Building Material:

There is a mixture of brickbats in the debris, but no full bricks were found. However, a full brick of very large size 18 in. by 8½ in. by 2½ in. of the Anuradhapura type was recovered from a settlement site about 200 yards north of the site of the grid.

The chief medium of construction has been coral stone, and coral stone dressed or plain, are found in plenty in this excavation. (Even today coral stone takes the place of bricks in buildings in the Peninsula.) Limestone, also a material found locally, has been used along with coral. There was one solitary piece of granite which has been used as a support.

Sherds pertaining to flat tiles were found in plenty. Several complete tiles of this type were also found. The presence of tile sherds in such a mass clearly shows that there was a large building with a roof. The use of glazed tiles has not been the fashion at this site, as is evident from the fact that only a few such pieces were recovered. (In the premises of a dwelling house a few yards to the west of the reserve there is a mass of tiles which has fallen off a roof now lying at the spot where it fell.) The Kantarodai tiles are identical with those of Anuradhapura.

No wood has been found. Copper nails of different sizes are present.

Jewellery and Beads:

There are bangles, rings and ear-ornaments. Fragments of bangles found are of glass, blue and green, and of chank. Rings are of metal. Ear-ornaments consist of earrings and discs with a perforation in the centre.

From this excavation has been secured the largest collection of beads. The number of beads runs up to 26,000. In a single pit (D 34) were found 22,000.

The beads are of miscellaneous variety. The majority are of paste. Glass, ivory, chank, rock-crystal, carnelian, agate, amethyst and bowanite are the other media. The types and sizes of the beads also vary. There are flat, round, tubular and barrel beads. Double collared beads are common. Beads with a double perforation have also been found. An interesting variety are the beads with a single perforation on one side and a double perforation on the other. Disc and space beads are in the collection. The largest bead, 1.1 inches in length, is of bowanite. Grooved and nilled beads are in plenty. A rare variety is the small collection of double chamfered six faceted coloured glass beads. Several of gold are also among the beads.

Pottery:

Among the surface finds from this site are rouletted sherds, but no such sherds were found in the excavation. A single gilded sherd was found. Sherds belonging to spouted vessels and flat-bottomed lamps were discovered. Sherds with the wicker-basket impression were found, but not in plenty as from the excavations at Gedigē or the Tissārāma at Anuradhapura. Generally, pottery is not so abundant at this site as at sites in Anuradhapura. Though the sherds are limited, they are of value. The elaborate shape of the rims alone deserves careful study. There was a single red polished sherd. All the pottery is wheel-turned.

Statuette:

A figurine of chank, height 2.10 in. representing a *Gaṇa* (an attendant on god Shiva) was found in pit D 82. The *Gaṇa* is on the move. The lower part of the body is draped. There is a perforation running through the entire body, showing that the statuette was fixed to a vertical object.

Coins from the excavation have been briefly listed in the first article (*Ceylon Today*, January, 1967, p. 10. col. 2). The numismatic evidence, consideration of style of buildings in relation to other sites, etc. enable us to place the Kantarodai remains between about the 2nd century B.C. and 13th century A.D.

In August this year a grid of the same size as D, that is, 100 ft. by 100 ft., to the south of grid D, was pegged out into 100 squares. Ten pits 5 ft. by 5 ft. have been dug so far (3.11.1967), following the important finds in these pits.

In pits E 67, E 68, E 69 and E 70, we meet with a floor paved with coral stone. This differs from the paved floor in pit D 72 in that it begins from a deeper level. From pit E 66 we notice that this paved floor is covered with a concrete of lime.

Lime plastered floors of grid D are also found in Grid E.

Spur stones:

Only spur stones made of a single stone were found in grid D. A different kind of pillar base, namely, those made of a number of stones set together are found in grid E.

Further Observations:

Harmikā

Three *harmikā* squares have been found during Kantarodai excavations. Two are from Grid D. One is from the north-east, near the dwelling of the toddy-tappers. What appeared to be a Sanchi railing-stone, when dug out, turned out to be a *harmikā*. The lower part of this *harmikā* is of undressed stone, and it appears to have been embedded into the *anda* of the dagoba. On the top is a socket hole. This is to fix the finial. Sometimes the finial was fixed to the *harmikā* with the aid of a dowel stone.

Some of the dowel stones are of a special shape, having two projecting pieces.

Originally the *harmikā* was of one stone. Later this had been composed of four separate slabs. Two of such slabs are at the Archaeological Museum in Jaffna, collected during the early explorations.

Finials:

In the earlier stage the *chatravālī* was turned out in a single piece of above. Later, the *chatravālī* was made in parts and dowelled. Each separate part has a mortice hole through which the dowel was fixed. The finial recovered from pit E 67 is of special interest. As the top of this is well preserved, one is able to understand the shape of an old finial. A finial of limestone which is found in pit E 65, shows how sculpture in limestone decay. Only a few basal rings of this comparatively large finial now remain.

Other objects found recently:

- (a) Coloured pieces of tile
- (b) Laksmi plaques
- (c) Large crystal

Occupation levels:

As in the grid D, several occupational levels are noticed in grid E also. The ruins of buildings from the older occupational levels are incorporated in later levels.

Extent of the ruins:

Remains of buildings of the further south of the reserve were observed when earth was removed to put up beds for palmyrah seedlings. Ancient remains are observed in gardens adjoining the reserve also. All this point to the fact that the Kadurugoḍa establishment occupied a large area.

Among the new surface finds there was a coin of Dharmāsoka-deva (A.D. 1208).



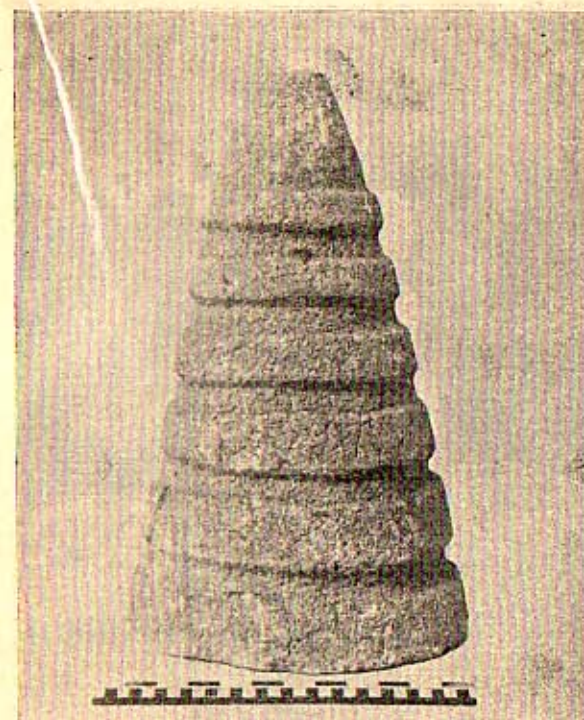
The foundation of a dagoba.



Siripatul.



Square box and finial of a miniature stūpa.



A Finial of a dagoba.



A Finial of a dagoba.

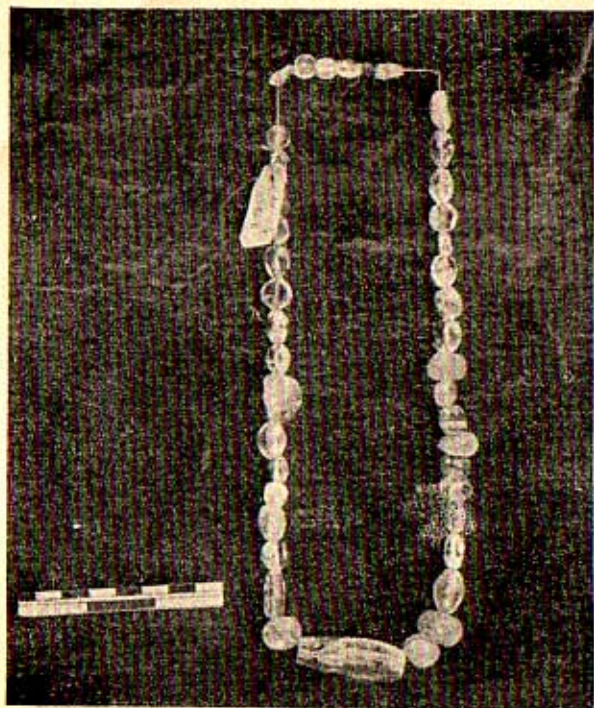


A Miniature Dagoba.

கொழும்பு தமிழ்ச் சங்கம்

நூலகம்

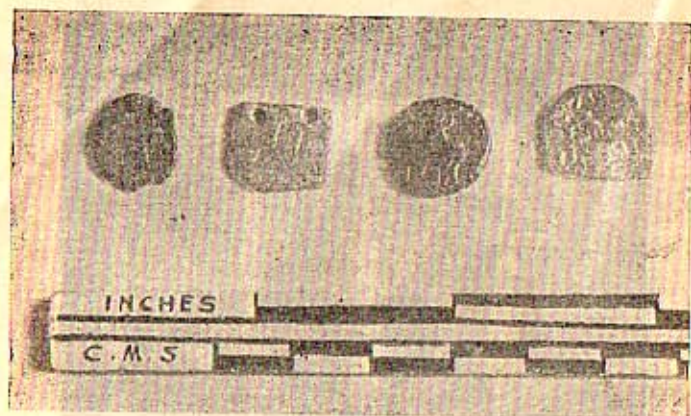
கொழும்பு தமிழ்ச் சங்கம்
நூலகம்



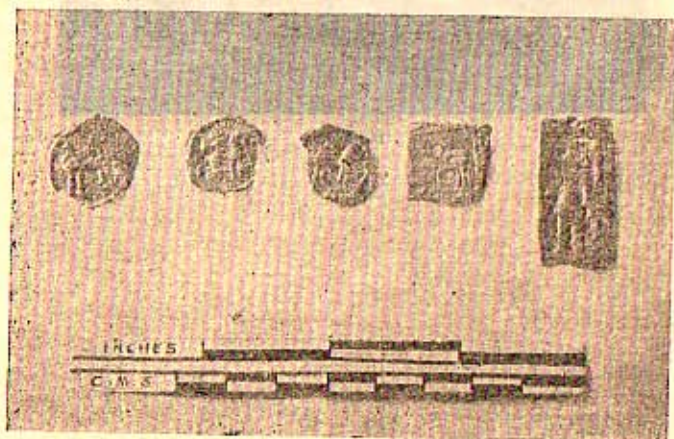
Beads.



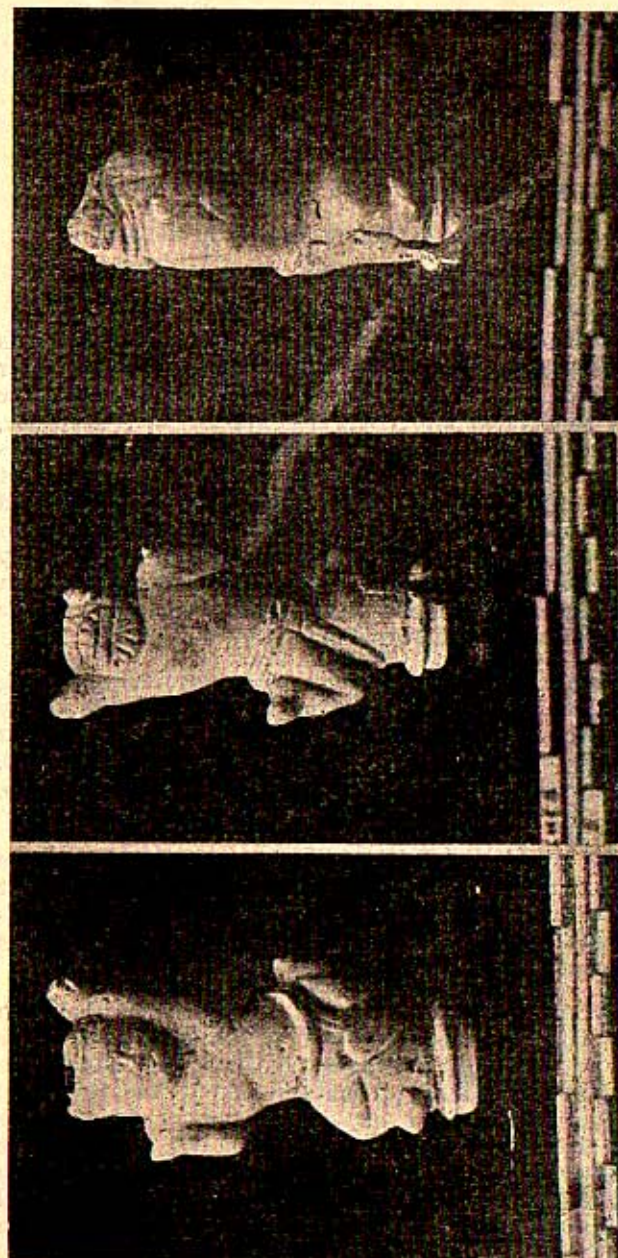
Beads.



Coins.



Coins.



Figurine, three views.

Some Aspects of the Tertiary Period in Ceylon

By P. E. P. DERANIYAGALA

Hony. D.Sc. of Vidyodaya and Ceylon Universities,
M.A. (Cambridge), A.M. (Harvard)

with three plates and five text figures drawn by the author.

(Paper read before the Royal Asiatic Society on Feb. 23, 1968.)

The Cenozoic Era, also known as the Age of Mammals since its mammals display greater abundance and progress than its other vertebrates, comprises the Tertiary and Quaternary periods. The former period is subdivided into the Paleocene, Eocene, Oligocene, Miocene and Pliocene epochs whereas the Quaternary period contains only a single epoch, the Pleistocene. In Asia the orogenic action that was forcing up the Himalayas during the Oligocene, had intensified during the middle Miocene, and in doing so had produced deep troughs along the bases of the ridges which became filled with sedimentary deposits. At that time the land was mostly savannah, and the sea invaded and subsequently withdrew from considerable areas in the course of land elevation. Traces of this movement still persist.

Ceylon's Tertiary limestone deposits were regarded as being Cretaceous by Dixon (1880) and as Eocene by Wayland who finally considered them to be Miocene and classified them as "*Jaffna limestone*" which, he stated, formed two facies, namely, "(a) calcareous, typically shown in the Jaffna peninsula and (b) arenio-argillaceous, typically shown at Minihagalkanda."

This limestone was considered to be highly fossiliferous but the arenioargillaceous beds were stated to be unfossiliferous except at Minihagalkanda where there are thin intercalations of fossiliferous limestone (Wayland et Davies 1923). In the north-western area the Miocene lies unconformably upon Jurassic beds.

Ceylon's Jurassic deposits were first discovered at Tabbova (Wayland 1925). These have been equated to the Kota beds of the Indian Jurassic. An older bed was discovered later and named the *Andigama beds* (Deraniyagala 1939) and equated to the Rajmahal beds of India. The northern limit of Ceylon's Jurassic deposits was considered to be Southern Vilpattu near the Kala-oya river, and the coarse Jurassic grit was named the *Ginkgo-phyte horizon* (Deraniyagala 1955). The northern and southern limits of the Jurassic were marked in accordance with this knowledge in a geological map (Deraniyagala 1957).

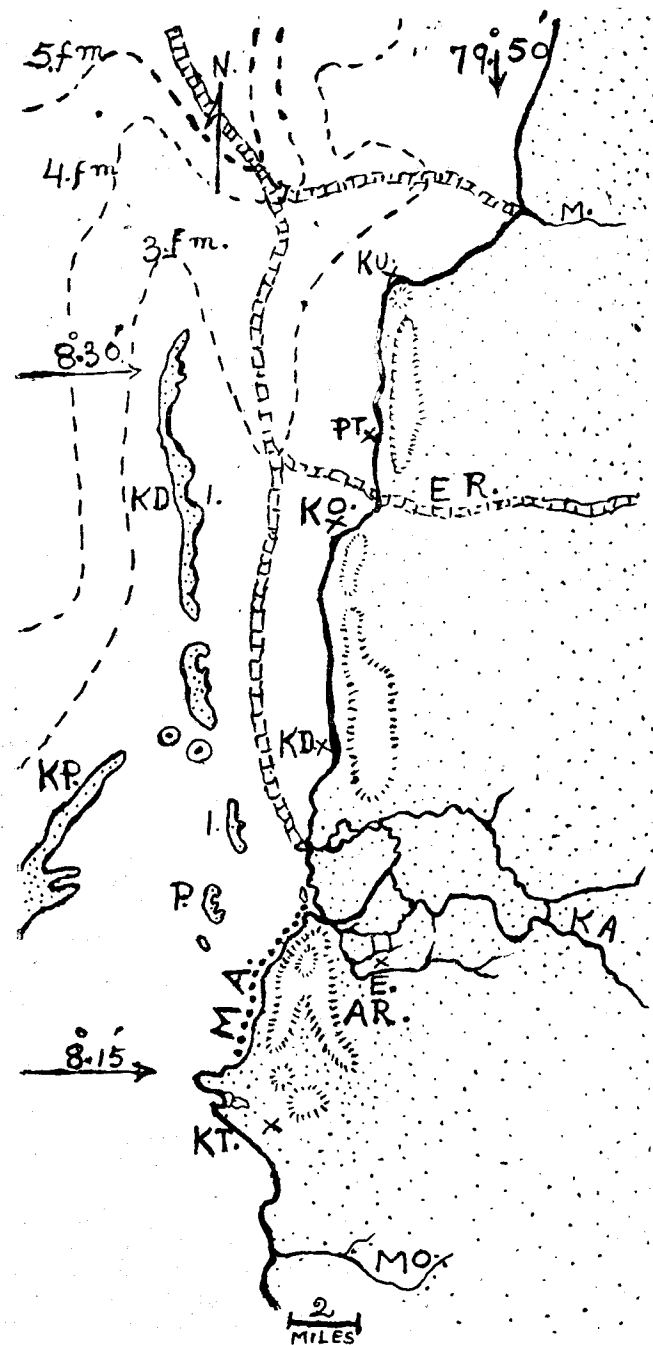


Fig. 1. This map is based upon the following (a) the Surveyor General's map of Ceylon of 1963 (b) the map in the Royal Asiatic Soc. (C.B.) New Series vol. IV, pt. 2, 1956 and (c) Deraniyagala 1958, fig. 3. The key to the letters and symbols in the map is as follows A.R.; Arna Kallu, E.; Eluvankulam, E.R.; Extinct river, I; Ippan tivu island, K.A.; Kala oya, K.D.; Karuvala kuda, K.D.I; Kara Duva island, K.O.; Kollan Kanatta, K.P.; Kalpitiya promontary, K.U.; Kudremale, K.T.; Karativu village, M.; Moderagam oya, M.A.; Malu member, M.O.; Moongil oya, P.; Periya arichchal Island, P.T.; Palugaha turai. Small dots = land. X = site. Ladder like line = former river. Broken lines are Isobaths marked with their depth in fathoms. Large dots = the outcrop of the Malu member. Hatchures = elevated areas (seven of them). Circles = submerged forest. The latitude, longitude, north, and a two mile scale are also inserted.

Golani (1967) being probably unaware of these publications has, however, conferred the name of *Manaar sandstone* upon the Jurassic deposits of Mannar, the Jaffna peninsula, and the Vilpattu area. Above the Miocene beds are traces of the Pliocene and Pleistocene deposits containing river-worn pebbles and estuarine molluscan shells which were first referred to ten years ago as follows, "Along the coast the marine Miocene-Plio-Quaternary deposits exist as low cliffs" (Deraniyagala 1958. p. 10). There are two marine terraces.

Ceylon's Miocene exists both as a broad exposure from the Jaffna peninsula down to the vicinity of Puttalam and as a small one at Minihagalkanda to the south-east. It also occurs in the outlying islands to the north and north-west, while the submerged, flat, sandstone that forms the pearl oyster beds in the Gulf of Mannar is probably also the Miocene which recurs in southern India. Since the sandstone from a depth of fifteen feet below the surface of the sea at the Great Basses to the south-east of Ceylon is also probably Miocene this suggests some degree of faulting and submergence. The presence of Jurassic and Miocene deposits in some of the outlying islands of north-west Ceylon suggests that they had been separated from the mainland by the submergence of fault troughs. In other words such an uniserial row of islands might be the remnants of the seaward edge of the trough while a ridge or an uniserial row of ridges and horsts represents its landward margin. The fact that the five islands form an uniserial row that is parallel to the seven uniserial ridges extending from near Arna Kallu onto Kudremale supports this view. This area extends from 8°.35'N. to 8°.10'N. by 79°.40'E. to 79°.55'E. Lying upon the horizontal beds of Ceylon's lower Miocene are younger estuarine and fluvial deposits. All have been subjected to elevation upon various occasions which appear to have some connection with the three phases of upheaval of the Himalayas.

Elevation has been strong at some Miocene sites such as Arna Kallu and Kudremalé to the north-west and Minihagalkanda to the south-east, but weaker at Arippe to the north west, and Keerimalé to the north of the Island. Several of the stronger elevations have been caused by block faulting (Deraniyagala 1958. pp. 8, 9), while the lesser ones appear to be either older eroded horsts, or the result of general slow oscillation and eustasy that are still in progress, or a combination of all these forces. This action persisted after the Tertiary period, and the British Museum's opinion on a sample of pyroxene that I sent them from Minihagalkanda is that, as its minerals are derived from unweathered rock, it is probably a post-Tertiary product, possibly from a fault fissure.

