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GAMPOLA PERAHERA CASE.

VOLUME II.

IN THE PRIVY COUNCIL.

APPEAL FROM THE SUPREME COURT OF THE ISLAND
OF CEYLON.

BETWEEN

WICKRAMASINGHE NAWARATNE PANDITTA WASALA ABEYKOON GANWILA HERAT
MUDIANSSELAGE TIKIRI BANDARA ELLEKEWALA, Basnayake Nilame and Trustee
of Wallahagoda Temple, Gampola, *Plaintiff-Appellant*,

AND

THE HONOURABLE THE ATTORNEY-GENERAL, Colombo, *Defendant-Respondent*.

Supreme Court, No. 245 of 1914 (Final).

DOCUMENTS.

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1

PLAINTIFF'S DOCUMENTS.

No. 1.

P 1.

ACT OF APPOINTMENT.

DISTRICT COMMITTEE, KANDY.

Buddhist Temporalities Ordinance, 1905.

To Wickramasinghe Nawaratne Panditta Wasala Abeykoon Ganwila
Herat Mudianselage Tikiri Bandara Ellekewala.

10 Whereas you have been, under Section 17 of the Ordinance No. 8 of 1905, elected Basnayake Nilame or Trustee of the Wallahagoda Dewale in Uda Palata:

You are, therefore, constituted and appointed Basnayake Nilame or Trustee of the said Wallahagoda Dewale, and entrusted with all the property and moneys belonging thereto which shall or may come into your hands by virtue of your office, and you are hereby enjoined faithfully and honestly and to the best of your ability to discharge the duties required of you under the provisions of the said Ordinance No. 8 of 1905 and the rules which may be passed by this Committee from time to time and be in force during the tenure of your office, and to obey all lawful commands of this Committee.

Given under our hands at the office of the District Committee of the Buddhist Temporalities, Kandy, on the 3rd day of February, 1912.

20

P. B. NUGAWELA,
President.

No. 2.

P 2.

Extract from the "Ceylon Government Gazette" No. 6,369 of April 29, 1910.

The following rules, made by the District Committee of Kandy under the provisions of Section 12 of the "Buddhist Temporalities Ordinance, No. 8 of 1905," and approved by His Excellency the Governor and the Executive Council, are hereby published for general information, in pursuance of Section 13 of the said Ordinance.

Colonial Secretary's Office,
Colombo, April 20, 1910.

By His Excellency's command,
HUGH CLIFFORD,
Colonial Secretary.

30

Rules framed by the District Committee of Kandy under Section 12 of the "Buddhist Temporalities Ordinance, No. 8 of 1905."

Chapter I.—For determining the Quorum necessary for the transaction of business.

1. Three members of the District Committee shall form a quorum.

Chapter II.—For regulating the time and place of meetings and the conduct and record of the proceedings.

2. The meetings of the District Committee shall be held at the office of the Committee in Kandy on the first Saturday of every month at 2 P.M. The Committee shall, however, have the power to meet at any other time or place in the district, on forty-eight hours' notice thereof being given in writing to the members of the time and place of such meeting.

40

* * * * *
Chapter VII.—For every purpose necessary to the due exercise of the Powers of the District Committee, and the performance of the duties of the District Committee under the Ordinance No. 8 of 1905.

4

5

8

Act of
Appointment of
Plaintiff as
Basnayake,
Nilame,
Wallahagoda
Dewale,
February 3,
1912.

Rules of the
Kandy District
Committee,
sanctioned by
the Governor,
April 20, 1910.

1

Trustees.

43. A candidate for the Diyawadana Nilameship, a Basnayake Nilameship, or any other trusteeship shall with his application submit a declaration, affirmed to before the Hon. the Government Agent, Central Province, or any other Justice of the Peace, as to the fact of his being possessed of all the qualifications required by Section 8 of the Ordinance. All applications unsupported by such a declaration shall be rejected.

* * * * *

55. A certificate of election under the hand of the President of the District Committee shall be the only proof of the election of a Diyawadana Nilame, Basnayake Nilame, or other trustees. 9

* * * * *

Sangha.

62. These rules shall supersede the rules dated June 19, 1908.

10

Passed at a meeting of Committee held on July 12, 1909, and February 14, 1910.

	*	*	*	*	*	*
Kandy, July 12, 1909.	*	*	*	*	*	*
					P. B. NUGAWELA, President, District Committee.	
					P. B. DISSANAYAKA, Honorary Secretary.	

No. 3.

P 3.

No. 3,554/21,489.

Kandy Kacheheri, 27th August, 1912.

13

Wallahagoda Dewale Perahera.

20 Sir,—With reference to your letter No. 1,197 of the 17th instant, I have the honour to inform you that the licenses will be issued to you on condition that music is stopped fifty yards on one side of the mosque and is not resumed before a point fifty yards beyond the mosque is reached.

2. I personally do not see any hardship in the Buddhists in their processions being required to stop their tom-toms for a short distance, in order to show consideration for the religious feelings of other people. 14

I am, Sir, your obedient servant,
G. S. SAXTON,
Government Agent, Central Province.