The Minihagalkanda horst 6°.22'N and 81°.38' E. comprises a basal unfossiliferous bed, upon which there are beds of fossiliferous limestone and of arenaceous argillaceous ones. Overlying these is a Pleistocene bed of clay five to seven feet thick which contains pebbles that

SOME ASPECTS OF THE TERTIARY PERIOD IN CEYLON

are fewer and smaller at its base than at its top. A bed of red earth covers this layer. The block faulting appears to have been aided by a domical uplift as indicated by the upwardly bent bedding.

Coates (1935 p. 104) who describes the elevation at Minihagalkanda as an "outlier" had partly quoted Wayland (1923 p. 580) and stated that it "extends inland for about a quarter of a mile and then descends steeply to plains covered with recent alluvium, through which the level surface of the underlying gneissose rocks appears occasionally at about sea level". This description could apply equally well to the horst at Arna Kallu which is not an outlier as the limestone continues inland.

A "member" of the Miocene of Ceylon is the "Malu deposit" which contains an association of fossils of marine fishes that ascend rivers, together with those of land reptiles, and of mammals that frequent estuaries. This faunule indicates that a part of the deposit had accumulated under fluvial and estuarine conditions. (Deraniyagala 1967.) Somewhat similar agents had also influenced the accumulation of some of the deposits exposed in the Kankasanturai limestone quarry (Deraniyagala 1958 pl. III). At Arna Kallu at latitude 8°.17' North, longitude 79°.49' east, the horst is 260 ft. deep, three and a half miles long and one and a quarter miles wide. At its summit are Pliocene sandstone and quartzite and a late Pleistocene bed that is about three feet thick containing river-worn pebbles and estuarine shells belonging to living species e.g. *Arca granosa*. This layer is identical with that at Eluvan Kulam on the Lunu āla in the plain below, which indicates that part of the original deposit had been elevated late in Pleistocene times. As five other ridges at Karativu, Karuvalakuda, Kollan Kanatta, and Kudremale lie more or less uniserially with this, all were evidently produced by the same processes of elevation (fig 1.). The numerous channels into which the Kala-oya river had subdivided at about six miles prior to its entrance into the sea can be explained as follows. The river had its exit into the sea blocked by land elevation; its impounded fresh waters had thereupon developed into a lake. When the Miocene sea invaded the land it entered this lake converting it into a bay, and when land elevation recommenced later it had formed a lagoon. Further elevation of the land resulted in these lacustrine and estuarine deposits being carved into a number of islands and faulting has provided the channel for the straight southern tributary of this river.

One of the coastal peneplain's early submergences doubtless occurred when the Miocene sea inundated large land areas and the present Ceylon rivers of the north-western sector are probably vestiges of the southern tributaries of a larger Miocene river or rivers, the northern tributaries of which system exist as rivers in India. Supporting this view are the curves in the isobaths off this coast, and the similarity

of the fresh water fish faunas of south India and of Ceylon. River action is essential for depositing heavy earth minerals. The high concentrations of monazite and ilmenite, which occur together with the red earth upon elevated areas such as at Kudremale (Coates 1935 p. 186) were doubtless derived from pegmatite and gneiss that exist further inland and had been transported by water into low-lying estuaries. These deposits had subsequently been elevated into ridges and cliffs as a result of faulting, and other factors. The elevation of the coastal area had reduced the gradient of the land and thereby so lessened the force of the river, that it could only manage to transport the lighter and smaller pebbles and finer particles of the heavy earth minerals which it deposited upon the earlier layers. Subsequent rejuvenation enabled it to lay down a layer of larger pebbles. This cycle has been repeated more than once and it was during the earlier phase that the "Malu deposit" was laid down to eventually form a compact arenaceous, shaly, conglomerate containing fossils of invertebrates, vertebrates and small river worn subcylindric pebbles about one centimetre long and half a centimetre wide. Along the coast from Karuvalakuda near Kollan Kanatta the pebbles in the fluvial deposit along the coast increase in size from being 1 or 2 cm by $\frac{1}{2}$ cm to 5 or 6 cm by 4 cm a hundred yards further north. The larger pebbles would indicate greater proximity to the river mouth. The stream appears to have either carved a gap through a ridge that extended from Kollan Kanatta to Palugahaturai or it had flowed along a fault through such a ridge. This river, however, is no longer in existence.

The stratigraphy of this area is only known imperfectly. At Tabbova the Miocene beds lie unconformably upon the Jurassic ones but a regular sequence of Miocene, Pliocene and Pleistocene beds occurs in the area between Arna Kallu and Marichukate to the north west of Ceylon (Deraniyagala 1956 and 1958).

A feeble form of elevation is shown by the land oscillation that has produced several levels of human habitation exposed at various places along the coast of Ceylon, as at Karuvalakuda and Kollan Kanatta, where each level of brick and other building material had been submerged by the sea and become covered with marine organisms. It had then been elevated and again reinhabited by man only to go under the sea in course of time and this process had been repeated. Somewhat similar fluctuations doubtless existed in Miocene times. One such area is towards Dutch Bay where its instability is shown by (a) tradition and legend which affirm that the sea had swamped parts of this area and also that islands had suddenly either appeared, disappeared or united, (b) the study of a series of ancient maps reveals that these are no idle myths but that such changes had actually occurred and are continuing. In 1720 Kalpitiya was an island. In 1891 there were three islands namely Mutwal, Karaduva and Ippantivu. By 1910

the first had divided into two while the channels between Karaduva and Ippantivu had widened greatly. By 1935 the two halves of Mutwal had reunited and become connected to the mainland while Karaduva had subdivided into two. These were part of the mainland not so long ago, for until about 1930 there were spotted deer, star tortoises, snakes and the common small animals of the mainland occurring upon Karaduva island, which had evidently become isolated suddenly when this area was cut off from the mainland. None of them would have voluntarily swum across the sea on to this semi-arid island which has no fresh water for several months each year. The submerged forest in this area also results from recent submergence.

Originally the coastal limestone termed the "Jaffna bed" was determined as being entirely of marine origin and of Miocene age. In 1923 it was Morley Davies of the British Museum who identified the fossil Foraminifera, Mollusca and other invertebrates collected by E. J. Wayland from the north, north west and south east of Ceylon, as being of this epoch. In 1934 the present writer discovered the first vertebrates and assigned a Miocene age to them. (Deraniyagala 1935.) This estimate was corroborated in 1936 by Dr. Errol White of the British Museum of Natural History. The bed bearing these vertebrate fossils was termed the *Malu deposit* (Deraniyagala 1937). The reptilian and mammalian fossils from this same deposit were also considered by me to be of Miocene age, and the sketch and measurements of a neck vertebra of a marine mammal were dispatched to Dr. Remington Kellogg, the fossil whale expert of the Smithsonian Institution at Washington, who replied that it most resembled that of a whale of the family Cetotheriidae. (Deraniyagala 1967.)

Paleontology. As fossils are of much assistance in determining the respective ages and changes of the different deposits some of the species that are of use in the present study are here set down. In this connexion it should, however, be remembered that 45% of the invertebrates, many fishes and 50% of the families of mammals that are living today, also occur as Miocene fossils in association with species that became extinct during that epoch.

Phylum Protozoa
Class Gymnomyxia
Order Foraminifera

The presence of *Taberina malabarica* (Carter) from Keerimalai to Puttalam indicates that these deposits belong to the superficial part of the lower Miocene which is equated to the upper Gaj beds of the Miocene of India. (Eames 1950.) This species is, however, unknown from Minihagalkanda.

Phylum Mollusca
Class Lamellibranchia

Placenta. The fossil bivalve *Placenta miocenica* (Suess) occurs in the various Miocene deposits of Ceylon. Since its living relative, the window-pane oyster *Placenta placenta* (Linné), thrives best in the muddy bottoms of shallow bays, lagoons and estuaries, it is not unreasonable to assume that the fossil species also favored such a habitat.

Ostrea. The oysters from the Miocene of Ceylon were originally considered to be *Ostrea vireleti* Deshayes. However, they belong to two species. One of these is *O. vespertina* Conrad possessing costae or ridges upon the upper valve, the other is *O. peguensis* Noetling which lacks such ridges and possesses a smooth upper valve. As the living marine species possesses costae whereas the estuarine one is smooth, it is reasonable to suppose that *O. vespertina* was a purely marine species and that *O. peguensis* was estuarine. The two species appear to have been mixed after an uplift of the sea bottom.

Arca. The presence of shells of *Arca granosa* Linne which is a recent species of this bivalve, both in the deposits upon the banks of the river Luna äla as well as upon the summit of the adjacent elevation of Arna Kallu which is 230 feet above mean sea level indicates that the shells are part of a deposit that has been elevated upto this height from the level of the river by elevation, block faulting and horsting.

Phylum Arthropoda
Class Crustacea
Subclass Malacostraca
Order Decapoda
Suborder Macrura
Tribe Brachyura
Subtribe Oxystomata
Genus *Oxystomata* de Haan

Oxystomata de Haan 1841 in Siebold's Fauna Japonica.

Carapace elongated anteriorly into an upturned rostrum, eyes minute, sand dwelling marine crabs ranging from inshore waters to depths of 65 metres. Only a few fossil forms are known.

Family Leucosidae

Carapace rounded or hemispherical and very convex, its regions not defined clearly; inhalent branchial openings at base of external maxillipeds, gills fewer than 9 on each side. Third part of abdomen enlarged and ovate in the female.

Genus *Leucosia* Fabricius

Leucosia Fabricius 1798 Ent. Syst. Suppl. page 349.

The first Miocene fossil crab to be recorded from Ceylon is a single specimen of a species of *Leucosia* a genus which is known from its living species which occur off Ceylon.

Four out of the 22 living species of *Leucosia* that occur from off India and Ceylon range as far as Japan. Out of these the one that is most closely related to the Ceylon fossil is *L. unidentata* de Haan. Living Japanese specimens were secured from depths of 35 to 65 metres (Sakai 1965).

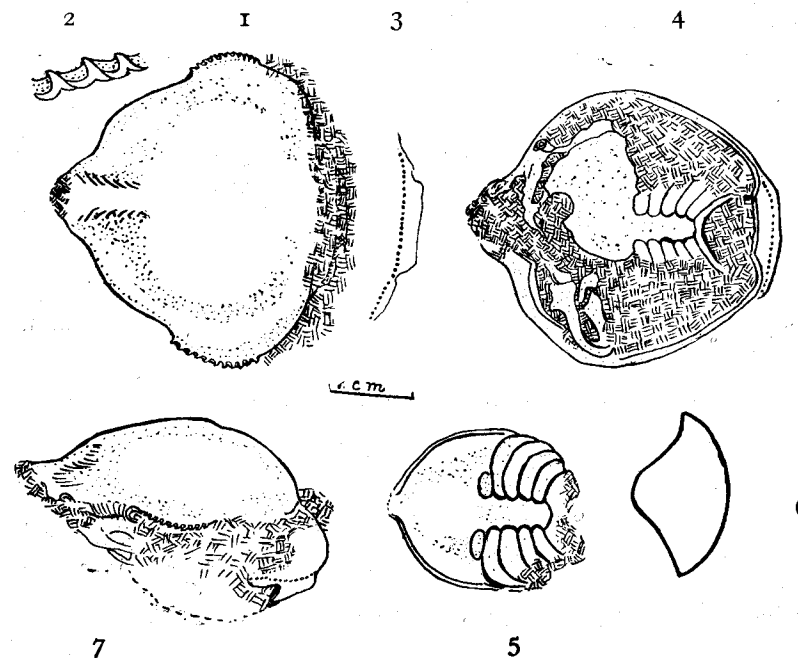


Fig. 2. *Leucosia unidentata lankae* ssp. nov.

The Holotype of a Miocene fossil crab from the 'Malu' faunule at Arna Kallu. (1) Cast of Carapace (2) enlarged carapace serrations of right side (3) posterior margin of carapace (4) ventral aspect of (1); (5) under or ventral surface of abdomen (6) transverse section across (5); (7) the carapace and abdomen put together to show the body depth of this crab. A left lateral view. A one centimetre scale is appended. The matrix is represented diagrammatically by criss-cross lines.

Leucosia unidentata lankae ssp. nov. (fig. 2)

Holotype. This fossil Miocene species is closely akin to the living *L. unidentata* de Haan 1841 p. 133, fig. 3 which is known from Malabar, Moluccas, Torres Strait, Hong Kong and Japan. Comparison is made with the illustration of a Japanese specimen of the latter species that is figured on pl. 19 fig. 3 of T. Sakai's work (1965). The Ceylon fossil

consists of an almost perfect calcareous cast of the carapace and a part of the abdomen of a female. Both retain parts of the exoskeleton. Unfortunately all the limbs are missing. The fossil is strongly embedded in the miocene calcareous shaly conglomerate in which are visible impressions of parts of the sternites, the muscle attachments of five of the walking limbs and parts of a maxilliped [fig. 2 (4), (5)]. There are eleven serrations upon each side of the carapace, which are curved forwards and have their bases invested in a shelf-like structure [fig. 2 (2)]. The Japanese specimen displays only eight knob-like lateral serrations that are not so invested. The posterior of the fossil's carapace is also proportionately wider and an uniserial row of pores for chaetae runs horizontally across and below its posterior margin. The section above the first abdominal segment contains 18 such pores [fig. 2 (2)]. The Ceylon fossil is also smaller than the figured Japanese specimen which possesses a carapace that is 31 mm long and 28 mm wide. The nature of the rostrum is indeterminable since it is covered with matrix but as it possesses a dorsal carina it is probably similar to that of the living species.

Dimensions of the fossil: Carapace length 26.5 mm, carapace width 25.5 mm, width of telson 15 mm, length of telson 9, length of abdomen 18 mm, width of abdomen 13.5 mm, depth of abdomen 9 mm, depth of carapace 13.

Estimated total dorsi-ventral depth of specimen $13 + 9 - 2 = 20$ mm.

Phylum Chordata

Subphylum Vertebrata

Fishes. Although the majority of the marine fishes here described exist as living species which often frequent bays and estuaries and ascend rivers, they also occur as Miocene fossils in various countries, of which those nearest to Ceylon are listed herein.

Superclass Pisces

Class Chondrichthyes subclass Elasmobranchii Suborder Galeoidea

Family Galeolamnidae, Genus *Galeolamna* Owen

Galeolamna gangetica (Müller et Henlè)

This shark still occurs as a living species in Asian waters and is known to enter rivers and travel upstream beyond the range of tidal fluctuation. The upper teeth possess a finely serrated margin and are broadly triangular. The lower ones possess narrow cusps. The upper teeth are generally from 17-19 mm high, the basal length is 16-18 mm

and the thickness is 4 mm. The lower tooth is 16.5 mm high its base is 7 mm and its thickness is 4 mm. The shark is known as a Miocene fossil from Burma, Java, Japan and New Guinea.

Family Carcharinidae Genus *Hemipristis* Agassiz *Hemipristis serra* (Agassiz)

This shark still occurs as a living species in the Red sea and Indian ocean and also ascends rivers. The upper tooth is characterised by strong marginal serrations which are absent from the last quarter at the apex of the tooth. The height of the tooth ranges from 18-20 mm. The base ranges from 14-20 mm. The thickness is about 4-5 mm. Known as a Miocene fossil from Java.

Genus *Galeocerdo* Müller et Henlè *Galeocerdo cuvieri* (le Sueur)

This is a living species of marine shark that sometimes enters estuaries. The teeth are 16-22 mm high, length of the base 30 mm, thickness of the cusp 3-5 mm. This species occurs as a Miocene fossil in Burma and Java.

Class Osteichthyes subclass Actinopterygii super-order Teleostei Order Acanthopterygii suborder Labroidea Family Labridae

Living members of this family frequent reefs and shallow seas.

Genus *Labrodon* Gervais

This genus possesses two fossil species in Ceylon, namely *Labrodon angustidentatus* Deraniyagala and *Labrodon sinhaleyus* Deraniyagala. The length into the width of a tooth from the tooth cluster of the former species is 3×0.75 mm, in the latter species it is 5×3 mm.

Suborder Tetraodontoidea Family Diodontidae Genus *Diodon* Linnè

Since the various living representatives of this genus frequent coral reefs, estuaries and fresh water it is not improbable that the Miocene species *Diodon sinhaleyus* Deraniyagala was of similar habit.

Class Reptilia
Subclass Anapsida
Order Testudinata

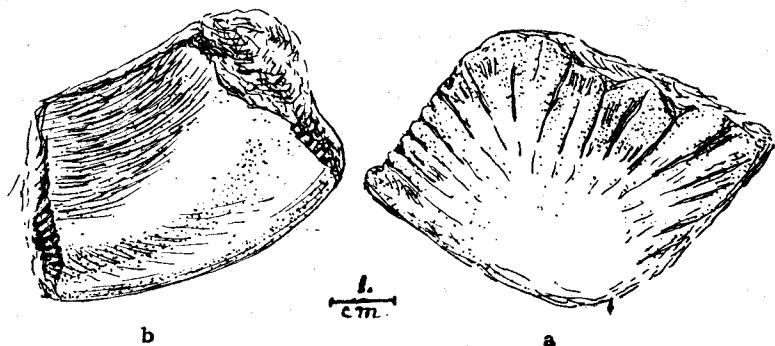


Fig. 3. (a) Dorsal and (b) ventral aspects of the Holotype marginal of *Geoemyda striata* Deraniyagala

Fam. Emydidae
Genus *Geoemyda* Gray
Geoemyda striata Deraniyagala (fig. 3)

This terrapin is known from a left suprafemoral marginal. Its most salient character is that whereas its ventral surface is smooth its dorsal surface possesses fourteen grooves and ridges, seven of them are along each margin. All converge to form an apex near the periphery. The length of the specimen is 32 mm, its greatest thickness is 15 mm, its width anteriorly is 24 mm. The estimated total carapace straight length is 250 mm.

Family Testudinidae
Genus *Miotestudo* Deraniyagala
Miotestudo ibba Deraniyagala (Pl. II fig. 1)

This species is known from a part of the right humeral arch of the carapace comprising the lower part of the first costal plate which is fused with the marginals. No sutures are visible, but the specimen shows that the marginals are reverted forming an angle of about 110° with the costal plate. The holotype is 85 mm long, 50 mm high anteriorly and the anterior marginal area is 7 mm, the posterior one is 13 mm thick. The estimated straight length of the entire carapace is 500 mm.

Family Cheloniidae
Genus *Miocaretta* Deraniyagala
Miocaretta lankae Deraniyagala (Pl. I. fig. 1)

This is a marine turtle that is somewhat larger than *Caretta caretta gigas* Deraniyagala. It is easily distinguishable as each marginal bone consists of three osseous elements fused together. It is known from three marginal bones which are very massive. The antero-posterior length of the most perfect marginal is 60 mm, its dorsi-ventral height is 54 mm. Estimated straight carapace length 1,300 mm.

Class Mammalia
Order Sirenia
Family Dugongidae Gray
Genus *Miodugong* Deraniyagala
Miodugong brevicranius Deraniyagala (Pl. II fig. 2)

The cranium of this species is proportionately shorter than in the living *Dugong dugon* (Erxleben). The estimated dorsal width of the parietal would have been about 78 mm. The bilateral thickness of the squamosal is 27 mm. The height from the top of the parietal to the base of the squamosal is 81 mm.

Order Cetacea
suborder Odontocetoidea
Family Delphinidae
Genus *Miotursiops* Deraniyagala
Miotursiops mulla Deraniyagala (Pl. I fig. 2)

In a single posterior caudal vertebra the centrum's length is 32 mm, its bilateral width 82 mm, and its dorsiventral depth is 73 mm. Isolated teeth are subconical and 10 mm. high, basal diameter 5 mm.

Suborder Mysticetoidea
Family Cetotheriidae
Genus *Mioceta* Deraniyagala

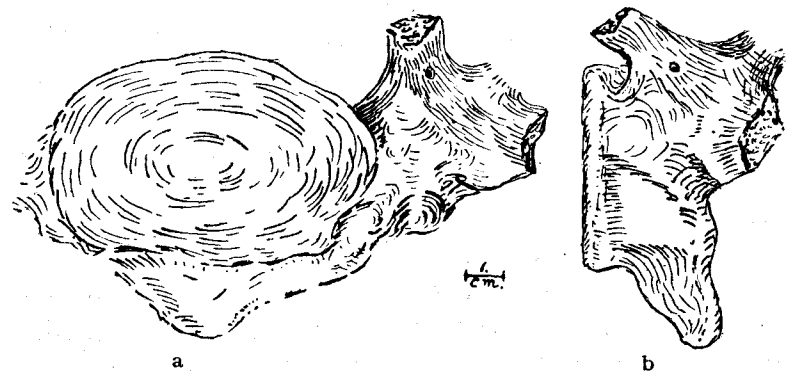


Fig. 4. (a) Full face (b) side view of the holotype of the cetotheriid whale *Mioceta bigelowi* Deraniyagala, a sixth cervical vertebra.

Mioceta bigelowi Deraniyagala (Pls. I, II)

This species is about 13 feet in length and is known from a sixth cervical (Pls. I and II, fig. 3), one thoracic (Pls. II, fig. 4, 5) and one lumbar (Pl. I, fig. 4 and Pl. II, fig. 6). The holotype is the sixth cervical vertebra which is 35 mm long, the anterior face of its centrum is 86 mm wide and 65 mm high. The lumbar vertebra could only be partially developed from the matrix. Its two lateral processes had been broken off prior to fossilization and its neural aspect is still embedded in the matrix. Its dimensions are as follows: Total length 120 mm, greatest width across broken lateral processes 160 mm, diameter of each terminal surface of body 117 mm, median width of body 88 mm.

Mioceta magna Deraniyagala

This species is known from two fragments of ribs found a quarter of a mile apart and probably derived from two different individuals. They reveal that this species was considerably larger than the preceding one. The ribs are 46 to 55 mm wide and their dorsiventral depth is 25 to 35 mm.

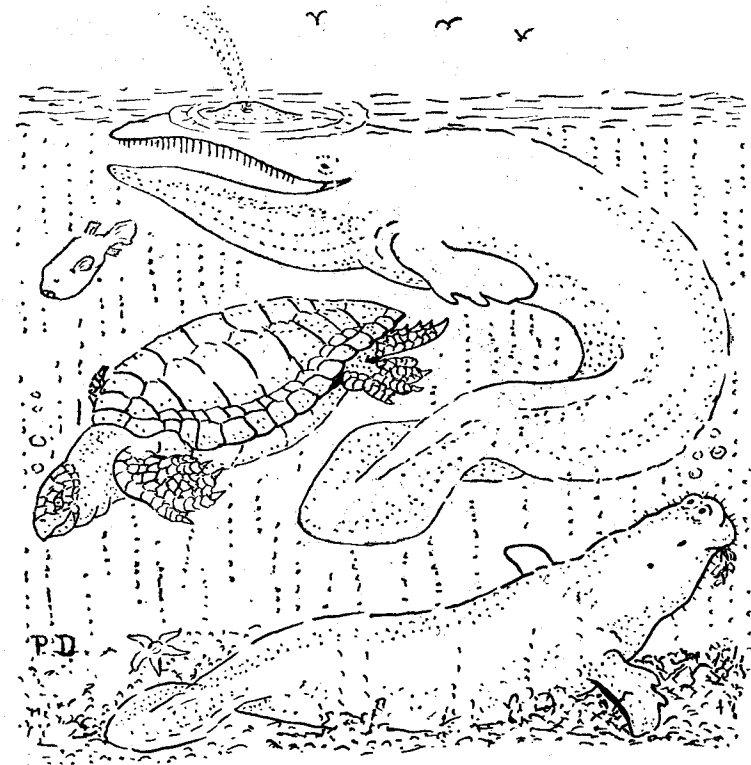


Fig. 5. Hypothetical reconstructions based upon the above descriptions of some of Ceylon's miocene vertebrates; by P. E. P. Deraniyagala. The fish is *Diodon sinhalensis*, the turtle in *Miocareta lankae*, the dugong in *Miodugong brevicranius*, the whale is *Mioceta bigelowi*.

Tertiary vegetation (Pl. III)

The fossils are large fragments of xylem comprising elongate, large tracheids, with indications of stomata; there are no nodes. The trees were probably 30 to 40 cm in diameter and belong to several species. Impacted within these specimens are waterworn sand, small pebbles, and marl. Their presence together with the fact that the specimens are casts that are mineralized and ferruginized indicate that the trees had been submerged in a bog. Since they had been derived from palustrine deposits and redeposited together with masses of compacted sand they are assigned an Oligocene age, and the name of *Ganevalpola flora* is given to these trees of Ceylon's Oligocene

since their fossils are most abundant near Ganevalpola on the left bank of a stream crossing the motor road from Habarana to Maradan-kadavala. The specimens occurred at a height of about two feet above the water and 50 yards to the south of the road at $8^{\circ}.10'N$ by $80^{\circ}.38'E$. These trees are tentatively assigned to the Phylum Pterophyta, class Gymnospermae, Subclass Coniferophytae, (1) Order Ginkgoales, Family Ginkgoaceae (2) Order Coniferales, Family Araucariaceae. Some trees of these two orders attain to a height of 90 feet and a basal diameter of three feet. The name of *Oliginkgo lankae* gen. et sp. nov. is tentatively proposed for the specimen depicted in Pl. III, fig. 1 it was secured from $8^{\circ}N$. by $80^{\circ}.50'E$. off the Habarana to Minneriya road in the North Central Province.

The name of *Olicaria lankae* gen. et sp. nov. is suggested for the fossils from near Ganevalpola depicted in pl. III, figs. 2, 3 and 4. Their tracheids are ribbed, stouter and more prominent than in the previous fossil and the stomata are better defined. The holotype is depicted in fig. 4, the other two figs. depict the paratypes.

Considerable importance has been attached to the occurrence of the foraminifer *Tabarina malabarica* (Carter) in assigning a lower Miocene age to Ceylon's Miocene beds. However, it is absent from the south-eastern exposure at Minihagalkanda. The north-western beds include the "Malu member" which contains fossils of vertebrates that are marine, estuarine and terrestrial. Only a single vertebrate has been secured from the Minihagalkanda stage.

Although the fossil fishes in the "Malu member" might be Miocene Pliocene, or Pleistocene, the fossil cetotheriid whale occurring with them can only be late Oligocene, Miocene or early Pliocene. The presence of this whale also suggests that the sea was cooler then than it is at present.

The occurrence of the mollusc *Arca granosa* and the presence of strata of pebbles more or less superficially in the horsts of both Arna Kallu and Minihagalkanda, the subdivision of each adjacent river into a network of meanders, and the various channels of extinct rivers that occur in the respective vicinities of these horsts indicate that some phases of these two uplifts had occurred towards the termination of the Quaternary.

Until this discovery of vertebrates was made from Ceylon, Miocene fossils of Reptiles and Mammals were known in Asia, from only three localities (Romer 1966).

The Tertiary deposits of Ceylon are (a) the Miocene *Jaffna Series* comprising three "stages" and one "member" and (b) the Pliocene *Arna Kallu* bed here assigned to one "member".

Jaffna stage

Cretaceous Dixon, A. C. 1880 — Rocks and Minerals of Ceylon *J. Royal As. Soc. (C. B.)* vol. 6, pt. 2, p. 39.

Jaffna facies Wayland E. J. et Davies A. M. 1923 — The Miocene of Ceylon *Quart. J. Geolog. Soc. Lond.* vol. 79, pt. 4, type loc. Jaffna. Invertebrate fossils abundant, echinoids rare, no vertebrates.

Kudremale stage

Kudremale Wayland E. J. et Davies A. M. 1923. The Miocene of Ceylon *Quart. J. Geolog. Soc. Lond.* vol. 79, pt. 4, p. 583. type loc. Kudremale.

Invertebrate fossils abundant, echinoids not very common, no vertebrates.

Malu member

Malu deposit Deraniyagala 1957. Some Miocene Fishes from Ceylon *Sp. Zeyl.* vol. XX, pt. 2, pp. 355-367, figs. 9. type loc. between tide marks west of Arna Kallu (p. 356).

Malu deposit Deraniyagala 1957. Ceylon in *Lexique Stratigraphique International* vol. III. Asia. fascicule 8 c. pp. 331-341.

Malu deposit Deraniyagala 1967 *Proc. Twentythird Annual Sess. of Ceylon Assoc. for Advancement of Science* pt. 1, p. 50.

Malu shale stage Deraniyagala 1958. *The Pleistocene of Ceylon* p. 41.

A compacted arenaceous, shaly, conglomerate of Miocene age containing fossils of invertebrates of which the echinoids are not uncommon, and vertebrates of marine, estuarine and terrestrial species and small river-worn pebbles about one centimetre long and half a centimetre deep. (Pl. I.) The deposit lies to the west of the ridge termed Arna Kallu at latitude $8^{\circ}.17'$ north, longitude $79^{\circ}.49'$ east and extends from the mouth of the Kala-oya southwards for four miles. It becomes more argillaceous over the last mile of its exposure. (text fig. 1.)

Types The 'types' of the first fish fossils described from this deposit are in the British Museum of Natural History. The fragments

of reptilian and possibly of mammalian bones secured with them are in the Colombo Museum (Deraniyagala 1937). The "types" of the other species are with the present writer.

Minihagalkanda stage

Minihagalkanda facies Wayland, E. J. et Davies A. M. 1923. The Miocene of Ceylon *Q. J. Geol. Soc. Lond.* vol. 79, pp. 577-602, type loc. Minihagalkanda.

Minihagalkanda stage Deraniyagala 1957. Ceylon, in *Lexique Stratigraphique International* Vol. III: Asia face. Sc. pp. 331-341.

Invertebrate fossils abundant, echinoids common (Deraniyagala 1961), vertebrate fossils only known from a single specimen of *Diodon sinhaleynus*.

Geothermal activity — The Miocene beds to the south-east of Ceylon display what might eventually prove to be traces of former geothermal activity. At Minihagalkanda there is a small cone about 20 ft. in diameter down which extend trails of scoriaceous-looking laterite that had been subjected to considerable heat, while among the other materials that occur there are masses of chert as well as chunks of hydrothermal chalcedony (Deraniyagala 1961 a) and jasper. A dome which extends from the vicinity eastwards towards Kudumbigala and the frequency with which pumice is washed up along this part of the coast and further eastwards, suggest a submarine bed of this product and support the view that former volcanic activity had existed in the proximity, especially since about three years ago the local press had reported that a Russian oceanographic vessel had discovered an active submarine volcano about a thousand miles to the south-west of Ceylon. Submarine craters are also thought to exist off Trincomalee.

Acknowledgements — I acknowledge with thanks the valuable literature and information supplied to me by Dr. Remington Kellogg of the Smithsonian Institute of Washington while Dr. C. R. Panabokke of the Soil Survey of Ceylon and Mr. R. Hanreck the Ground Water Investigation Advisor to the Department of Irrigation, have confirmed my view that Arna Kallu was elevated by horsting. I also wish to thank Dr. W. J. Webb of Wauwatosa, Wisconsin, U.S.A. for a gift of drill bits that proved to be of great value in "developing" the fossils. Mr. L. de Alwis, Warden of the Department of Wild Life, and his officers for their assistance during my visits to Minihagalkanda and the Wilpattu Game reserve, and most of all I am grateful to the helpers who secured specimens for me and who accompanied me.

Explanation of Plates

Plate I

Tertiary fossils of a turtle and two cetaceans from the *Malu* member of the *Kudremale* stage of north-west Ceylon. All except fig. 1 are embedded in the compacted shaly conglomerate matrix.

- Fig. 1. Holotype of *Miocaretta lankae* Deraniyagala; the right penultimate marginal and part of another fused to its anterior end. Note the two pits for the tips of two ribs.
- Fig. 2. Holotype of *Miotursiops mulla* Deraniyagala; a caudal vertebra.
- Fig. 3. Holotype of *Mioceta bigelowi* Deraniyagala; a sixth cervical vertebra.
- Fig. 4. A paratype of *Mioceta bigelowi*; a lumbar vertebra.

Plate II

The partially "developed" vertebrate fossils of the "*Malu* faunule".

- 1. *Miotestudo ibba* Deraniyagala, holotype; part of the right humeral arch. Ventral view.
- 2. *Miodugong brevicranius* Deraniyagala, holotype; left parietal and squamosal bones.
- 3. *Mioceta bigelowi* Deraniyagala, holotype; a sixth cervical vertebra.
- 4. A sagittally fractured thoracic vertebra of *M. bigelowi* seen in terminal view.
- 5. A lateral view of (4) above.
- 6. A lumbar vertebra of *Mioceta bigelowi* in ventral view, showing the basal parts of the wide lateral processes.

Plate III

Completely petrified and ferruginized botanical fossils of Oligocene age. "Type" specimens of the *Ganevalpola* flora.

- 1. ? Holotype of *Oliginkgo lankae* gen. et. sp. nov. ? 4. Holotype 2 and 3 Paratypes of ? *Olicaria lankae* gen. et. sp. nov.

Plate I

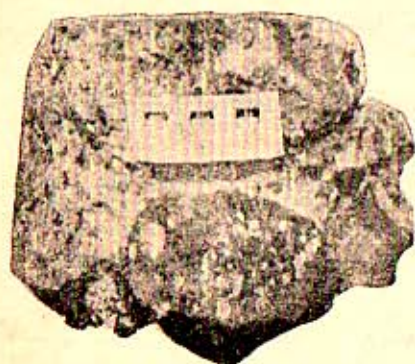
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Miocene Testudinate and Cetacean fossils from Ceylon.

Plate II

1



2



3



4



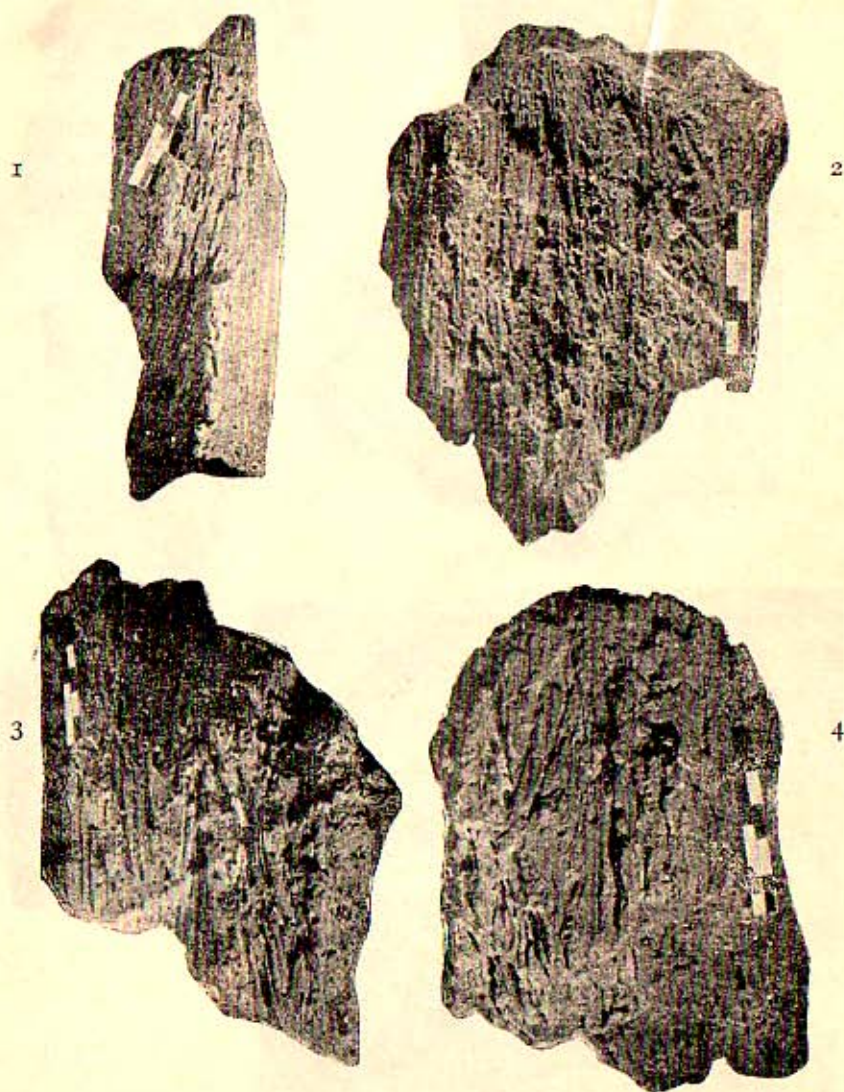
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5



Miocene Testudinate, Sirenian and Cetacean fossils from Ceylon.

Oligocene fossil timber from Ceylon, *The Ganevatpola flora*.

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Dedigama

Paper read by DR. C. E. GODAKUMBURA,

President of the Royal Asiatic Society (Ceylon Branch),
at the Annual General Meeting
on 18-12-67

Dedigama¹ (Dädigama) is a large and thickly populated village situated in the Kiraweli-pattuwa (Kiraväli-pattuwa) East in Beligal-korale of ancient Satara-korale now included in the modern District of Kegalla within the Province of Sabaragamuwa. Nelundeniya, which is a hamlet of Dedigama, is at the 41st mile-post on the Colombo-Kandy highroad, and Veheravatta, that area of the village where the Koṭavehera, the Sūtigharacetiya of the twelfth century, the monument under discussion and the local bazaar are situated is two miles further on the Tuntoṭa road which branches off to the right, that is, towards the South, at Nelundeniya. There were other approaches to the village from the West and the South in ancient times, and these are still in use. The central portion of Dedigama, which would have contained the dwellings of the original settlers, around which the village would have grown, is a hallow plain surrounded by hills with narrow passes, and the locality would have afforded natural protection for its dwellers. This advantageous geographic position led to the conversion of Dedigama into a city to be the home of royal princes, and at times of political disturbances in history it became the refuge of the royalty or the nobility. It was the capital of provincial kinglets, and at least of one paramount sovereign of Ceylon.

Local tradition connects Dedigama with the legends of Gajabāhu I (A.D. 112-134) and his famous General Nila.² Literary references too go back to a very early date. The village or later city of Dedigama known in Sinhalese literature as Dätigama, Dädigama or Dädigama appears to be identical with Kiraväla of certain historical documents, and texts like the 'Rājāvaliys'.³ The village name Kiraväla is still preserved in the name of the division (pattuwa) in which Dedigama is situated, the Kiraväli-pattuwa. Very often a Korale or Pattuva

1. This is the spelling in the *List of Villages in the Province of Sabaragamuwa*. Names of villages, divisions, etc. are spelt as found in the *Village Lists* and other official documents where such exist, with the phonetic transcription within brackets where necessary. Less known names are given in the phonetic transcription only.
2. For the story of Gajabāhu and Nila see *Rājāvaliya* (Pemananda's edition, 1926, pp. 45-46; and B. Gunasekera's, 1911, pp. 33-34 *ibid.* translation, 1900, pp. 45-46). The iron club of Gajabāhu was believed to have been buried near Koṭavehera.
3. See below p. 4 the story of the marriage of King Parākramabāhu VI.

gets its name from the most important or one of the important villages or cities in the division, as for example, we have in the Satarakōrale itself, Beligal-kōrale from Beligala, and Walgam-pattuva from Walgama. The tradition concerning Kiravālla is very old. According to the *Rājāvaliya*⁴ when Prince Danta and his queen Ranmālī⁵ brought the Tooth Relic of the Buddha to Ceylon, King Kitsirimevan (A.D. 303-331) prepared a residence for the prince and the princess at Kiravālla in Beligal-kōrale, and bestowed great favours on them. This is the earliest mention of the village or the division, so far available, in historical writing. Whether the stories are authentic or not, they point to very early occupation of these fertile valleys by the ancestors of the present Sinhalese people.

There is positive archaeological evidence to support the local and literary tradition that the locality had been populated by the Āryan speaking immigrants of Ceylon quite in early times, and there were settlements of some importance. There are early inscriptions in the Brāhmī script going back to pre-Christian centuries in sites not far away from this village. Of such sites in the eastern division of the Kiraweli-pattuva of Beligal Korale itself we have Lenagala (L 3/44) and Salgala (L 3/38). Still closer to Dedigama in the Kandupiti-pattuva of Beligal Korale there are Yaṭaha-leṇa (I 23/46) and Vāvakanda at Aṭugoda (I 24/57). In the Otarapattuva of the same Kōrale are found Hunuvela-vihāraya (I 23/37), Māmpita (I 23/46) and Ranwala (I 23/30). The spread of these inscriptions show that they have come up to this area from the western coast through the southern tributaries of the Maha-oya and the northern tributaries of the Kelani (Kālaṇi)-gaṇḡa. Those who advanced up to Dedigama would have come down south through Rāgala-oya and Nelundeniya-oya or gone up north along Gurugoda-oya and Dedigama-oya. In the South West corner of the village there is an ancient cave called Strī-pura which has legends connected with it.

The fragment of a stone pillar,⁶ bearing an *attāni* immunity grant of about the tenth century is used as a supporting post of the paddy barn of a former local chief headman (Raṭemahatmayā) of Beligal-kōrale who has his residence in the village within site of the Vehera-vatta. The preserved portion of the writing contains what may be the part of the name of a village. The existing lines are too few to make out any names of localities or persons connected with the grant.

Before narrating the history of Dedigama, we may digress for a while to examine the Pali equivalents of the Sinhalese name Dätigama or Dädigama. In the *Mahāvamsa*⁷ it is Puṅkhagāma. The portion of

the chronicle where this name occurs, that is the story of King Parakramabāhu the Great (A.D. 1153-1186) beginning from his father Mānābharaṇa, may have been written about the twelfth century. The other Pali equivalent is Jätigāma, and this term is used in a Pali *sandesa* poem, the *Vuttamālā*⁸ of the fourteenth century.

Let us first examine the form Puṅkhagāma. The Sinhalese translators of the *Mahāvamsa*⁹ in the latter part of the nineteenth century and early this century have equated Puṅkhagāma to Piḷagama. This has arisen, I believe, through some current tradition regarding the birth place of King Parākramabāhu the Great. There is no literary or archaeological evidence in support of this translation.