The President, District Committee, Buddhist Temporalities Ordinance, Kandy.

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

30

No. 4.

P 4.

October 1, 1912.

15

To the President, District Committee, Kandy.

Sir,—I have the honour to acknowledge receipt of your letter No. 1,381/14 of the 19th ultimo, and the enclosed copies of correspondence with the Hon. the Government Agent, Central Province.

40 The Buddhists of Gampola were strictly against my taking the perahera along any other road than Ambagamuwa Street, as done from time immemorial, and asked me to use this road this time also, but in view of the Government Agent's reply and his license I did not want to do so, and fearing that I would lose the sympathy of the Buddhists here I postponed the water-cutting ceremony pending a decision from Government.

Please inform this to the Hon. the Government Agent.

I am, Sir, your obedient servant,
T. B. ELLEKEWALA,
Basnayake Nilame.

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

(6)

No. 5.

P 5.

16

To the Hon. the Government Agent for the Central Province, Kandy.

The humble petition of Angamana Ranpanhinda Divakara Senanayaka Seneviratne Wasala Mudiyanaralahamilagey Tikiri Banda, Basnayake Nilame of Wallahagoda Dewale in Gampola.

Respectfully showeth :—

That with profound submission he begs leave to state that the annual perahera festival of the Wallahagoda Dewale, having commenced its water-cutting ceremony, is fixed and arranged to take place at the ferry at Bothalapitiya on the morning of the 9th instant.

10 That in connection with the said perahera it is customary for the perahera procession to proceed to the town of Gampola a day beforehand and parade through and along the streets of the town in procession, accompanied by elephants and hevisi beating of tom-toms, namely, from 4 to 9 P.M. of the 8th September, 1906, and return to the Dewale.

That on the 9th instant the perahera will start from the Temple at 2 A.M., and proceed in procession with elephants, hevisi beating of tom-toms, through the town of Gampola along the Kandy road to Bothalapitiya ferry, where, after the water-cutting ceremony is done, the perahera will start back at 1 P.M., and return the same route through the town to Wallahagoda Temple.

17

And therefore the petitioner most humbly prays that your honour may be graciously pleased to grant him permission to conduct and perform the said perahera during the time as aforesaid.

20 And for which act of goodness your honour's petitioner, as in duty bound, shall ever pray.

Gampola, 8th September, 1906.

(Signed in Sinhalese.)

Allowed, subject to police supervision.—8/9/06.

Seen—Perahera passed on satisfactorily.

M. KAMALDEEN, Police Sergeant 707—9/9/06.

No. 6.

P 6.

18

To the Hon. the Government Agent for the Central Province, &c., Kandy.

The humble petition of Angamana Ranpanhinda Divakara Senanayaka Seneviratne Wasala Mudiyanaralahamilagey Tikiri Banda, Basnayake Nilame of Wallahagoda Dewale in Gampola.

30 Respectfully showeth :—

That the annual perahera festival of the Wallahagoda Dewale having commenced, the water-cutting ceremony in connection with said perahera at the Bothalapitiya ferry (Mahaweli-ganga) is fixed to take place on the 13th instant.

That in connection with this perahera it is customary for the Dewale procession (perahera) to proceed on the afternoon of the previous day (12th instant) to the town of Gampola, in procession with usual hevisi (tom-tom beating), with elephants, between the hours of 6 and 12 P.M., and thereafter return to the said Wallahagoda Dewale.

40 That on the 13th instant the perahera will again start from the Dewale at 2 A.M., and proceed in procession as aforesaid through the town of Gampola, along Kandy road to Bothalapitiya, where the water-cutting ceremony would be performed, and thereafter, about 12 o'clock noon, the procession would return along same route through Gampola (town) to Wallahagoda Dewale.

And the petitioner, therefore, most humbly prays that your honour may be graciously pleased to grant permission to conduct the said perahera ceremony during the period aforesaid.

And for which act of goodness your honour's petitioner, as in duty bound, shall ever pray.

Gampola, 10th September, 1908.

(Signed in Sinhalese.)

Submitted—Permission to conduct a perahera is usually allowed.—H. P., 10/9.

Allowed—Initialled (illegible), 10/9.

1

No. 7.

P 7.

20

Are not these licenses issued by S. P. ?—L. S. W., 19.9.07.

To the Hon. the Government Agent for the Central Province, Kandy.

The humble petition of Angamana Ranpanhinda Divakara Senanayaka Seneviratne Wasala Mudiyanaralahamilagey Tikiri Banda, Basnayake Nilame of Wallahagoda Dewale in Gampola.

Respectfully showeth :—

10 That with profound submission he begs leave to state that the annual perahera festival of the Wallahagoda Dewale having commenced, the water-cutting ceremony in connection with that perahera at the ferry at Bothalapitiya is fixed for the 22nd instant.