As a preliminary to the discussion of the archaeological evidence in support of the claim of Dedigama as the birth place of the great king, we may show that on literary evidence also Puṅkhagāma is a correct equation of Sinhalese Dätigama as was the practice of Pali writers of the period. The rare Pali word *puṅkha* occurring in the *Asadisa-jātaka-vannaṇā* of the *Jātakatthakathā* is translated in the Sinhalese *Jātaka-pota* by the word *pagiliya*. Thus for the Pali "taṃ gantvā purimakāṇḍa-puṅkhe paharitvā nivattitvā" we have "e hiya paḷamu vidi hiye pagiliyē vāda gena".¹⁰ The older commentarial Glossary¹¹ (*gāṭapadaya*) of the Pali *Jātaka-atthakathā* gives the Sinhalese interpretation of the Pali phrase *puṅkhe paharitvā* by *pagiliyē, dātte pāhāra*.¹² Here we have the Pali *puṅkha* being equated to *pagiliya* and further to *dātta*, as even at that time the meaning of the word *pagiliya* being somewhat obscure. In the narrative of the same story of Prince Asadisa in Gurulugomī's *Dharma-pradīpikā* also we have "ē hiya gos paḷamu vidi hiye hi-dāttehi pāhāra navatā-piyā"¹³ employing *hi-dāttehi* where the *Jātaka-pota* has *pagiliya*.¹⁴ Thus the equation of *dāti* to *puṅkha* is justified, and Puṅkhagāma is undoubtedly an equivalent of Dätigama the older form of Dädigama.

The later Pali form Jätigāma of the fourteenth century is apparently a new translation at a time when the etymology and meaning of the name Dätigama were forgotten. It is also apparent that the chronicle, the *Mahāvamsa*, was not being continued at the time, and the word Puṅkhagāma would not have been available to the author of the *Vuttamālā*. The form Nätigāma¹⁵ is only a misreading of the slab-inscription of Bhuvanekabāhu at Dedigama, and this reading may have been influenced by the form Jätigāma. The Sanskrit equi-

8. See below.

9. Sumaṅgala and Baṭuwantudāve, D. H. S. Abhayaratna and Simon de Silva. 12th.-13th. century. See ed. Jinālaṅkāra Press, Hunupitiya, Colombo, 1948 ff, p. 343.

11. About the 11th. century.

12. *Jātaka-(aṭuvā)gāṭapadaya*, ed. Harumalagoda Sirisumangala, 1925, p. 124. Ed. D. B. Jayatilaka, Colombo, 1943, p. 128.

13. About 11th. century, ed. Dharmārāma, 3rd ed. Peliyagoda, 1915, p. 205.

14. Compare with phrase from *Jātaka-pota* cited above.

15. Bell, *Kegalla Report*, pp. 84-85 (see below).

4. *Rājāvaliya*, ed. B. Gunasekera, Colombo, 1911, p. 37; *ibid.* translation, Colombo, 1900, p. 53, Pemananda's ed. p. 51.

5. Pali: Hemamālā.

6. *ASI*, No. 573.

7. *Mhv.* Ch. 61, v. 26; ch. 62 v. 18; ch. 79, v. 61.

valent Jātigrāma occurs in the interlinear inscriptions which are to be attributed to the reign of Śrī Parākramabāhu VI of Kotte (A.D. 1412-1467).¹⁶

Now we come to the story of King Parākramabāhu the Great, as it is related in the *Māhavamsa*. At the demise of King Vijayabāhu I (A.D. 1055-1110), Prince Mānābharaṇa, the eldest son of princess Mittā (sister of King Vijayabāhu) by a Pāṇḍyan prince was appointed *uparāja* of Jayabāhu who succeeded to the throne.¹⁷ Vikramabāhu, son of Vijayabāhu I was at Mahānāgahula (Mānāvulupura) in Rohaṇa at the time; and when he heard of the events at the capital, Polonnaruva, he came there, having had on his way to fight several battles with his rivals. On Vikramabāhu's arrival Jayabāhu fled to Mānāvulupura, and Mānābharaṇa to Puṅkhagāma. The latter, (Mānābharaṇa) dwelt at Puṅkhagāma under the name Virabāhu. Puṅkhagāma was included at the time in the division of the kingdom called Dakkhina-desā, the southern country.

Prince Mānābharaṇa and his consort Ratanāvalī had only two daughters, Mittā and Pabhāvatī and they had no son.¹⁸ The prince then made over the whole administration of the kingdom to his ministers, and withdrawing into solitude prayed for a son. One night, as he camped in the temple of the king of the gods (Devarāja), he was promised a mighty son who would bring glory and fame to his family. The chronicle says "At daybreak he awoke full of joyful excitement, and the best of men betook himself to Puṅkhagāma"

Pabujjhivāna samjātapīvego 'tha rattiyā
vibhātāya tato Puṅkhagāmaṃ gañchi naruttamo¹⁹

Later in the fifteenth century Śrī Rāhula Mahāthera of Totagamuva in his *Sālabhīni-sandēśaya* gives the credit of the gift of a son to Queen Ratanāvalī to God Vibhīṣaṇa of Kelaniya:

Bisovaṭa paḷamu Ratnāvali nam sonduru
sahatuṭa devū himi divāsin kuluṇu piru
me Lakata isuru vi Pārakum raja-kumarū
paḷakoṭa kimeka oba soṇḍa teda bala maharu²⁰

".....Prince Perakumbā, whom our Lord, well pleased,
And with divine eyes full of kindness, gave
.....To fair Queen Ratnamālī in time past,
This Lanka's chief became, what need to tell
Thy Majesty's good, great, and glorious power"²¹

16. Paranavitana, "Princess Ulakudaya's Wedding" in *University of Ceylon Review*, Vol. XXI, No. 2, October, 1963, See below p. 14 for quotations.

17. Nicholas and Paranavitana, *A Concise History of Ceylon*, Colombo, 1961, Ch. XI, Also *Mhv.* Ch. LXI.

18. *Mhv.* Ch. LXII.

19. *Ibid.* v. 18.

20. Ed. Dharmarāma Thera, 5th. edn. Colombo, 1925, v. 104.

21. Translation by W. C. Maccready, Kollupitiya, 1865, v. 103.

The old sannāya-translation to the poem adds that Queen Ratnāvalī whose name occurs here is the daughter of King Vijayabāhu the Great, and wife of King Mānābharaṇa.²² We may, therefore, assume that it was at Kelaniya that Mānābharaṇa had his beautiful and encouraging dream, and the next day early at dawn he started off for Dedigama. It will be seen in the sequel that there was a highway of importance between the two places.²³

This son of Mānābharaṇa and Ratnāvalī, born through the grace of God Vibhīṣaṇa of Kelaniya, who was to be the future Parākramabāhu the Great saw the light of day at Puṅkhagāma, a village also destined to be of considerable political importance even in the present century. The chronicle says that after Parākramabāhu became Mahārāja he built in the province of the Yuvarāja, that is, the Dakkhinadesa, among other monuments, the Sūtigharacetiya, one hundred and twenty cubits high, on the site of the house where he was born at Puṅkhagāma:

Sake sūtigharaṭṭhāne so Sūtigharacetiyaṃ
Puṅkhagāmamhi kāresi vīsam hatthasatuggataṃ²⁴

Translators have taken this verse to mean that the *cetiya* was built at the spot where the house in which the king's birth took place actually stood. They have taken *Puṅkhagāmamhi* as a separate locative singular and translated the word by "in Puṅkhagāma", and taking *sūtigharaṭṭhāne* separately they rendered it by "on the site" or "at the spot". It must be borne in mind that the idiom of this part of the *Māhavamsa* bears a close resemblance to Sinhalese syntax, and *sūtigharaṭṭhāne* can be taken as standing in apposition to *Puṅkhagāmamhi*, qualifying the latter. Taken thus, we are able to translate the two words as 'at Puṅkhagāma which was the place of his birth'. Thus the translation of the full verse will read, "He erected the Sūtigharacetiya, one hundred and twenty cubits high, at Puṅkhagāma, which was the place of his birth". The evidence obtained during the excavation and the conservation of the Sūtigharacetiya in the discovery of a smaller *stūpa* within the larger *cetiya*, and the results of the examination of the traditional names of localities in the village of Dedigama also go some way to support the present interpretation of the stanza.

In the twelfth century we saw Dedigama as the occasional residence of some of the provincial rulers of Dakkhinadesa. In documents connected with the history of the temples of gods (*devāla*), the name *Dādigama* (which is only a variant spelling of *Dādigama* or *Dātigama*) occurs among the royal capitals in this part of the country.

22. *Sanne* accompanying Dharmarāma's edition: Mahalu Vijayabāhu, nam rajjuruvangē dūvū Mānābharaṇa rajjuruvangē, nam Ratnāvalī, nam bisovunṭa.

23. See under *Vuttamālā*.

24. *Mhv.* Ch. LXXIX, v. 61.

A MS copy of the *Devanītiya*²⁵ lists the following: Kurunāgal-nuvara, Beligal-nuvara, Dāḍigan-nuvara [sic] Māyādunu-nuvara²⁶ and Daṁbadeṇi-nuvara [sic] when introducing the accession of King Paṇḍita Parākramabāhu at Daṁbadeṇiya in 1783 of the Buddhist Era (A.D. 1240). It will be noticed that these seats of kings were not far from each other. Other texts²⁷ relating to worship at *devālaya* temples also carry similar references to Dāḍigama.

In the fourteenth century Dedigama was the capital of a paramount sovereign of Ceylon, that is, King Parākramabāhu V (A.D. 1344-1359). This king is eulogized in two contemporary poems, the *Tisarasandēśaya*²⁸ in Sinhalese and in *Vuttamālāsandēśasataka*²⁹ in Pali. (See below.) The Copper-plate grant of the Medawala-vihara in the Kandy District³⁰ belonging to the eighteenth century, but which incorporates historical material of an older period, speaks of news concerning the state of disrepair of that temple being reported to a king of the city of Dedigama (*Dāḍigam-nuvara*) and it is recorded that the king heard the message in the royal assembly (*rājasabhayehi*)³¹. According to the document under discussion, this was sometime after the treacherous murder of King Parākramabāhu IV (A.D. 1302-1326) by Bōdā Māpā, and the king of Dedigama mentioned in the Medawala document must be Parākramabāhu V. This is further attested to by the fact that the completion of the *vihāra* was reported to the king when the king was seated on the royal throne at Gampola, and the latter must be Bhuvanekabāhu IV (A.D. 1341-1351) who exercised joint sovereignty with the king of Dedigama, or this may have been king Parākramabāhu himself who had made Gampola his residence Bahuvenekabāhu being then dead.

The *Tisara-sandēśaya*, the oldest existing Sinhalese *sandēśa* poem in its nearly complete and original form, purports to carry a message through a swan from Devinuvara in the extreme south of Ceylon to a king of Dedigama, who bore the name of Parākramabāhu. D. B. Jayatilaka who edited this poem with a historical introduction took this king to be Parākramabāhu V, and internal evidence contained in the poem alone supports his identification. The author, a bhikkhu of Devinuvara, says that he was engaged in prayer to God Upulvan of that city to protect this king who was his friend. The work contains a poetic account of the city, along with the description of the monastery there (vv. 141-150). The eulogy is conventional, yet it testifies to the importance of the city as a royal residence during the time.

25. MS supplied to the writer by M. M. Podinilame, Gonnāna, Kitulgala, with his letter dated 15.9.1963.

26. This is Ambulugala in the Kegalla District.

27. MS copies and oral tradition.

28. Ed. D. B. Jayatilaka, 1935 : (*Tiss*).

29. In the "Literary of Sinhalese Classics" pt. 1. Granthārnavaya (1), ed. A. M. Gunasekera, pp. 169-188. (*Vmss*).

30. *EZ*, Vol. V, No. 48.

31. *Ibid.* p. 472.

The royal seat of Dedigama and King Parākramabāhu are thus introduced in one of the opening verses of the *sandēśa*:

tuṅgu manarambā belen adahasa lesna
rāka deranambā Dāṭigam-pura disna
imi Pārākumbā naranīnduhaṭa toсна
ma mitura embā danvava me asna (v. 6)

"O my friend, give this message to His Royal Majesty King Parākramabāhu, who flourishes in the city of Dāṭigam protecting according to his pleasure the Mother Earth through the prowess of his captivating and mighty arm".

The message-carrying swan tarries for a while at Doravaka, a village of great importance in the same korale, and proceeding through pleasant and lovely forest region comes to a hamlet by the name of Allākola where there was a bō-tree worthy of notice. Then the bird arrives at Dedigama, the verbal account of which is cited here at some length:

āti yam siri tāneka vū lesini babaḷanā
sitiyam āti noyeka rudu soṇḍuru vimaninā
bāti pem tunuruvana āti sata nitōra vanā
Dāṭigam-puravaraṭa vadu mitura situ menā (v. 140)
mituru saṇḍa epura siri pasasnā vadan pas-kān (me) tā
savavan sada

"Friend, with a joyful mind, enter the great city of Dāṭigam which is resplendent through countless stately mansions containing various paintings (in them) as if the splendour of the whole world had gathered together into one place; and where constantly reside people full of love and devotion towards the Triple Gem.

And my good friend, deck your ears with these ornaments, namely, the words with which I eulogize that city".

gāmbara agaḷa mevulen pun-kumbu teneni
nitōra sobana mahavē siman-irini
epura aṅgana naḷalata dun talā vāni
pavara gopura siri daku ma-mitura naṇḍini (v. 141)

"My friend observe with pleasure the glory of that majestic city-gate, which is like a *tilaka* ornament in the forehead of that lady, namely, the city, whose parting of hair is the ever beautiful highway, whose waist-girdle the deep moat, and whose full breasts the 'full-pots' (symbols of fortune)".

Here is a quatrain describing the damsels sporting in the city which is followed by:

bāṇḍa tāna tāna dada leḷa-dena nelēyā
pata piḷibimbu piḷimini-kāṭa-telēyā
bāsa suragaṅga sililehi suvimalēyā
tosa keḷanā vāni surasiṇḍu kālēyā (v. 143)

"The reflection of flags hoisted all over and fluttering by the breeze when fallen on the crystal mirrors appear like the hosts of Devas and Siddhas sporting happily in the pure waters of the Heavenly River whither they have descended". In a *double entendre* the poet likens the city to the ocean:

samata āduru rasa piri saṇḍa sak susiru
anata bujaṅga isi-min diyagosin-ituru
mahata guruḷu-dada vē mutumini sapiru
satata epuravara dalaniṇḍu eka ayuru (v. 144)

"Eternally that city is like the ocean. In the city there reside learned teachers; it is full of enjoyment; it is the abode of pretty women and countless sportive youths, and also of countless sages; it echoes with the shouts of victory, flags carrying the *garuḍa* symbol are hoisted over the highway; it overflows with pearls and gems, just as the ocean is surrounded by the great rocks, it is full of water; it contains the moon, chanks and flutes, in it live Ananta and many a large fish; it resounds with the waves and water; it is the abode of Great Viṣṇu; it is also full of pearls and gems".

In the city there was a monastery, the constant abode of virtuous monks. Prosperous ministers in their riches comparable to the God of Wealth had taken up their residence here. There were huge elephants and swift-footed horses. The city was crowded with the fourfold army. In that prosperous city of Dedigama flourished King Pārākumbā.

The *Vuttamālā-sandesa-sataka* which is known by its abridged form *Vuttamālā* is a Pali Sandesa in one hundred and two stanzas written by a candidate for the priesthood who lived in a *pariveṇa* called Gatāra which was evidently at Dedigama during the time. The author was a nephew (sister's son) of Vilgammula Mahāsāmi. The poem purports to be a message from Dedigama to Kelaniya and opens with an ornate description of *Jātīgāma* which is another Pali equivalent for *Dādigama*. The eulogy of the city is followed by a praise of King Parakkamabhūja who is designated a Rājādhirāja.³² We cite a few extracts from these accounts.

sotthi' ddhībhūpatimhā vibudhamadhukarāsevanappaṇkajamhā
nānābhogākaramhā vaṇijamudupanitāpanoghākulamhā
bhūmitthisekharamhā vipulasiridhanī rājamantissaramhā
vijjāsindhu' dadhimhā manujasuradumā Jātīgāmappuramhā (v. 1)

32. King of Kings.

"By that city of Jātīgāma, which is a divine tree for its residents, where there are prosperous and majestic rulers of the earth, and with lotus in the form of the city is resorted to by the bees, namely, the good people, which city is crowded with shops kept by gentle merchants of noble birth who are mines of manifold wealth, which city is the cluster of flowers worn on the head of the Earth-Lady, in which city dwell kings and their ministers, which city is like the ocean to receive the rivers of learning".

pākārasāvalayī dhavalī visālī
ādiccavaṃsapabhavassa narādhīpassa
nakkhattarājakulato thirabandhavāya
tassūpadāya pahitā paridhī 'va bhāti (v. 3)

"The white and firm city wall shines like the circle of rays sent by the lunar race (family of the King of Stars) in order to make firm the connection with this king arisen of the Solar race".

yassa nekavidhāyodhavāhīni
sumsumāranikarehi saṅkulā
bhāti mettasalilena pūritā
cakkacakkaputhudigghikāvalī (v. 4)

"In that city abundant with wealth, full of compassionate people, and crowded with hosts of soldiers, the row of large oblong ponds forming the moat shines with its waters which are infested with crowds of crocodiles".

The account of the city continues: the high mansions with their gabled roofs, and flags hanging from them. At the entrances to the city are decorated gateways (*torāṇa*). There are mighty huge elephants and swift white horses. The five-fold music resounds like the noise of the ocean. Special mention is made of the beautiful arecanut groves. That city with many hills and amidst which the royal palace resembles the Mahāmeru, is resplendent like the Milky Ocean. There lives king Parakkamabhūja:

itthambhūtavibhūtibhārabharite tasmim padhānodite
sāmantajjagatindamoliratanālisevipādambujo
bhūseṇto ratanattayaṃ samakuṭe katvāna cūḷamaṇim
lakkhīvāsabhūjo Parakkamabhūjo rājādhirājā ahu (v. 17).

"In that renowned capital city which was thus laden with the weight of riches, there was a king of kings who was the abode of the Goddess of Wealth, (namely) Parakkamabhūja, whose feet were served by the bees, in the form of the crown gems of subordinate rulers, and who adorned his head with the Triple Gem, just as he did with the royal crown".

In that city there was also a *vihāra* establishment (*assamabhūmi-paḍo*),³³ where students learnt the words of the Buddha. In the monastery gardens grew areca trees with blossoming flowers, coconut palms laden with fruits, crowds of *campaka* trees with flowers like flames of fire and mango trees bearing sweet fruits. The *bo*-tree is compared to a dark cloud. Here lived monks of high rank of both the village and forest fraternities. The *mahātheras* of the former section listed are: Upalantaramūla (Galaturumūla),³⁴ Senapatimūla,³⁵ Mahānettapāsādamūla³⁶ and Sarogāmamūla (Vilgammula).³⁷ Following are the names of the *mahātheras* of the austere forest dwelling sect: Mahāvanaratana,³⁸ Dhammakittika³⁹ and Mahābhuvanekabhuja.⁴⁰ Above all of them there was also the Saṅgharaja whose name is not mentioned. We may assume that even if all these foremost theas of the time did not live constantly at Dedigama, they had their residences in the capital. The poem ends with a prayer to God Vibhīṣana of Kelaniya for the protection of King Parakkamabāhu and his council of ministers.

King Parākramabāhu of line 4 (now lost) of Alavala-amuṇa Rock Inscription also has been now taken to be Parākramabāhu V of Dedigama.⁴¹ Moreover we have been able to learn recently the circumstances which made Parākramabāhu V who is eulogized in the above *sandēsa* poems to leave his seat of government at Dedigama. We give here a summary of the evidence discovered by Paranavitana from some of the interlinear records indited between lines in certain lithic inscriptions of Ceylon.⁴²

Alakeśvara, the tenth of that name, mentioned in the Kitsirimevan-Kelaniya Inscription had a son by the name of Vīra Alakeśvara. The latter blinded his father who was lord of Rayigama and was about to kill Niśsaṅka Alakeśvara, his father's sister's son who was the heir to his father's principality. While Vīra Alakeśvara was at Rayigama Niśsaṅka Alakeśvara betook himself to Marttāṇḍam, that is, Ārya Cakravartti and received his help. Now king Parākramabāhu V of Dedigama had taken the side of Vīra Alakeśvara.⁴³ Niśsaṅka Ala-

33. *Vms*, v. 31.

34. *ibid.* v. 42.

35. *ibid.* v. 43.

36. *ibid.* v. 44.

37. *ibid.* v. 45.

38. *ibid.* v. 47.

39. *ibid.* v. 48.

40. *ibid.* v. 49.

41. Paranavitana, "Laṅkātilaka Inscriptions" in *University of Ceylon Review*, Vol. XVIII, Nos. 192, January-April, 1940, p. 39.

42. "Princess Ulakudaya's Wedding" in *University of Ceylon Review*, Vol. XXI, No. 2, October, 1963, pp. 103-137 with plate and geneological tables.

43. *Op. cit.* p. 1119. Parākramabāhu-jātigrāmapure rājyaṃ kṛtvā Vīra Alakeśvarasya pakṣam ghṛtvā Āryacakravartti Marttāṇḍena yuddham kṛtvā parājito Rohaṇam gatvā—"His son, Parākramabāhu, (residing) in Jātigrāmapura, took the side of Vīra Alakeśvara, waged war with the Āryacakravartti Marttāṇḍa, and was defeated. (He) went to Rohaṇa...."

keśvara and Ārya Cakravartti advanced on Dedigama and defeated Parākramabāhu V's army. The battle cost Vīra Alakeśvara his life. Parākramabāhu fled to Rohaṇa and having resided at Magulmahavihāra for sometime went to Jāva, that is, Tāmraliṅga in the Malay Peninsula.⁴⁴

Even after Parākramabāhu V's flight to Rohana Dedigama continued to be the seat of provincial rulers. Thakūra, a Rajput prince, the descendent of a son of Bhīma, the Caulukya king of Gujarat and a daughter of Vijayabāhu III of Dambadeniya (A.D. 1232-1236) was in the service of Parākramabāhu V of Dedigama and went along with him to Rohaṇa. When king Parākramabāhu of Dedigama went to Jāva, Thakura came as *maṇḍalikarāja* of Ratnapura under King Bhuvanekabāhu V (A.D. 1372-1408). A son of the provincial ruler of Ratnapura also Thakura by name, governed the kingdom of Jātigrāmapura as a *maṇḍalika* of Parākramabāhu VI (A.D. 1462-1467). This Thakura's daughter, Svarṇamāṇikyā (Ram-māṇikē) was taken in marriage by king Parākramabāhu. Thus the royal family of Dedigama was again connected with the imperial throne of Ceylon.⁴⁵

The new findings of Paranavitana through these unique records conforms the statement of the Sinhalese historical text, the *Rājāvali*,⁴⁶ which says that Śrī Parākramabāhu of Kōṭṭe had a princess brought from Kīravella, and consecrated her his chief queen. So far it was taken by scholars and readers of historical texts that the Chief Queen of King Parākramabāhu VI came from an unspecified village in the Kīravāli-pattuwa, although some guessed that her home city was Dedigama.⁴⁷ We now see conclusively from the recently read inscriptions that the Queen of King Śrī Parākramabāhu came from nowhere else, but from Dedigama, and we also know her name to be Ram-māṇikē (Skt. Svarṇamāṇikyā). And we know her royal ancestry also.

44. For Jāva or Jāvaka see Paranavitana, *Ceylon and Malaysia*, Colombo 1966, pp. 129-130.

45. Some of the inscriptions in Sanskrit relating to the princess of Kīravāli read: (i) Parākramabāhu-rājasya mahiṣi Svarṇa-māṇikyā tu Jātigrāmapure Rājaputra-Thakurasya duhitā. "The Queen of King Parākramabāhu, Svarṇamāṇikyā (Ram Māṇikē), is the daughter of Rājaputra Thakura of Jātigrāmapura (Dedigama)". "Princess Ulakudaya's Wedding", p. 123. (ii) Parākramabāhu-mahārājas tu.... Jātigrāma-pure Rājaputra-Thakurasya duhitarāṃ Svarṇamāṇikyāṃ samvāhya Candravatīṃ ca Purandaraṇ ca janayitvā sthitaṃ. "The great king Parākramabāhu... wedded Svarṇamāṇikyā, the daughter of Rājaputra Thakura of Jātigrāmapura (Dedigama) and begot Candravatī and Purandara". *ibid.* pp. 133-134.

46. Ed. B. Gunasekara, p. 47, *ibid.* translation, p. 68. W. Pemananda Bhikkhu, Colombo, 1926, p. 65: Kīravālen bisō kenekun gennavā aga-mehesun kōṭa.....

47. Note what Bell says (*Kegalle Report*, p. 83): "Śrī Parākrama Bāhu VI, married a princess from Kīravēli Pattuwa, and not improbably of Dedigama, at this time a Royal village".

During the long reign of King Parākramabāhu VI extending over half a century the principality of Dedigama would have enjoyed peace and prosperity, and Dedigama would have had a place of importance being the home-town of the Chief Queen. If there were any trouble from the hill country it was easily warded off by the Yuvarāja, who was no other than the Emperor's own brother, with his seat of government at Ambulugala only eleven miles to the East of Dedigama.

At the demise of Parākramabāhu VI, Jayavīra Parākramabāhu, son of the sovereign's daughter Candravatī who was better known by her title Ulakudayadevī, succeeded to the vacant throne of Kōṭṭe. Jayavīra's reign was short, and Sapumal Kumārāyā, who had been adopted as a son by Parākramabāhu before the birth of his grandson, came with his army from Jaffna and ascended the throne as Emperor of Kōṭṭe under the title Bhuvanekabāhu VI (A.D. 1470-78). A large part of the kingdom was not loyal to Bhuvanekabāhu, and his reign was full of troubles and disturbances. The revolt which followed Bhuvanekabāhu's accession is called the *Siṃhala-peraliya* or the *Siṃhala-saṃge* and in this the people of Dedigama along with the rebels of Satarakorale appear to have sided the opponents of the king. This fact is attested to by a stone-slab inscription of King Bhuvanekabāhu VI in his ninth year which is now set up near the bo-tree in the Rajamahavihārāya of Dedigama situated in front of the Kōṭavehera. According to the Inscription King Bhuvanekabāhu VI came personally to Dedigama and it was from there that he brought the Four Korales under his authority. This shows that up to this time Dedigama would have been considered a fit and safe place even for the temporary residence of the king. Disturbances around Dedigama are recorded to have been settled, but along with the granting of amnesty which is the subject of the inscription, further troubles beyond in Udarāṭa are also alluded to here.

We find Dedigama under the name of Kiravālla continuing as the home of royal families at the end of the fifteenth and the beginning of the sixteenth century. *Rājāvaliya* tells us that two brothers of King Dharmaparākramabāhu (Parākramabāhu IX A.D. 1491-1513), Śrī Rājasimha and Vijayabāhu lived at Menikkadawara. The brother-in-law of Śrī Rājasimha was a chieftain of Kiravālla (Kiravālle Mahārālahāmi). At the death of Śrī Rājasimha and his queen, Vijayabāhu⁴⁸ married a princess from Kiravālla and also adopted a prince whom he brought from that place.⁴⁹ As Vijayabāhu later became king of Kōṭṭe, Dedigama again had the honour of being the home of the Queen.

48. This was King Vijayabāhu VI of Kōṭṭe (A.D. 1509-1521).

49. *Rājāvaliya*, ed. B. Guṇasekera, Colombo, 1911, pp. 50-50; *ibid* translation by B. Guṇasekera, Colombo, 1900, pp. 72-74.

The Portuguese built forts at Menikkadawara and Holombuwa near Dedigama in the sixteenth century. The Sinhalese are also reported to have erected a stronghold at Dedigama.⁵⁰ It would be of interest if an account of Dedigama could be traced in a Portuguese *Tombo*.⁵¹ The *Vitti pot*⁵² also do not mention any names of royal officers or soldiers from Dedigama although they contain lists from Beligal-korale and Kiraveli-pattuva. The *Nampota*, which is attributed to the eighteenth century and to an author who lived not far away from Kandy includes Dādigama among the names of villages and towns with sacred sites in them, along with certain other places in the area. The passage runs Bisōvela, Dādigama, Arandora, Doravaka, Maḍabaḍaviṭa..... All these are places of historical importance in the area. This shows that at least the Buddhist Vihāra at Dedigama would have been remembered by the people of the Kandyan kingdom as a foundation dating back to ancient times. Up to the end of the Sinhalese kingdom in A.D. 1815, Dedigama was a *gabaḍāgama* of the kings of Kandy, and paddy fields in the village were set apart for the benefit of the sovereign. The sowing extent of the fields was nine *yāla* and twelve *amuṇa*, administered under two sections Uḍabāge and Pallēbāge (Ihaḷavela and Pahaḷavela) under two Gamarāḷas.

Dedigama remained a Royal Village up to the end of the Kandyan Kingdom in 1815. In the early British times the village would not have witnessed the changes that were rapidly taking place as it lay out of the highways, and being protected by ranges of mountains as was pointed out at the beginning. The British advanced to Kandy along the road which went through Ruwanwella, Arandara, Iddamalpana, Hettimulla and Attapitiya. This left Dedigama to the north. The new highway from Colombo to Kandy built by the British passed through Nelundeniya, a suburb of Dedigama, leaving the main village to the south. However, Dedigama, being the largest village in Beligal-korale retained its importance. It was the residence of the Raṭē-mahatmayā of the Korale for many years, and there was a rural court. A local school there soon became bilingual, that is teaching English in addition to the mother tongue and this at a time when very

50. Paul E. Pieris identifies Bidigas of Queyroz with Dedigama, see *Portuguese Era*, Colombo, 1913, Vol. I, p. 334, and p. 571. See also Father Fernao De Queyroz, *The Temporal and Spiritual Conquest of Ceylon*, translated by Father S. G. Perera, Colombo, 1930, Book 3, p. 532.

51. The writer has not been able to trace the name of the village of Dedigama in the account of KIRAVELI PATTUVA 1616, by P. E. Pieris, published as Pt. 4 of the *Journal R. A. S. (Ceylon)*, Vol. XXXVI (No. 100, Dec. 1945).

52. For example, collection by A. J. W. Marambe. Also a MS of *Hatarakorale Vitti*, dated Śaka 1669 (A.D. 1747).

few rural schools in Ceylon taught English.⁵³ Outside the District, however, Dedigama was hardly known, not even when the *Tisara-sandeshaya* was prescribed as a text book for some Teacher's Examination. The name of Dedigama came to be in the news when one of the fifty seats of the State Council of 1931 was named after Dedigama, and the occupant of that seat was elected Speaker of the State Council. In the later delimitations for Parliamentary seats also, Dedigama continues to enjoy prestige of being the centre of an electorate, though gradually reduced in size, and the occupant of the seat has been Minister for Agriculture, and Prime Minister several times.

An account of the excavation and conservation of the Kotavehera at Dedigama is the subject of a monograph by the present writer: *The Kotavehera at Dedigama*, "Memoirs of the Archaeological Survey of Ceylon, Volume VII. This should have been out in 1968.

53. The writer was told by some senior villagers of the place in 1947 that the residents of the locality themselves got the Education Department to give up English, as they did not want the rustic youths to speak that language.

The following was supplied by the Government Archivist:

1618 වසරේ පාලනය කළේ (පෝරාල්) නමැති පොතෙහි ඉංග්‍රීසි පරිවර්තනයේ:

(146) "The village Dediguama (Dedigama) folio.... of the said book, shall pay forty nine xerafins as quitrent, and the native inhabitants thereof shall have no further obligation than what they had in the time of past Kings, according to the declaration of the Tombo, and it shall have the obligation of six firelocks".

මහනුවර රජපරපුර

KANDYAN DYNASTY

ඒ. ඇස්. හෙට්ටිආරච්චි විසින්

මහනුවර රාජ්‍යයේ ආරම්භය පිළිබඳව බොහෝ දෙනා දරන මතය නම් එය විරික්කම නමැති රජතුමා විසින් ක්‍රි. ව. 1542 දී ආරම්භ කරන ලද බවය. මීට හේතුව කිරිති ශ්‍රී රාජසිංහ සමයේ ලියන ලද මහාවංශයේ අග භාගයේ එසේ සඳහන් වීමය.¹ මේ පුවත මහාවංශයට ගෙන ඇත්තේ රාජරත්නාකරයෙන් බව පොත් දෙකේම දක්වන සමාන විස්තරයෙන් පෙනේ. රාජරත්නාකරය ලියා ඇත්තේ ප්‍රධාන වශයෙන් මහනුවර මුලින් සිටි රජතුමන් පින්කම් රැසක් විස්තර කිරීමටය. එහෙත් එහි බු. ව. 2085 දී සිරිසහබෝ වංශයෙන් රජතුමා රජ වූ බව සඳහන් වන නමුත් ඔහුගේ නම කිසි තැනෙක නොදක්වේ. ".....තමුන්ගේ විර වික්‍රමයට සුදුසු බාහු වික්‍රමයෙන් ජය ගෙන....."² යන ආදී පාඨවලින් අනුප්‍රාය කර දක්වා ඇත්තේ විරවික්‍රම යන නම යයි මුලාඩු මහාවංශ කතුවරයා එය රජුගේ නම ලෙස යෙදීය. ඒ පාඨයෙන් වික්‍රමබාහු යන නමද ධ්වනිත වන බව පෙනේ. මහනුවර විසූ රජුගේ නම රාජරත්නාකරයේ දක්වන්නේ VII භුවනෙකබාහු රජුගේ නමටත් පසුව³ බැව්නුත් ඔහු රජ වූයේ 1542 දීයයි දක්වන බැව්නුත් මහනුවර ප්‍රථම රජ ඔහු නොවිය හැක. මක්නිසාද? vii භුවනෙකබාහු සහ සහෝදරයන් රජ වූයේ මහනුවර රජතුමන් ආධාර ඇතිව 1521 දී නිසාය.

එවි. ධබ්ලිවි. කොඩරින්ටන් මහතා විසින් මහනුවර සිටි සේනාසම්මත වික්‍රමබාහු නම් රජතුමා පිළිබඳ තොරතුරු රැසක් අනාවරණය කළ පසු මේ දුමනය බිඳ වැටිණ.⁴ සේනාසම්මත වික්‍රමබාහුගේ පහත දක්වන ලිපි සොයාගෙන ඇත.

1. ගඩලාදෙණියේ ගිරිලිපිය (8 වන වස)⁵
2. අලුත්තුවර දේවාරයේ පුවරුලිපි දෙකක්⁶
3. කොබ්බෑකඩුවේ විහාර සන්තස (37 වන වස)⁷
4. වන්තිපොළ සන්තස (20 වස)⁷
5. කුවටන්ගල් විහාර සන්තස (1510)⁷
6. ගල්ගණේ විහාර කුඩපත (1510)⁷
7. විමුක්ති සංග්‍රහය (18 වන වස)

මේ ලිපි අනුව සේනාසම්මත වික්‍රමබාහු රජු 1510 දක්වා රජ කළ බවත් 37 වසක් රට පාලනය කළ බවත් ඔප්පු වේ. 1511 දී උඩරට වෙතත් රජතුමා සිටි බව සඳහන් වන හෙයින් මේ රජුගේ රාජ්‍යය 1511 දී අවසන් වූ බවත් 37 වසක් රජ කෙළේ නම් අඩු වශයෙන් 1473 දී පමණ රජ වූ බවත් නිගමනය කළ හැකිය.

1. මහාවංශය, 92 පරිච්ඡේදය, 6-32 ශාථා.
2. රාජරත්නාකරය. (ශෝධක: ඩී. ඇන්. නිසේරා.) 50 පිට.
3. එම 43-44 පිටු.
4. *Epigraphia Zeylanica*, Vol. III, 240-244 පිටු
5. එම එම Vol. IV, පිටු 8-22.
6. එම එම Vol. IV, පිටු 261-270.
7. රාජකීය ආයියාතික සමිතියේ සඟරාව, Vol. XXXII, අංක 84. 68 පිට.

එවිට ඔහුගේ රාජ්‍ය කාලය ක්‍රි. ව. 1473 සිට 1511 දක්වායයි දළ වශයෙන් සීමා කළ හැක. ඒ නිසා අපට දැනට සොයා ගත හැකි පරිදි මහනුවර මුල් රජතුමා සේනාසම්මත වික්‍රමබාහු ය.

මහනුවර මුලදී හැඳින්වුණේ සොංකඩගල නමිනි. මේ නගරය ගම්පළ සමයේද පැවති නමුත් රාජධානියක් වූයේ සේනාසම්මත වික්‍රමබාහුගෙන් පසුවය. iii වික්‍රමබාහුගේ අමපියරියේ ලිපියේත්⁸ v භුවනෙකබාහුගේ සගම ලිපියේත්⁹ සොංකඩගල සඳහන් වේ. එකල එය ප්‍රසිද්ධ වූයේ තාප දේවාලය නිසාය. මහනුවර මුලින් රජවූ වික්‍රමබාහු ගම්පළ සිටි iii වික්‍රමබාහුමයයිද ඔහු ගම්පළ සිට මහනුවරට පැමිණ රජවියයිද සමහරු පවසා ගනිති.¹⁰ මේ දෙදෙනා අතර කාලයේ පරතරය අවුරුදු සියයක් පමණ වන නිසා මේ සිදුවිය නොහැක්කකි. එසේම රාජරත්නාකරයේ හා මහාවංශයේ 1542 දී සිටි බව කියන රජු සේනාසම්මත වික්‍රමබාහු නොවේ.

ඉහත සඳහන් ලිපිවලින් සේනාසම්මත වික්‍රමබාහු ගැන තොරතුරු තරමක් සොයාගත හැකිවේ. 1473 පමණේ දී රජ වූ ඔහු සතු වූයේ උඩ රට කඳුකරය පමණක් නොවේ. මන්නාරම ත්‍රිකුණාමලය මඩකලපුව උඩ ආදි ඇත පළාත්ද පාලනය කළ හෙයින් ඔහුගේ රාජ්‍යය කෝට්ටේ රාජ්‍යයට වඩා විශාල විය. සිරිසහබෝ, ත්‍රිසිංහලාධිශ්වර, වක්‍රවර්ති ආදී විරුද්ධ භාවිත කළ හෙයින් තමා ලංකාවේ ප්‍රධාන රජු ලෙස සිතු බව පෙනේ. එහෙයින් කෝට්ටේ ආධිපත්‍යය නොපිළිගත්තකි. මොහු රජවූ වර්ෂයේම කෝට්ටේ vi භුවනෙකබාහු රජ විය. මේ සිද්ධි දෙකේ සම්බන්ධයක් ඇතුළත නිසැක ය.

vi භුවනෙකබාහු සිහසුන අල්ලා ගත් පසු රාජ්‍යය පුරා කැරලි ඇති විය. සිංහල සංගේදම හෙවත් සිංහල පෙරළිය යනුවෙන් එය හැඳින්වේ.¹¹ 1476 දී පමණ මෙය උත්සන්න වූ විට සතරකෝරළය පාලනය කළ තම සොහොයුරු අම්බුලගලකුමාරයා එය සංසිද්ධිම පිණිස පස්සන්කෝරළයට යවන ලදී.¹² මේ අවස්ථාව බලා සේනාසම්මත වික්‍රමබාහු සතරකෝරළය සිය රජයට ඇඳාගන්නා ලදී. මායාදනු නුවර (අම්බුලගල ?) සිය වසයට ගනී. ඉන්පසු සතරකෝරළේ ජනතාව තමාට පක්ෂවත බවට පොරොන්දු කරවා ගෙන අභයදන සෙල්ලිපියක් අලුත්තුවර පිහිටුවීය. අලුත්තුවර දේවාලය කරවීම පිළිබඳ ඉතිහාස පුවතේද මෙය සඳහන්වේ.¹³ එහෙත් vi භුවනෙකබාහු පහතරට පෙදෙස් සන්සුන් කළ ඉක්බිති සතරකෝරළයට අවුත් එය නැවත 1478 දී සිය වසයට ගෙන කැරලිකරුවන්ට අභයදනය දී දැඩිම සෙල්ලිපියක් පිහිටුවීය.¹⁴ උඩරට සම්ගද ගැටුණ බව එහි දක්වේ. සේනාසම්මත වික්‍රමබාහුට එයින් පසු සතරකෝරළය නැතිවූ බව ඒ රජුගේ අටවැන්නේ ගඩලාදෙණියේ පිහිටුවූ සෙල්ලිපියේ තමාට යටත් ප්‍රදේශවල නම් අතර සතරකෝරළය නොසඳහන් කිරීමෙන් පෙනේ.

සේනාසම්මත වික්‍රමබාහුගේ පරපුර ගැන තොරතුරු ලබාගත හැකි හෝඩුවාවක් රාජරත්නාකරයේ දක්වේ. “.....ජයමහලේන සවුලු පරාක්‍රමබාහු මහරජාණන්ට මුනුබුරුවූ පිතෘපක්ෂයෙන් යටකි මෙහෙණවර වංශෝද්භූත වික්‍රමබාහු මහරජාණන්ට මුනුබුරු වූ.....”¹⁴ යනුවෙන් මෙහි දක්වෙන්නේ vi පරාක්‍රමබාහු සහ iii වික්‍රමබාහු යන රජවරුන්ට මුනුබුරු වූ බව යයි පරණ

විතාන මහතා අදහස් කරයි.¹⁵ කරුණු දෙකක් නිසා මෙය සාවද්‍ය ය. 1542 දී සිටි බව රාජරත්නාකරය කියන රජු 1469 දී ඉතා මහලු ව මළ vi පරාක්‍රමබාහු රජුගේ මුනුබුරු යයි ගැනීමට කාලය දිග වැඩිය. අනෙක නම් vi පරාක්‍රමබාහු රජුගේ සහ iii වික්‍රමබාහුගේ මුනුබුරු වීමට කෙනෙකුට එකවර නොහැකිය. එසේ වීමට නම් ඒ දෙදෙනා සමකාලීන විය යුතුය. ඉහත කී පාඨයෙන් හැඟෙන පරිදි මවුපසින් vi පරාක්‍රමබාහුටත් පිය පසින් iii වික්‍රමබාහුටත් මුනුබුරුවූ බවක් සිතාගත නොහැක්කේ දෙදෙනා අතර කාලය අවුරුදු 50 ක් පමණ වන හෙයිනි. එහෙයින් මෙහි සඳහන් වික්‍රමබාහු ගම්පොළ වික්‍රමබාහු විය නොහැකිය. එසේ නම් මේ පාඨය අප තේරුම් ගත යුත්තේ පැහැදිලිව ම පෙනෙන ලෙස “(මවු පසින්) vi පරාක්‍රමබාහු රජුට මුනුබුරුවූ වික්‍රමබාහු රජුගේ මුනුබුරු” යන ලෙසිනි. එවිට 1542 දී මහනුවර සිටි රජ වික්‍රමබාහු රජුගේ මුනුබුරු වෙයි. වික්‍රමබාහු නමින් මෙහි දක්වුයේ සේනාසම්මත වික්‍රමබාහුය. එවිට මෙහි කිසි අවුලක් නැත. මේ අනුව සේනාසම්මත වික්‍රමබාහු මවු පසින් vi පරාක්‍රමබාහු රජුගේ මුනුබුරු වෙයි. ඒ රජුට සිටියේ වන්දුවකි හෙවත් ලෝකනාථා නම් එකම දුවක් පමණි.¹⁶ ජයබාහු හෙවත් ජයවීර පරාක්‍රමබාහු නමින් (1469—73) රජ වූයේ ඇයගේ පුත්‍රයාය. vi පරාක්‍රමබාහු සිය මුනුබුරුට රජය හිමි කිරීම ගැන නොසතුටට පත් හඳුන් පුතු වන සපුමල්කුමරු ජයබාහු මරා 1473 දී vi භුවනෙකබාහු නමින් රජ විය. වන්දුවකියට වික්‍රමබාහු නමින් තවත් පුතකු සිටියා විය යුතුය. රාජරත්නාකරය පවසන්නේ ඔහු පිය පසින් මේණවර වංශයට අයත් බවය. එසේ නම් සේනාසම්මත වික්‍රමබාහුගේ පියා, වන්දුවකිගේ සොමි පුරුෂයා, මේණවර වංශයේ කෙනකු විය යුතුය. වන්දුවකිගේ පුරුෂයා නන්දුරු තුණයා බව සැලලිහිණි සන්දේශයේ අග පැවසේ. තුණයා යන්න මේණවර වංශය හා සම්බන්ධ නමක් බව ගඩලාදෙණියටැම් ලිපියෙන් පෙනේ. එහි මේණවර තුනායන්ගැන සඳහන් වේ. නන්දුරු තුනායන් මේණවර වංශයට අයත් නම් සේනාසම්මත වික්‍රමබාහු පිය පසින් මේණවර වංශිකයෙකැයි කීම සත්‍ය වේ. සොහොයුරාගේ මරණයෙන් පසු ඔහු කඳුරටට පලා ගොස් යුදගමුද රැස් කොට ඔවුන්ගේ සම්මතයෙන් මහනුවර රජ වූ බව මෙයින් නිශ්චය කළ හැකිය. එවිට ඔහු vi පරාක්‍රමබාහුට මවු පසින් මුනුබුරු වීම පැහැදිලි වේ. වන්දුවකියට තවත් පුතකු සිටි බව පොතපතෙහි සඳහන් නැතත් එසේ වීමට බාධාවක් නැත. vi භුවනෙකබාහුගේ සේනාසම්මත වික්‍රමබාහුගේ සමකාලීනව රජ වීමේ හේතුවද මේ නමින් අපට පැහැදිලි වේ. ජයබාහුගේ මරණින් පසු රාජ්‍යයේ උරුමය තමාට විය යුතුව වික්‍රමබාහු සිතු සේ පෙනේ. එහෙයින් ඔහු ලංකාවේ ප්‍රධාන රජු යොදන විරුද්ධ නම් යොද ගත්තේය. කොබ්බෑකඩුවේ සන්නස රජුගේ නම සඳහන් කරන්නේ “ත්‍රිසිංහලාධිශ්වර නවරත්නාධිපති ශ්‍රීමත් සිරිසහබෝ ශ්‍රී සේනාසම්මත වික්‍රමබාහු වක්‍රවර්තිසොමීන්වහන්සේ” යනුවෙනි. 1476 සම්පයේ දී සතරකෝරළයන් අල්ලා ගත් පසු ඔහු ලංකාවේ බලවත්ම රජු වුවාට සැක නැත. එහෙයින් ම සිරිසහබෝ විය; ත්‍රිසිංහලාධිශ්වර විය; වක්‍රවර්ති විය; නවරත්නාධිපති විය. වන්දුවකියගේ විවාහය 1448 දී සිදුවූ බව පරණ විතාන මහතා කියයි.¹⁶ ඒ අනුව මොහු රජ වන විට විසි වයස් ඉක්මවා සිටින්නට ඇත.

vi භුවනෙකබාහුගෙන් පසු අම්බුලගල කුමාරයා රජය පැහැර ගෙන 1478 දී viii වීර පරාක්‍රමබාහු නමින් කෝට්ටේ රජ විය. මොහු උඩරට රජු සමග ගැටුණ බවක් දැනගන්නට නැත. 1496 දී වීරපරාක්‍රමබාහු මැරුණු පසු කෝට්ටේ රජු වූයේ ඔහු පුත් ix ධම්පරාක්‍රමබාහුය.¹⁷ මේ අවස්ථාව ප්‍රයෝජනයට ගනිමින් සේනාසම්මත වික්‍රමබාහු තමාගේ සොබින භාවයත් ප්‍රදේශත් මහත් කරගැනීමට

8. *Epigraphia Zeylanica*, Vol. IV, පිටු 271-273.

9. එම පිටු Vol. IV, පිටු 296-312.

10. ලංකා ඉතිහාසය: ඩී. සී. මෙන්ඩිස්.

11. *University History of Ceylon*, P 679 රාජාවලිය : 49-50 පිටු.

12. සාහිත්‍ය සඟරාව: 1964, 4 කලාපය.

13. *Epigraphia Zeylanica*, Vol. III, පිටු 278-286.

14. රාජරත්නාකරය, 49 පිටු.

15. *University History of Ceylon* 681 පිටු.

16. *University of Ceylon Review* Vol. XXI අංක 2. 1963 ඔක්තෝබර්.

17. එම Vol. XIX අංක 1. 1961 අප්‍රේල්.

උත්සාහ කළ බව රාජාවලියේ දක්වේ.¹⁸ ධම්පරාක්‍රමබාහු රජ උඩරට රජු මැඩලීමට සිය සොහොයුරු ශ්‍රී රාජසිංහ කුමරුන් සුහුරුබඩු කිරවැල්ලේ රාලභාමීන් යැවීය. කිරවැල්ලේ රාලභාමී සතරකෝරළේ යටත් කොට යටිතුවර අල්ලා උඩරට රජු පැරදවීය. විශාල වන්දියක් ගෙවා තම දියණියන් කිරවැල්ලේ රාලභාමීට විවාහ කරදී උඩරට රජ සමාදාන විය. මේ සටන 1496 සහ 1500 අතර දී සිදුවූ බව පෙනේ. පසුව 1507 දීද උඩරට රජු ස්වාධීන විය.¹⁹ මේ වර සුඩයට යවන ලද්දේ ධම්පරාක්‍රමබාහුගේ තවත් සොහොයුරකු වන උඩුගම්පල සිටි සකලකලාවල්ල රජුය. ඔහුද උඩරට රජු පරදවා අලුත්තුවර දේවාලයට පැමිණ පුදපූජා පැවැත්වූ බව එහි ඉතිහාස පුවතේ සඳහන් වේ. රාජාවලියේ මේ විස්තරයේ දී උඩරට රජුගේ නම සඳහන් කර නැති නමුත් ඔහු සේනාසම්මත වික්‍රමබාහු බව නිශ්චය කළ හැකිය.

විමුක්ති සංග්‍රහයේ සඳහන් වන්නේ මේ රජුය. එහි කතුවර සෙනෙවිරත් පිරුවන් හිමියෝ සේනාලංකාධිකාරයේ පස් වන මුනුබුරාය. එසේ වීමට පරම් පරා හයක් යා යුතුය. පරම්පරාවක් ගත වීමට අවුරුදු 25 බැගින් ගතහොත් මීට අවුරුදු 150 ක් ගතවේ. 1344 දී ලංකාතිලකය කරවන යමයේ සේනාලංකාධිකාර තරුණ වියේ සිටියේ නම් මේ අවුරුදු 150 ගත වූ විට 1494 වේ. වික්‍රමබාහුගේ 18 වැන්නේ එකී පොත ලියන ලදී. එනම් 1491 දීය. මෙයින් පෙනෙනුයේ එහි සඳහන් රජු සේනාසම්මත වික්‍රමබාහු බවය.

මේ රජු ඇවෑමෙන් 1511 දී ජයවීර නම් රජකු උඩරට රජ වූ බව ගඩලාදෙණියේ සෙල්ලිපියක එන “ශ්‍රී බුද්ධ වර්ෂයෙන් දෙදස් සිවු පණස් වනු නිකිති අවපැලවියැ මෙකල රජ පැමිණි ජයවීර අප මහරාජෝත්තමයාණන් වහන්සේට පස්වරින්.....” යන පාඨයෙන් පෙනේ.²⁰ මොහු වික්‍රමබාහු රජුගේ පුත්‍රයායිද අලුත්තුවර සෙල්ලිපියේ සඳහන් වික්‍රමබාහු ඇපා යයිද සිතීමට ඉඩ ඇත. vi පරාක්‍රමබාහුරජුගේ එක් මුතුපුරකු ජයවීර (ජයබාහු) නම් වූ බව යට දක්විණ. අනෙක් මුතුබුරාගේ පුතාද එනමින් හැඳින්වුණු බවත් මේ නම ඔවුන් අතර ඝාතී සම්බන්ධය දක්වන්නක් බවත් පැහැදිලි ය.

1521 දී සිදුවූ විජයබා කොල්ලය සඳහා උදවු ගැනීමට මායාදන්නේ ආවේද මහනුවර ජයවීර රජු වෙතය.²¹ මීට හේතුව ඔවුන් අතර පැවති භූමිසම්බන්ධයයි. සේනාසම්මත වික්‍රමබාහු ගේ දුව කිරවැල්ලේ රාලභාමීට පාවාදුන් සිද්ධිය යට දක්විණ. මේ විවාහයෙන් ලත් දුවක් එනම්, කිරවැල්ලේ බිසෝබංඞාර සකලකලාවල්ල රජු වෙත ද තනතුරේ ඇති දැඩි විය. පසු කලෙක ඇය මහනුවර ජයවීර රජුට බිසෝ ලෙස පාවා දෙන ලද්දිය. සකලකලාවල්ල රජුන් මායාදන්නේගේ පියාත් සොහොයුරන් නිසා එකී කුමරිය මායාදන්නේට නැකමට අක්කා විය. මේ නැකම නිසාය, ජයවීර රජුගෙන් උදවු ඉල්ලා ගියේ. මේ ජයවීර රජ 1511 දී මහනුවර සිටි බව සඳහන් රජු වීමට බැරිය. ඊට හේතු දෙකක් දක්විය හැක. පළමුවැන්න නම් මේ විවාහයට මහනුවර සමයේ සිරිතේ හැටියට නැකම් නොගැලපීම යි. ජයවීර වික්‍රමබාහුගේ පුත්‍රයා. කිරවැල්ලේ බිසෝබංඞාර වික්‍රමබාහුගේ මිනිබිරිය. පුත්‍රා හා මිනිබිරිය අතර විවාහය වාරිත්‍රයනට නොගැලපේ. දෙවැන්න නම් 1511 දී රජ වූ ජයවීරගේ බිසෝ වීමට තරම් ඇයට වයසක් නැති වීමය. 1581 දී මායාදන්නේ මියයනවිට වයස 80 ක් විය.²² එසේ නම් ඔහු 1501 පමණේ දී උපන්නා විය යුතු ය. කිරවැල්ලේ බිසෝබංඞාර අක්කා

වන නිසා ඇය 1498—1500 පමණේදී ඉපදිය යුතුවේ. එවිට 1511 වන විට ඇයට විවාහ වීමට තරම් වයසක් නැත. පළමු කී ජයවීරගේ පුත්‍රා ලෙස දෙවනු කී ජයවීර සලකනොත් මේ දුෂ්කරතා දෙකම පහවේ. එවිට දෙවන ජයවීරත් කිරවැල්ලේ බිසෝබංඞාරත් මස්සිනා සහ නැතාය. එහෙයින් මෙය ඇවෑස්ස නැකමට සිදුවූණ විවාහයක් නිසා ගැලපේ. එසේම 1521 වන විට ඇයට විවාහවීමට සුදුසු වයසද එළඹේ. 1542 වන විටත් සිටියේ මේ දෙවන ජයවීර නිසා රාජරත්නාකරයේ කියන පරිදි වික්‍රමබාහුගේ මුතුබුරා යයි ගැනීමද ගැලපේ. මේ රජු ගැන සඳහන් වන සාහිත්‍ය කීපයක් මෙසේය:—

1. රාජාවලිය (ජයවීර 1521)
2. රාජරත්නාකරය (නම නොදක්වේ. 1542)
3. සුළුපුජාවලිය (වික්‍රමබාහු 1542)²³
4. මහාබංගය (වීරවික්‍රම 1542)
5. වෙහිරියේ සුජාපත්‍රය (ජයවීර 1528)²⁴
6. මහනුවර කාපදේවාලයේ සෙල්ලිපිය (ජයවීර මහවැඩවුන් තැන. 1542)²⁵
7. පල්කුඹුර තඹසන්නය (වික්‍රමබාහු)²⁶
8. රජසිහසිරිත II (වික්‍රමබාහු)²⁷
9. පාකුගිසින්නේ ලිපි (වික්‍රමබාහු 1546, 1547)²⁸

මේ ලිපිවලින් දක්වෙන පරිදි මේ රජකුමා ජයවීර නමින් මෙන්ම වික්‍රමබාහු යන නමින්ද හැඳින්වුණ බව පෙනේ. රාජරත්නාකරයෙන් විශාල කොටසක් වැය කර ඇත්තේ මේ රජුගේ ගුණ හා කළ පින්කම් වැනිම සඳහා ය. මහනුවර දෙමහල් පෝය ගෙයක් කරවීම, දැමැක් බැඳවීම, සංඝාරාම රාශියක් තැනවීම, ත්‍රිපිටකය ලියවීම, මහියංගනය හා ශ්‍රීපාදස්නානාය වදින්නට යාම, ධම්මිඞ්ඞි තෙරුන් ලවා උපසම්පදකම්මය කරවීම, මහාකඩිනපින්කමක් (1528) කිරීම යනාදී මහත් රැස්කම් පින්කම් කළ බව සඳහන්වේ. රාජාවලියේද මේ රජු ගැන තොරතුරු එයි. සිය පුත්‍රයා සමග අමනාප වී අවසාන භාගයේදී මායාදන්නේ රජු වෙත ගොස් එහි විසූ බව එහි සඳහන්ය.²⁹

II ජයවීර රජුගේ රාජ්‍ය කාලයේ ආරම්භය සහ අවසානය පිළිබඳ සීමා සොයා බලමු. මායාදන්නේ විජයබාකොල්ලය සඳහා උදවු ඉල්ලා මහනුවරට ආවේ 1521 දීය. එනිසා මොහු 1521 ට කලින් රජ වී ඇත. අවසාන සීමාව දැන ගැනීම සඳහා පල්කුඹුර තඹපතේ එන මේ විස්තරය උපකාර වේ.

“.....භුවනෙකබාහු මහා රාජෝත්තමයාණන්වහන්සේගේ සහෝදර වූ තැනක් හෙරණ පැවිදි කරවා ත්‍රිපිටකධාරීව භුවනෙකබාහු මහතෙරුන්වහන්සේ යන නමින් ප්‍රසිද්ධව මෙතුවර (කෝට්ටේ) වැඩහිදුනා වේලාවට මෙම මහා රාජෝත්තමයාණන්වහන්සේ කාලානික්‍රාන්තවූ නිසා මෙම තෙරුන්වහන්සේ උන්වහන්සේට සහෝදරවූ කීප තැනකුන් මෙම තුවරින් පිටත්ව උඩකටුවට ඇවිත් සිදුරුවාන බඳ ලඬුවර ලරුලාවත්ත කියන ගමේ පදිංචිව සිටින අවස්ථාවට

18. රාජාවලිය, 51 පිට. රජයේ මුද්‍රණය

19. එම 51-52 පිටු.

20. රාජකීය ආසියාතික සමිතියේ සභාරාව, Vol. XXXII, අංක 84.

21. රාජාවලිය, 54 පිට.

22. පාකුගිසින්නේ : ඇස්. ජී. පෙරේරා පියතුමා, 127 පේදය.

23. සුළුපුජාවලිය : පේ. ඩී. පී. පෙරේරා, 6 පිට.

24. පටිසම්භිද, 2 කලාපය, 1962.

25. *Epigraphia Zeylanica*, Vol. IV, 27-34 පිටු.

26. ගම්පොළ ඉතිහාසය, 148 පිට. වරපමබෝධි හිමි

27. රජසිහසිරිත II, 10 කවිය.

28. පාකුගිසින්නේ : ඇස්. ජී. පෙරේරා පියතුමා, 57, 65, 66, 69, පේද.

29. රාජාවලිය, 59 පිට.

.....වික්‍රමබාහු මහරාජෝත්තමයාණන් විසින් අභිනව කරවන ලද.....ශ්‍රීවර්ධනපුරපුවරයෙහි රාජාශ්‍රියට පැමිණ වදල මෙම මහරාජෝත්තමයාණන්වහන්සේට කුමාර ප්‍රාප්තවූ ජයවීර ආසාදන කියන නාමාභිධාන.....මහරාජෝත්තමයාණන් වහන්සේ මෙම කුමාර රාජානුශාසනාකර වදරණ සමයෙහි.....”²⁶

යනුවෙන් මෙහි සඳහන් කරන පරිදි vii භුවනෙකබාහු රජ මළ ළඟදීම මහනුවරට සංඝයා යනවිට එහි සිටියේ ජයවීර රජ ය. මොහු ii ජයවීරගේ පුතාය. මේ සිද්ධිය වූයේ 1551 දී ය. ඒ වනවිට මහනුවර ii ජයවීර නොසිටි නිසා ඔහුගේ රාජාසමය 1551ට පෙර අවසන් විය යුතුය. එහෙයින් ඔහු 1521ට පෙර සිට 1551ට පෙර දක්වා සිටි බව නිශ්චය කළ හැක. මහනුවර නාට්‍යෝධාලයේ බිත්තියේ දක්වෙන සෙල්ලිපියෙන් මොහු 1542 දී පෘතුගීසීන් පැරදවූ බව කියයි. ²⁵ මේ රජ මහනුවරට පෘතුගීසීන් කැඳවා ගත්බව කියනු ලැබේ. 1547 පමණේදී මොහුගේ දුව කෝට්ටේ ධම්පාලට විවාහ කරදෙනු ලැබීය. ඔ දෝන මාර්ගරිද නම්. ²⁹

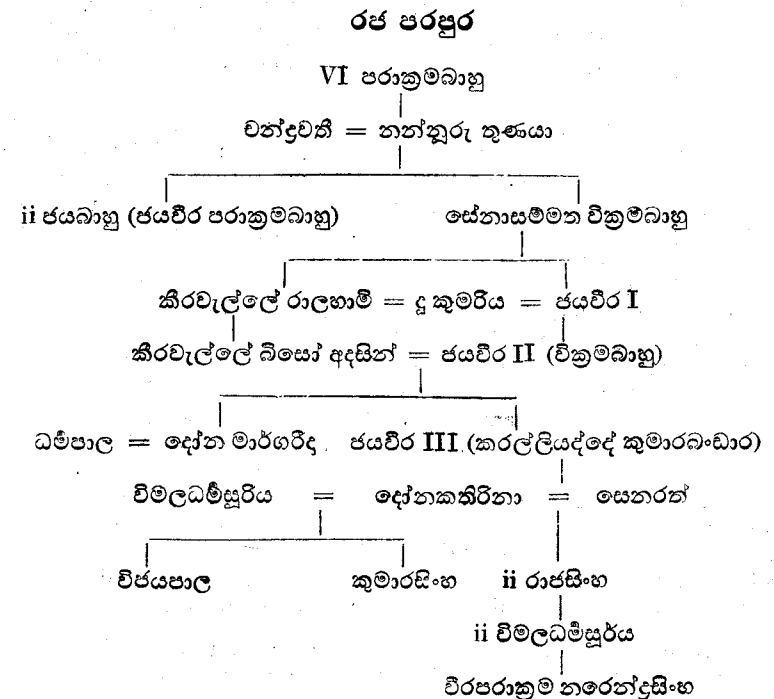
ii ජයවීර හෙවත් වික්‍රමබාහුගේ අන්තිම කාලයේ පුතුන් අතර රාජා උරුමය සඳහා සටන් හා ආරවුල් පැවති බව පෘතුගීසී ලිපිවලින් මෙන්ම රාජාවලියෙන්ද පෙනේ. මේ සටන්වලට කෝට්ටේ රජුන් පෘතුගීසීන් මැදිහත්වූ බවත් සමහර සොහොයුරන් මැරුම් කෑ බවත් අන්තිමේදී කරල්ලියද්දේ කුමාරබංඩාර රජවූ බවත් සඳහන් වේ. ³⁰ මොහුද ජයවීර නමින් හැඳින්වෙයි. දුර්වල රජෙකි. ඒ නිසා නිතර පෘතුගීසීන්ගෙන් උදවු පැතීය. 1582 දී i රාජසිංහ රජු විසින් මහනුවර අල්ලාගනු ලැබූයෙන් ජයවීර පෘතුගීසීන් වෙත පලා ගියේය. ඔවුන් වෙතදී ක්‍රිස්තියානි ධර්මය වැළඳගෙන සිටින විට වසූරිය සෑදී මළේය. ඔහුගේ ළදරු දුව කුසුමාසන දේවී දෝන කතිරිනා නමින් ක්‍රිස්තියානි වී පෘතුගීසීන් වෙත ඇතිදැඩිවිය. ³¹ පසු කලෙක මහනුවර රජවූ විමලධම්පුරිය රජුටත් ඉන්පසුව සෙනරත් රජුටත් ඔ බිසොව වූවාය. ඇය නිසා මේ රජවරුන් දෙදෙනාට මහනුවර රාජායේ අයිතිය ස්ථිර විය. ii රාජසිංහ ඇයගේ පුතාය. රජසිංහ සිරිතේ මෙසේ දක්වේ.

“දිනිඳු ගොත් සරුසාර වික්‍රමබාහු නිරිඳුට ජාත වූ සොඳ පසිඳ සෙන් ජයවීර නරවීර මුතුබුරු විසාර ද” ²⁷

මෙහි එන ජයවීර නම් කරල්ලියද්දේ රජුය. ඔහු වික්‍රමබාහු (ii ජයවීර) ගේ පුතාය. මේ අයුරින් ii රාජසිංහ iii ජයවීර ගේ මුතුබුරු වෙයි. iii ජයවීර 1551 පෙර රජ වී 1582 දක්වා රජ කෙළේය. ii රාජසිංහගේ පුතා ii විමලධම්පුරියය. ඔහුගේ පුතා වන වීරපරාක්‍රම නරේන්ද්‍රසිංහ රජුගෙන් මහනුවර රජ පරපුර අවසන් විය. මේ අන්දමට මහනුවර රජවරු මෙසේය:

සේනාසම්මත වික්‍රමබාහු	1473 — 1511 පමණ
i ජයවීර	1511 — 1521 පමණ
ii ජයවීර (වික්‍රමබාහු)	1521 — 1551 පමණ
iii ජයවීර (කරල්ලියද්දේ කුමාරබංඩාර)	1551 — 1582
(i රාජසිංහ	1582 — 1592)

i විමලධම්පුරිය	1592 — 1604
සෙනරත්	1604 — 1635
ii රාජසිංහ	1635 — 1687
ii විමලධම්පුරිය	1687 — 1707
වීරපරාක්‍රම නරේන්ද්‍රසිංහ	1707 — 1729



30. කොරෝස්, 2, 3 වන ග්‍රන්ථ.

31. පෘතුගීසීයය : ඇස්. ජී. පෙරේරා පියතුමා, 131 පේදය.

Book Review

YALMAN, Nur. *Under the Bo Tree: studies in caste, kinship and marriage in the interior of Ceylon.*

(xii, 406 pp., maps, tables, figures, bibliogr.
Berkeley and Los Angeles, University of
California Press, 1967. US\$8.50.)

When Morgan discovered kinship terminologies a century ago he laid the foundation for what has become the most highly developed branch of anthropology and when at some future date a reckoning is made of the contribution anthropology has made to human knowledge in general, it is possible that kinship studies alone will be assured a serious consideration. Or, as Robin Fox writes in a recent introduction to the field, "Kinship is to anthropology what logic is to philosophy or the nude is to art; it is the basic discipline of the subject." I stress this, because at least one reviewer has treated this book as if it were just another book on Ceylon. It is certainly about Ceylon, but this, and most other anthropological works on Ceylon which have appeared in recent years, are studies in *anthropology* and directed towards anthropological issues. This is not to imply that the non-anthropologist could not profitably read this book. There is a great deal of straightforward ethnography—some of it well-known and some obscure—which makes the book of interest to any reader concerned with traditional and peasant Ceylon. But, I would maintain that anyone who does not understand the "Dravidian terminology" and the issues involved is not competent to judge the book as a whole.

As most readers of this Journal are, presumably, not anthropologists it is perhaps worth while to make clear what the issues are. The Dravidian terminology is so called because it is associated with the Dravidian-speaking areas of India—but it is also common to the Ceylon terminologies, the variants of Sinhala and Tamil, as well as Vedda. It should be made clear that what is at issue is the relations between terms and not the (morphophonemic) form of the terms themselves. Thus though many South Indian and Ceylon terms are cognates (e.g. Sinhala *massina* and Toda *matchuni*) this is not the central issue. The Dravidian structure is also found in mainland south-east Asia (e.g. Garo) and in southwestern China (e.g. Lolo). With certain modifications it is equivalent to the Kariëra terminologies of the Australian aborigines and it may be shown that most other Australian terminologies are elaborations of the basic Dravidian (Kariëra) structure. For many years, in fact since Morgan, it was believed that

Dravidian and Iroquois (N. American) terminologies were only slight modifications of each other. In 1964 Lounsbury pointed out that the differences were more fundamental than had been thought. Morgan himself was well aware of the differences between the two—as is clear from his diagrams at the back of *Systems of Consanguinity*.....He just felt the differences were trivial, and thereby perpetuated among anthropologists the mistaken notion that with one (minor) alteration the two were identical. In fact that alteration itself was far from being minor. It involved the fact that whereas Iroquois terminologies distinguish kinsmen from affines (relatives by marriage) the Dravidian terminologies have no special terms for the latter. All this is (or should be) common knowledge to anthropologists, but there is no particular reason why non-anthropologists should be aware of any of it.

The structure of the terminology itself may be described by a number of equivalences (though for anthropological purposes, I think this is rather misleading).

Mother = Mother's sister = Father's brother's wife (Sinhala *amma*,
loku amma, *kudamma*)

Father = Father's brother = Mother's sister's husband (Sinhala
appa, *loku appa*, *bāppa*)

Mother's brother = Father's sister's husband = wife's father (or
husband's father) (Sinhala *māma*)

Father's sister = Mother's brother's wife = Wife's (husband's)
mother (Sinhala *nānda*)

Brother = Father's brother's son = Mother's sister's son (Sinhala
ayya, *malli*)

Sister = Mother's sister's daughter = Father's brother's daughter
(Sinhala *akka*, *naṅgi*)

Mother's brother's daughter = Father's sister's daughter = Hus-
band's (wife's) sister (Sinhala *nāna*)

Mother's brother's son = Father's sister's son = Wife's (Husband's)
brother (Sinhala *massina*)

Son = Brother's son (m.s.) = Sister's son (w.s.) (Sinhala *putā*)

Daughter = Brother's daughter (m.s.) = Sister's daughter (w.s.)
(Sinhala *duva*)

Sister's son (m.s.) = Brother's son (w.s.) = Daughter's husband
(Sinhala *bāna*)

Sister's daughter (m.s.) = Brother's daughter (w.s.) = Son's wife
(Sinhala *lēli*).

The major influence on British kinship studies of the post-war period was Radcliffe-Brown, and though he himself was interested in kinship terminology his successors on the whole were not. Again, almost by chance, it was Africa that held their attention. The chance lay in the fact that African concern with descent and the sociological use of unilineal principles struck a resonance with an old tradition in European socio-legal thinking. The kind of thinking which the Romans had used to cope with their problems of succession and inheritance became orthodoxy in kinship theory. A challenge came from Lévi-Strauss in France in 1949, though the "challenge" aspects of his book *Les Structures Élémentaires de la Parenté* did not become apparent until some time after its publication. Very baldly, the point of view was that the so-called elementary structures of kinship were mechanisms which ensured orderly transactions, specifically marriage transactions, between groups. On this issue of descent vs. alliance many words were spent, not entirely fruitlessly. Alliance theory did not sever its connections with the idea of descent. Crucial to the alliance theorists' argument was the idea that groups which were engaged in exchange were unilineal groups. Louis Dumont writing on South India put forward a complex set of ideas which depended on the idea of perpetual affinity—affinity passed on from one generation to the next paralleling ideas inherent in descent systems of the African type. In 1962 Yalman challenged some of the assumptions behind both sets of ideas as applied to Ceylon (and South India) in a paper entitled "The Structure of the Sinhalese Kindred: A re-examination of the Dravidian terminology." This paper came in for a great deal of comment and some criticism. *Under the Bo Tree* develops the argument of that paper, documents it and irons out certain inconsistencies.

The argument, based initially on the study of a single village in Sinhale, is this. The Dravidian terminology implies basically a bilateral structure with marriage between kin categorically regulated. In South India and Ceylon this is coupled with endogamy, the unit of endogamy being what he calls variously the kindred or the micro-caste. Specific material conditions (politics, economics, ecology) may bring about certain transformations which, however, do not violate the basic structure. Other transformations may arise out of ideological or other unspecified conditions. One important suggestion being that such transformations are another manifestation of the process of individuation and separation inherent in caste, kinship and religion throughout the region. Thus in the main village Yalman studied, the poorer peasants operate within a strictly bilateral and largely egalitarian framework, without the payment of dowry and so on. Aristocrats, however, have incipient patrilineal organization, notions of hypergamy and some payment of dowry. The fishing villages of South Ceylon are much more strongly patrilineal, pay large dowries, and are strongly hypergamous. On the east coast the Tamil speaking populations exhibit hypergamy and matriliney. The same argument is then extended to a

number of South Indian societies. In all cases not only does the basic Dravidian structure remain unchanged, but the notions inherent in the micro-caste recur, though of course with important changes—particularly in the hypergamous variants. One of the most important implications of all this is that it is, at least, misleading to look at these societies primarily in terms of a theory based on unilineal descent groups. Uniliny where it occurs is a secondary phenomenon and is the realization of one of the possibilities inherent in the Dravidian structure. Furthermore within the one society we may have a shift from the bilateral to the unilineal as a response to factors of class, politics and economics.

The notion of transformation as used by Yalman derives from modern linguistics and the writings of Lévi-Strauss. I find these highly exciting ideas, and given the impact of linguistics, particularly on American anthropology, I think we shall hear more of such things in the future. As far as this particular book is concerned I would have liked to have seen a greater formalization of the concept. As it stands I am not sure that it rises above the level of a skilfully used metaphor.

As may be expected the book is by no means perfect. I am not convinced by the treatment of the south coast variant (patrilineal, hypergamous) and the crucial chapter on Panama is also weak. The Ceylon reader is bound to spot numerous errors, but I don't think these are particularly important. In post-war anthropological writing on Ceylon, a field characterized by a general standard of excellence, this is I think the most important work to appear.

GEHAN WIJEWARDENE,
Australian National University.

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Annual Report for 1967

Meetings and Papers:—The Annual General Meeting was held on 18th December 1967. One Special General Meeting and 6 Council Meetings were held during the year 1967. At the conclusion of the Annual General Meeting, a lecture was delivered by Dr. C. E. Godakumbura on "Dedigama".

Lectures:—Five more lectures were delivered under the auspices of the Society during the year under review:—

The First Lecture was by Dr. N. D. Wijsekera on "Polyandry" on Monday 13th February 1967. The Second was by Dr. H. W. Tambiah, Q.C., on "Constitution and Administration during the Kandyan Period" on Friday 31st March 1967. The Third was by Prince H. Zu. Lowenstein on "The Continued Importance of the Holy Roman Empire and its Relations with Asia" on Thursday 17th August 1967. The Fourth was by Prof. Dr. Heinz Bechert on "The Cult of the God Skanda Kumara in the Early Religious History of Ceylon" on Saturday 28th October 1967. The Fifth was by Dr. C. E. Godakumbura on "Kantarodai", on Tuesday 7th November 1967.

We thank the University authorities for allowing us the use of their New Arts Theatre free of charge for our Lectures and Meetings.

Membership:—27 New members were admitted during the year under review. The Society now has on its roll 585 members of whom 6 are Honorary Members, 176 Life Members (Resident and Non-Resident), 383 Ordinary Resident Members, and 20 Ordinary Non-Resident Members.

Council:—Dr. C. E. Godakumbura was elected President of the Society in place of Dr. N. D. Wijsekera who had resigned (as from 1st July 1967) from the office of President of the Society in consequence of his appointment by the Government of Ceylon as Ambassador of Ceylon in Burma. The Council and members of the Society place on record their sincere appreciation of the invaluable services rendered to the Society by Dr. N. D. Wijsekera as President of the Society.

Mr. W. J. F. La Brooy and Mr. D. T. Devendra were elected Vice-Presidents of the Society.

The Ven'ble Mirisse Gunasiri Maha Thero, Mr. M. F. S. Goonetilleke, Dr. K. T. W. Sumanasuriya, Mr. W. B. Marcus Fernando and Mr. D. G. Dayaratne were elected members of the Council.

Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu were re-elected as Joint-Honorary Secretaries, and Al-Hajj A. H. M. Ismail was re-elected as Honorary Treasurer.

The office-bearers of the Society for the ensuing year were the following:—

Patron:	His Excellency Mr. William Gopallawa.
President:	Dr. C. E. Godakumbura.
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Vice Presidents: Dr. H. W. Tambiah, Q.C., Mr. W. J. F. La Brooy and Mr. D. T. Devendra.

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Jt. Hony. Secretaries: Messrs. P. R. Sittampalam and K. M. W. Kuruppu.

Hony. Treasurer: Al/Hajj A. H. M. Ismail.

Govt. Grant:—A sum of Rs. 6,000/- was received from the Government by way of grant for the financial year 1967-68.

Library:—During the year under review 12 books were added to the Library by purchase, 17 Miscellaneous Journals and Periodicals were received as donations from local and foreign Institutions and individuals and 186 Journals and Periodicals were received in exchange for the Society's Journal. Lists of all such purchases and donations are published annually in the Society's Journal.

Publications:—Journal Vol. XI (New Series) for 1967 was published and released to the members. Journal Vol. XII (New Series) 1968 is now in with the printers and will be issued to the members very shortly.

Constitution and Rules of the Society:—A General Meeting was held on 13th February 1967 for the purpose of obtaining approval for amending Rules 26 and 43-53 which were taken up for consideration at this meeting. 2,000 copies of the amended Constitution and Rules have been printed and each member has been issued a copy.

Library Books:—It has been found that members who borrow books from the Society's Library do not all return the books within the time specified in Rules 44-47, and this has caused inconvenience to other members. It is therefore kindly requested that members should note to return the books within the time allowed.

The Asia Foundation financed the publication of Dr. D. C. Gunawardena's book on "Etymological and Historical Account of the Flowering Plants of Ceylon" which was sponsored by the Society. (Vide Annual Report for 1966.)

P. R. Sittampalam

K. M. W. Kuruppu

Jt. Hony. Secretaries.

Colombo, 26th October 1968.

Honorary Treasurer's Report for 1967

The Balance Sheet for the year ended 31st December 1967 discloses an Excess of Expenditure over income Rs. 4939/32.

The Bank Balances were:		Rs. cts.
1. State Bank of India	.. .. .	4,368.31
2. Ceylon Savings Bank	.. .. .	3,455.99
3. Chalmers Oriental Text Fund	.. .. .	3,117.47
4. Society Medal Fund	.. .. .	2,666.14
5. Chinese Records Translation Fund	.. .. .	4,847.95

Receipts last year by way of Annual Subscription amounted to Rs. 2,992/70.

	Rs. cts.
Arrears of Subscription recovered amounted to	1,522.50
Entrance fees	250.00
Life Membership fees	1,095.00
Sale of Journals	1,492.05

A sum of Rs. 2,259/08 was expended on purchase and binding of books.

A sum of Rs. 7,143/25 is due as arrears of subscriptions for 1967 and earlier.

Attention must be invited to the neglect of a large number of members who have delayed payment of their subscriptions.

Every effort has been made by writing to the defaulting members on several occasions requesting payment of the arrears. Efforts, however, to recover the arrears of subscriptions are being continued. Defaulting members are not allowed the use of the Library, and Journals of the Society are also not made available to them until they have paid their subscriptions.

Members are reminded that the annual subscription of the Society has been increased from Rs. 15/- to Rs. 20/- for resident members, and from Rs. 7/50 to Rs. 10/- for Non-Resident members per year as from 1967.

The Society would be greatly obliged, if members would pay their annual subscriptions regularly and promptly and thus avoid the need for unnecessary expenditure on postage for reminders.

A. H. M. Ismail
Hony. Treasurer.

Colombo, 11th October 1968.

ROYAL ASIATIC SOCIETY (CEYLON BRANCH)

Balance Sheet as at 31st December, 1967

	Rs. cts.	Rs. cts.	Rs. cts.
Accumulated Fund		Fixed Assets	
As on 31st December, 1966	21,412 53	As on 31st December, 1966	5,639 01
Less: Excess of Expenditure over Income	4,939 32	Less: Depreciation for year	278 26
	<u>16,473 21</u>		<u>5,360 75</u>
Less: Income Tax paid during year	88 00		
	16,385 21	Current Assets	
		As per Schedule—'1'	16,703 56
Specific Fund		Less Provisions & Current Liabilities	
Society Medal Fund	2,666 14	As per Schedule—'2'	5,679 10
Chinese Records Translation Fund	4,847 95		<u>11,024 46</u>
Chalmers Oriental Text Fund	3,117 47	Assets Representing Specific Fund	
	<u>10,631 56</u>	As per Schedule—'3'	10,631 56
	<u>27,016 77</u>		<u>27,016 77</u>

Report of the Auditors

We have examined the above Balance Sheet as at 31st December, 1967. We have obtained all the information and explanations we have required. We have not seen confirmations from the members for subscriptions in arrears. Subject to this in our opinion the above Balance Sheet correctly exhibits the position as at 31st December, 1967 according to the information and explanations given to us and as shown by the financial books.

C. E. Godakumbura
President.

Colombo, 8th September, 1968.

A. H. M. Ismail
Honorary Treasurer.

POPE & CO. } **Auditors**
Chartered Accountants

ROYAL ASIATIC SOCIETY (Ceylon Branch)

CURRENT ASSETS

SCHEDULE '1'

	Rs. cts.	Rs. cts.
Subscription for 1967 and earlier	..	7,143 25
Dept. of Cultural Affairs	..	1,500 00
Staff Loan	..	200 00
Cash & Bank Balances		
State Bank of India	.. 4,368 31	
Ceylon Savings Bank	.. 3,455 99	
Cash in hand	.. 36 01	7,860 31
Total as shown in Balance Sheet	..	<u>16,703 56</u>

PROVISIONS & CURRENT LIABILITIES

SCHEDULE '2'

Provisions		
Messrs. Pope & Co. ..	.. 300 00	
Printing of Journals	.. 4,500 00	4,800 00
Current Liabilities		
B.F. Stevens & Brown	.. 1 22	
Subscriptions paid in advance	.. 55 63	
Sale of Journals—Vol. VI Sp. Number	.. 822 25	879 10
Total as shown in Balance Sheet	..	<u>5,679 10</u>

ASSETS REPRESENTING SPECIFIC FUNDS

SCHEDULE '3'

Ceylon Savings Bank Account No. 133495		
Balance as at 31-12-1967	..	
(Chalmers Oriental Text Fund)	..	3,117 47
Ceylon Savings Bank Account No. 141850		
Balance as at 31-12-1967	..	
(Chinese Records Translation Fund)	..	4,847 95
Ceylon Savings Bank Account No. 226282		
Balance as at 31-12-1967	..	
(Society Medal Fund)	..	2,666 14
Total as shown in Balance Sheet	..	<u>10,631 56</u>

ROYAL ASIATIC SOCIETY (Ceylon Branch)

GENERAL EXPENSES

SCHEDULE '4'

	Rs.	cts.
Salaries	5,080	00
Maintenance of Typewriter	36	00
Cycle Allowance	60	00
Printing & Stationery	655	41
Bonus to Peon	15	00
Audit Fees & Expenses	331	60
Postage	495	40
Sundry Expenses	18	00
Lectures & Meetings	936	50
Bank Charges	12	74
Arrears of Increment	140	00
Commission on Sale of Journals	177	78
Arrears of Subscription written off	1,925	00
Total as shown in Income & Expenditure Account	<u>9,883</u>	<u>43</u>

GOVERNMENT ACCOUNT

	Rs.	cts.		Rs.	cts.
To Purchases	474	58	By Balance B/F	4,700	00
„ Binding	1,784	50	„ Govt. Grant	6,000	00
„ Printing of Journals	9,311	75	„ Excess of Expenditure over Grant—as shown in Income and Expenditure A/c.	5,370	83
„ Provisions					
Printing of Journals	4,500	00			
	<u>16,070</u>	<u>83</u>		<u>16,070</u>	<u>83</u>

ROYAL ASIATIC SOCIETY (CEYLON BRANCH)

Income and Expenditure Account for the Year ended 31st December, 1967

	Rs.	cts.	Rs.	cts.
General Expenses As per Schedule—'4'				
Annual Subscription	7,650	00		
Entrance Fees	280	00		
Life Membership Subscription	1,095	00		9,025 00
Other Income Sale of Journals	1,454	55		
Interest on Savings Bank	100	65		
Donations	13	00		1,568 20
Excess of Expenditure over Income				4,939 32
				<u>15,532 52</u>

ROYAL ASIATIC SOCIETY

Receipts and Payments Account for the

	Rs.	cts.	Rs.	cts.
To Balance on 31st January 1967				
State Bank of India	10,720	69		
Ceylon Savings Bank	3,355	34		
Cash in hand	47	97		
Stamps	5	04	14,129	04
To General Account				
Life Members	1,095	00		
Arrears of Subscription	1,522	50		
Current Subscription	2,992	70		
Entrance Fees—1967	250	00		
Fees Paid in Advance	55	63		
Sale of Journals	1,492	05		
Interest on Ceylon Savings Bank	100	65		
Sale of "Extended Mahavansa"	45	00		
Sale of Journal Vol. VI Sp. No:	180	00		
Government Grant	6,000	00		
Repayment of Staff Loan	1,235	00		
Donations	2	50		
Postage Received	10	74	14,981	77

29,110 81

(CEYLON BRANCH)

year ended 31st December, 1967

	Rs.	cts.	Rs.	cts.
By General Account				
Salaries	5,080	00		
Audit Fees	331	60		
Printing & Stationery	655	41		
Lectures & Meetings	936	50		
Postage	506	14		
Bank Charges	12	74		
Bonus to Peon	15	00		
Cycle Allowance	60	00		
Maintenance of Typewriter	36	00		
Commission on Sale of Journals	177	78		
Miscellaneous Expenses	18	00		
Income Tax	88	00		
Arrears of Increment	140	00		
Refund of Journals	37	50		
Sale of Journal Deposit	45	00		
By Government Account				
Purchase of Books	474	58		
Binding	1,784	50		
Printing of Journals	9,311	75	19,710	50
Refund of Subscription				
Current Subscription	105	00		
Staff Loan	1,435	00	1,540	00
Cash & Bank Balances				
State Bank of India	4,368	31		
Ceylon Savings Bank	3,455	99		
Cash in hand	35	01		
Stamps in hand	1	00	7,860	31

29,110 81

Abstract of Proceedings

Minutes of the 122nd Annual General Meeting of the Ceylon Branch of the Royal Asiatic Society held at 5.15 p.m. on Monday 18th December 1967 at King George's Hall, University of Colombo.

Present.—Dr. C. E. Godakumbura, the President nominate, presided. A large gathering of members and visitors were present.

Vote of Condolence.—The President proposed a vote of condolence on the death of the following members of the Society during the years 1966 and 1967:—Gate Mudaliyar N. Canaganayagam, Mr. C. L. Unambuwe and Mr. A. M. Caldera. The vote of condolence was passed in the usual manner.

BUSINESS

1. Minutes.—The President called upon Mr. P. R. Sittampalam, the Honorary Secretary, to read the Minutes of the last Annual General Meeting, held on 16th December 1966, and the Annual Report of the Society for 1966, which had been printed and circulated among the members. Dr. K. T. W. Sumanasuriya proposed the adoption of the Minutes which was seconded by Dr. G. C. Mendis. The Minutes were adopted unanimously.

2. Annual Report.—Mr. D. T. Devendra proposed the adoption of the Annual Report of the Society for 1966, which was seconded by Dr. K. T. W. Sumanasuriya. The Annual Report was adopted unanimously.

3. Audited Statement of Accounts and the Honorary Treasurer's Report for 1966.—Dr. K. T. W. Sumanasuriya proposed and Dr. G. C. Mendis seconded the adoption of the Statement of Accounts and the Honorary Treasurer's Report, which had been printed and circulated among the members. The Statement of Accounts and the Honorary Treasurer's Report were adopted unanimously.

4. Donations.—The Honorary Secretary announced the names of the donors from whom donation of books have been received since the last Annual General Meeting up to the end of December 1966.

5. Acquisitions.—The Honorary Secretary tabled a list of books which had been purchased during the year ended 31st December 1966, and announced that the list of books donated to the Society and acquired by the Society was available at the Society's Library for perusal by the members.

6. Announcement of New Members.—The Honorary Secretary announced the names of 23 new members who had been admitted since the last Annual General Meeting up to 31st December 1966.

7. Election of Office-Bearers.—The President then read out the names of the Office-Bearers who had been nominated by the Council for the ensuing year 1967/1968.

The following nominations by the Council were unanimously accepted by the members.

President:

Dr. C. E. Godakumbura was elected President for the ensuing 3 years, under rule 18, in place of Dr. N. D. Wijesekera who had resigned as from 1st July 1967 from the office of President of the Society in consequence of his appointment by the Government of Ceylon as Ambassador of Ceylon in Burma. Proposed by Mr. K. M. W. Kuruppu and seconded by Mr. N. G. L. Marasinghe.

Vice-Presidents:

Mr. W. J. F. La Brooy and Mr. D. T. Devendra were elected Vice-Presidents of the Society. Proposed by Mr. W. B. Marcus Fernando and seconded by Mr. Ran Banda Nuggeoda.

Ordinary Members of the Council:

The Ven'ble Mirisse Gunasiri Maha Thero, Mr. M. F. S. Goonetilleke, Dr. K. T. W. Sumanasuriya, Mr. W. B. Marcus Fernando and Mr. D. G. Dayaratne were elected ordinary members of the Council. Proposed by Mr. Ran Banda Nuggeoda and seconded by Mr. N. G. L. Marasinghe.

Honorary Secretaries:

Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu were re-elected Joint Honorary Secretaries of the Society. Proposed by Mr. D. Wickramarachchi and seconded by Mr. D. R. Wickremaratne.

Honorary Treasurer:

Al-Hajj A. H. M. Ismail was re-elected Honorary Treasurer of the Society. Proposed by Mr. D. Wickramarachchi and seconded by Mr. D. R. Wickremaratne.

Auditors:

Messrs. Pope & Co., Chartered Accountants, were re-appointed auditors for the ensuing year. Proposed by Mr. N. G. L. Marasinghe and seconded by Mr. W. B. Marcus Fernando.

After the election of the above Office-Bearers, the President called upon the Honorary Secretary to read out the full list of office-bearers of the Society for the year 1967/1968.

The President expressed the Society's thanks for the services rendered to the Society by the Joint Honorary Secretaries who had arranged five lectures for the year, which were very useful to the public.

8. Lecture.—Dr. C. E. Godakumbura, the President of the Society, then delivered his Presidential Address on "Dedigama".

Mr. D. T. Devendra proposed a vote of thanks to the President and thanked him for the lecture.

The President in winding up the proceedings thanked the members for their presence. The meeting was then declared closed.

COUNCIL MEETINGS

Summary of the Proceedings

Date & Venue:—29th November, 1967 at 5.15 p.m. at the Society's Library.

Present.—Dr. C. E. Godakumbura, the President nominate, in the Chair and the following members:—Dr. P. E. P. Deraniyagala, Rt. Rev. Dr. Edmund Peiris, O.M.I., Hon'ble Dr. Justice H. W. Tambiah, Q.C., Ven. Mirisse Gunasiri Maha Thero, Mr. S. A. Wijayatilaka, Prof. K. W. Goonewardena, Mr. C. B. P. Perera, Dr. K. T. W. Sumanasuriya, Mr. M. F. S. Goonetilleke, Al-Hajj A. H. M. Ismail (Hony. Treasurer), Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu (Jt. Hony. Secretaries).

Minutes.—The Minutes of the Meeting of 5th October 1967 were confirmed.

New Members.—4 new members were elected.

Books (a) Donation.—"Sahitya Mandalaya Articles Series No. 1—History of Ceylon" (in Sinhalese).

(b) Purchases.—Indo-Ceylon Relations since Independence—S. N. Kodikara; South India and Ceylon—K. K. Pillay.

Arrears of subscription.—The names of 21 members were removed from the roll and the arrears outstanding against them were written off.

The amounts due from two deceased members were also written off.

Dr. P. E. P. Deraniyagala's letter dated 26.10.67 in connection with the issuing of instructions to authors was referred to the Editorial Board.

Further to his letter, the council suggested that C. E. L. Wickremasinghe be written to suggesting that he should become a Life Member of the Society.

The Annual General Meeting was fixed for 18th December 1967. The President announced that the subject of his Presidential address would be "Dedigama."

Office-Bearers.—The following nominations to the Council were made (Ordinary Members):—Mr. D. G. Dayaratne and Mr. W. B. Marcus Fernando, in place of Mr. S. C. Fernando and Prof. J. L. C. Rodrigo.

Joint Hony. Secretaries.—Messrs. P. R. Sittampalam and K. M. W. Kuruppu.

Hony. Treasurer.—Al-Hajj A. H. M. Ismail.

Auditors.—Messrs. Pope & Co.

Reports & Accounts.—Reports of the Hony. Treasurer and the Hony. Secretaries were accepted for submission at the Annual General Meeting.

Auditors' Account.—The payment of the Bill submitted by Messrs. Pope & Co., for Rs. 331/60 for auditing the Society's accounts was authorised.

Book Review.—Council directed that the publication Vidyanand "Videh", the Exposition of the Vedas—Vol. 1, be sent to Prof. D. E. Hettiarachi for review.

Date & Venue.—24th April 1968 at 5.15 p.m. at the Society's Library.

Present.—Mr. D. T. Devendra, Vice-President in the Chair, and the following members:—Dr. P. E. P. Deraniyagala, Rt. Rev. Dr. Edmund Peiris, O.M.I., Mr. W. J. F. La Brooy, Mr. D. C. R. Gunawardena, Mr. S. A. Wijayatilaka, Prof. K. W. Goonewardena, Mr. M. St. S. Casie Chetty, Dr. K. T. W. Sumanasuriya, Mr. W. B. Marcus Fernando, Al-Hajj A. H. M. Ismail (Hony. Treasurer) and Mr. K. M. W. Kuruppu (Jt. Hony. Secretary).

Minutes.—The Minutes of the Meeting of the Council held on 29th November 1967 were confirmed.

New Members.—18 new members were elected.

Books (a) Donations.—Ceylon of the Early Travellers by Mr. H. A. J. Hulugalle; Indian Erotics of the Oldest Period by Dr. Ivo Fiser; Gupta India by Mr. P. Jayatilleke; Canada—One Hundred 1867-1967 by the High Commissioner for Canada in Ceylon; Encyclopaedia of Buddhism—Vol. 2 Fasc. 2 by Director of Cultural Affairs; Relations between Burma and Ceylon—Off-print J.B.R.S Vol. XLIX Part 2 by Dr. C. E. Godakumbura; Ceylon Sessional Papers 1965—Report of the Bandaranaike Assassination Commission; Administration Reports of the Archaeological Commissioner—1958; 1959; 1960 and 1962-63 by Mr. A. R. Tampoe; The State Engineer—Vol. 1 No. 1 by the State Engineering Corporation of Ceylon; and Dictionary of the Sinhalese Language by the Editor-in-Chief, Sinhalese Dictionary, University of Ceylon, Peradeniya.

(b) Purchases.—Artibus Asiae—Vol. 28 Nos. 2, 3 and 4 and Vol 29 No. 1; Kiratarjunyam—Parts 1-4; Hindi-Sanskrit Dictionary; Anglo-Hindi Dictionary; and The Evolution of the Buddha Image by Benjamin Rowland.

Permission was given to the General Secretary, Sri Lanka Sahitya Mandalaya, to translate into Sinhala and publish 4 articles from the Society's Journals.

Payment of an additional sum of Rs. 25/- per month, with effect from 1.1.68, to both Mr. G. M. de S. Wijayasekera (Librarian) and Mr. W. G. Mudali Singho (Peon) was approved.

Arrears of subscription.—The name of Mr. P. F. E. J. Van Geyzel was deleted from the roll of members and the arrears of subscription from 1965-1968 were written off.

Government Agents' Diaries.—Mr. S. C. Fernando's correspondence with regard to the Government Agents' Diaries was tabled and a sub-committee comprising Dr. R. L. Brohier, Mr. D. C. R. Gunawardena, Mr. W. J. F. La Brooy and Prof. K. W. Goonewardene was appointed to go into the matter and advise the Council.

Mr. B. Sivaramakrishna Sarma was granted permission to reproduce extracts from articles in some past Journals.

It was decided to take up the question of re-printing past Journals at the next Council Meeting.

Date & Venue.—5th July 1968 at 5.15 p.m. at the Society's Library.

Present.—Dr. C. E. Godakumbura, the President, in the Chair, and the following members:—Dr. P. E. P. Deraniyagala, Rt. Rev. Dr. Edmund Peiris, O.M.I., Dr. G. C. Mendis, Mr. S. A. Wijayatilaka, Dr. K. T. W. Sumanasuriya, Mr. M. F. S. Goonetilleke, Mr. W. B. Marcus Fernando, Mr. D. G. Dayaratne, Al-Hajj A. H. M. Ismail (Hony. Treasurer), Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu (Jt. Hony. Secretaries).

Minutes.—The minutes of the meeting of the Council held on 24th April 1968 were confirmed.

New Members.—3 new members were elected.

Books (a) Donations.—Sahitya Mandalaya Lipi Mala No. 1, Lanka Itihasaya (Sri Lanka Sahitya Mandalaya); People in Germany (Embassy of the Federal Republic of Germany); and Genera et Species Plantarum Zeylaniae—The Flowering Plants of Ceylon—An etymological and historical study (Lake House Investment Ltd).

(b) Purchases.—Artibus Asiae—Vol. 29, No. 2-3, and Shilappadikaram (The Ankle Bracelet).

The correspondence between the University of Colombo and the Society with regard to the number of University staff and students using its Library was read out. The President suggested that the Society should have an independent building of its own for which purpose a piece of land close to the site of the present Library or within the race-course land reserved for the expansion of the University should be acquired and a building constructed. The majority of the members of the Council were of opinion that the University might be persuaded to offer the Society a suitable piece of land for this purpose and the Vice-Chancellor might be persuaded to include a site for the Society's Library in the new building plan for the University. It was decided that the President and the Honorary Secretaries should interview the Vice-Chancellor on this matter.

Re the resignation of Mr. D. C. R. Gunawardena from the Council it was decided that Mr. Gunawardena's name should remain till the forthcoming Annual General Meeting.

It was decided to write to M/s. Swets and Zeitlinger, book-dealers of Amsterdam, who were desirous of reprinting out-of-print journals of the Society, for more details and particulars as regards the terms of the proposed contract, and in particular 6 queries were raised in elucidation. After further discussing this topic, the Honorary Secretaries were directed to bring up this matter after hearing from them.

Dr. C. E. Godakumbura's articles on "Kantarodai" and "Dedigama" and Dr. P. E. P. Deraniyagala's article on "Some Aspects of the Tertiary Period in Ceylon" were accepted for publication in the Society's Journal Vol. 12 (1968).

Resignation.—The resignation of Mr. L. V. Cabraal was accepted.

The Council approved the proposed lecture by Dr. Friedrich Wilhelm.

Dr. H. W. Tambiah's letter informing the Council that he will be away from the island for six months, was tabled.

Report of the sub-committee with regard to obtaining extracts from the Govt. Agents' Diaries in the various Kachcheries in Ceylon and the Govt. Archives was tabled. It was decided to await the result of the steps which the sub-committee proposed taking in the matter to take further action.

As regards the activities of the Society, the Hony. Secretary was requested to send 2 journals of the Society to the Director of International Development of Social Sciences with other information as regard the activities of the Society.

Any other Business.—(a) Society's Journal Vol. XI (1967) was tabled. (b) Permission was granted to sell Journal Vol. XI @ Rs. 8/- per copy instead of Rs. 10/-. (c) The Council was informed that a sum of Rs. 6,000/- was received from the Department of Cultural Affairs by way of grant.

Date & Venue.—26th October 1968 at 5.15 p.m at the Society's Library.

Present.—Dr. C. E. Godakumbura, the President in the Chair, and the following members:—Dr. P. E. P. Deraniyagala, Rt. Rev. Dr. Edmund Peiris, O.M.I., Dr. G. C. Mendis, Messrs. W. J. F. La Brooy, D. T. Devendra, S. A. Wijayatilake, M. St. S. Casie Chetty and C. B. P. Perera, Dr. K. T. W. Sumanasuriya, Mr. W. B. Marcus Fernando, Al-Hajj A. H. M. Ismail (Hony. Treasurer), Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu (Jt. Hony. Secretaries).

Minutes.—The Minutes of the Meeting held on 5th July 1968, were confirmed.

New Members.—Nine new members were duly elected.

Donations.—Encyclopaedia of Buddhism—Vol. 2 Fasc. 3 by Director of Cultural Affairs, The History of Sri Munneswaram Temple (3 copies) by Mr. B. Sivaramakrishna Sarma, Pramana-Naya-Tattvalokalamkara of Vadi Devasuri (English Translation & Commentary) by Dr. Hari Satya Bhattacharya, Some Issues in Ceylon Education 1964. By Professor J. E. Jayasuriya, (Aluvihara Edition) The Papanca Sudani or the Commentary of the Majjhimanikaya (Sinhalese) by Mr. M. R. Fernando, A Dictionary of the Sinhalese Language—Vol. 1 Part 10 and 11 by The Editor-in-Chief, Sinhalese Dictionary, University of Ceylon, and Port of Colombo—Official Handbook 1968 by Port (Cargo) Corporation, Colombo.

Purchases.—Sinhala Samaja Sanvidhanaya—Kandyan Period (Sinhalese), Shila Lekhana Sangrahaya—Parts 4 and 5 (Sinhalese), Scenes of a Life Time—The Autobiography of Dr. Lucian De Zilwa, Sinhala Laws and Customs, Ferguson's Ceylon Directory 1968, History of Sinhalese Newspapers and Magazines—Parts 1-4 (Sinhalese), Land Tenure in Village Ceylon, Ceylon Journal of History and Social Studies Vol. 2 No. 1 and Artibus Asiae—Vol. 30 No. 1.

The Annual General Meeting was fixed for 29th November 1968. The President announced that the subject of his Presidential Address would be on "History of Archaeology in Ceylon". Council resolved that next year's Annual General Meeting should be held earlier.

Nomination of Office-Bearers:

Ordinary Members of the Council:

Dr. G. P. Malalasekera and Mr. S. C. Fernando in place of Mr. D. C. R. Gunawardena and Mr. A. R. Tampoe.

Jt. Honorary Secretaries:

Mr. P. R. Sittampalam and Mr. K. M. W. Kuruppu were nominated for re-election.

Honorary Treasurer:

Al-Hajj A. H. M. Ismail, was nominated for re-election.

Auditors:

Messrs. Pope & Co., Chartered Accountants, were nominated as Auditors of the Society for the ensuing year.

The Audited Statement of Accounts.—The Honorary Treasurer's report and the Honorary Secretaries' report were accepted for submission at the Annual General Meeting. Mr. La Brooy requested the Hony. Secretaries to inform auditors that in addition to the normal report, a further detailed report too should be submitted to the Council.

Payment.—Payment to Messrs. Pope & Co., for Rs. 324/20 for auditing the Society accounts was authorised. Mr. D. T. Devendra suggested that the payment should be approved by the Hony. Secretaries and covering sanction may be taken later.

Book Review.—Council directed that the publications "Mahayana Monuments in Ceylon" and "The Eightfold Noble Path and its background" (Sinhalese) be referred to Mr. W. B. Marcus Fernando and Dr. K. T. W. Sumanasuriya, respectively. The above books were handed over to them at the end of the meeting.

R. A. S. Library.—A deputation consisting of the President, Rt. Rev. Dr. Edmund Peiris, O. M. I., Dr. P. E. P. Deraniyagala, Dr. G. C. Mendis and one of the Secretaries were appointed to meet the Vice-Chancellor of the University of Ceylon, Colombo, in connection with the removal of the R. A. S. Library.

(a) Mr. W. P. S. Jayawardena's offer to translate Vol. VI (New Series) Special Number into Sinhala and to donate the translation to the Society was accepted.

(b) Council directed the Hony. Secretary to write to Mr. H. J. S. de Zoysa thanking him for offering his services for translating some of the important articles published in the Journals of the Society for a suitable remuneration and he would be informed whenever his services are needed.

Govt. Agents' Diaries.—Report of the sub-committee was accepted and it was proposed that Dr. Lakshman S. Perera and Prof. Ellawala be requested to help the Society regarding the Diaries.

Dr. P. E. P. Deraniyagala's letter regarding 7 illustrations to his paper on "Some Aspects of the Tertiary Period in Ceylon", was tabled and it was decided to have the blocks in half-tone line drawings in zinc instead of copper for illustrations.

Mr. D. T. Devendra's letter regarding "Notes and Queries"; Mr. S. Syskandarajah's letter regarding the paper on "Polyandry" (JC BRAS. N. S. Vol. XI); Mr. S. Thommanupillai's letter regarding the "Portuguese Period in Ceylon"; Mr. S. Deraniyagala's article on "Pre-Historic Ceylon 1968"; Mr. W. P. S. Jayawardena's article on "Sinhalese Animate Noun with Inanimate Significance", and the reply from Messrs. Swets and Zeitlingers with regard to the re-printing of Society's Journals, were referred to the Editorial Board.

It was resolved that a correction slip be pasted on Journals when the price of the Journal is changed.

Exchange of Publications.—The Hony. Secretary was directed to write to Vidyodaya University of Ceylon inviting them to membership in the Society, instead of exchanging the Journal.

Permission was granted to Mr. J. Kolinsky, 3rd Secretary, Embassy of the Czechoslovak Socialist Republic, to publish the article "Studies of Ceylon in Czechoslovakia" by Dr. Ivor Fiser (JC BRAS. N. S. Vol. IX Pt. 2) in compliance with the Society's rules.

Tabled Mr. D. C. R. Gunawardena's reply stating his willingness to continue to be a member of the Council until the next Annual General Meeting.

PUBLICATIONS RECEIVED IN EXCHANGE PERIOD 1-10-66 TO 30-9-67

America

- American Oriental Society .. Journal—Vol. 85 No. 4 and Vol. 86 Nos. 1-3.
- California Academy of Sciences .. Occasional Papers—No. 55-59 and No. 61-62.
Proceedings—4th Series—Vol. 33 Nos. 15-19; Vol. 34 Nos. 1-16 and Vol. 35 No. 1.
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