That in connection with that perahera it is customary for the Wallahagoda Dewale perahera to proceed on the afternoon of the previous day (21st instant) to the town of Gampola, and proceed in procession with elephants and hevisi beating of tom-toms along the streets in the town between the hours 6 and 12 P.M., and thereafter return to the Dewale.

That on the 22nd instant the perahera will start from the Temple at 2 A.M., and proceed in procession as aforesaid through the town of Gampola along the Kandy Road to Bothalapitiya, where, after the usual ceremonies are over, will return after 12 o'clock noon the same route (through Gampola) to Wallahagoda Dewale.

21

20 And therefore the petitioner most humbly prays that your honour may be graciously pleased to grant him permission to conduct the said perahera during the period above specified.

And for which act of goodness your honour's petitioner, as in duty bound, shall ever pray.

Gampola, 17th September, 1907.

(Signed in Sinhalese.)

Allowed, subject to police supervision.—19.9.07.

Annexure to P 7.

22

I, Walter de Livera, Esquire, Police Magistrate, by virtue of powers vested in me under Ordinance No. 16 of 1865, do hereby grant Angamana Tikiri Banda, Basnayake Nilame of Wallahagoda Dewale, license to conduct a procession with tom-toms and other music, from Wallahagoda to Kahatapitiya, along Ambagamuwa Street, Gampola, between the hours of 1 A.M. to 3 A.M. and 8 A.M. to 12 noon of the 20th day of October, 1907, subject to police supervision.

Gampola, 19th October, 1907.

W. DE LIVERA,
Police Magistrate, Gampola.

30 Seen—Signed (illegible), 19/10/07.

No. 8.

P 8.

23

From "The Ceylon Independent" of Friday, August 8, 1913.

NOTICE.

The following Police Programme of the hours and routes of the Esala perahera, Kandy, from 8th to 20th August, 1913, is published for general information. The streets named will be closed for motor traffic during the hours specified on each day, except on Sundays, the 10th and 17th August, on which days there will be no perahera.

C. L. TRANCHELL,
Superintendent of Police, Central Province, Kandy.

40 **KANDY ESALA PERAHERA PROGRAMME, 1913.—KUMBAL PERAHERA.**

8th August, 6 p.m. to 12 midnight.—Starting from Dalada Maligawa, perahera will turn down Ward Street, and at Sir Henry Ward's statue turn down Pavilion Street, and go round the Dewales, entering their respective temples.

9th August, 6 p.m. to 12 midnight.—Starting from Dalada Maligawa down Ward Street, turning at Sir Henry Ward's statue down Pavilion Street, Colombo Street, Trincomalee Street, King Street, and back to Maligawa.

11th August, 6 p.m. to 12 midnight.—Starting from Dalada Maligawa down Ward Street, Trincomalee Street, Colombo Street, Castle Hill Street, King Street, and back to Maligawa.

12th August, 6 p.m. to 12 midnight.—Starting from Dalada Maligawa along Ward Street, Castle Hill Street, King Street, and back to Maligawa.

50 *13th August, 6 p.m. to 12 midnight.*—Starting from Dalada Maligawa down Ward Street, Castle Hill Street, Colombo Street, Brownrigg Street, King Street, and back to Maligawa.

1

RANDOLI PERAHERA.

14th August, 6 p.m. to 1 a.m.—Starting from Dalada Maligawa down Ward Street, Pavilion Street, Colombo Street, Castle Hill Street, and back to Maligawa.

15th August, 6 p.m. to 2 a.m.—Starting from Dalada Maligawa down Ward Street, Castle Hill Street, Colombo Street, Brownrigg Street, King Street, Castle Hill Street, Cross Street, Trincomalee Street, King Street, and back to Maligawa.

16th August, 6 p.m. to 2 a.m.—Starting from Dalada Maligawa down Ward Street, Brownrigg Street, Cross Street, Trincomalee Street, King Street, and back to Maligawa.

10 *18th August, 6 p.m. to 2 a.m.*—Starting from Dalada Maligawa down Ward Street, Brownrigg Street, Colombo Street, Castle Hill Street, Hill Street, Trincomalee Street, King Street, and back to Maligawa.

19th August, 6 p.m. to 2 a.m.—Starting from Dalada Maligawa down Ward Street, Brownrigg Street, Cross Street, Castle Hill Street, Hill Street, Trincomalee Street, King Street, and back to Maligawa, thence to Getambe on the Peradeniya Road.

20th August : 12 noon to 4 p.m. (2 p.m., Day Perahera).—Starting from Adahana Maluwa, along Trincomalee Street, King Street, and after proceeding twice round the Esplanade finish at the Maligawa.

No. 9.

P 9.

September 11, 1912.

24

Wallahagoda Dewale Perahera.

20 Sir,—I beg to solicit the favour of your attention to my letter No. 1,258/14, dated 2nd instant.

2. The perahera for this year commences to-day, and the water-cutting ceremony will be about 15 days hence. The exact date will be communicated hereafter.

3. I beg that you will be graciously pleased to fix the hour at which the perahera should pass the Gampola mosque.

The Hon. the Government Agent, Central Province.

I am, &c.,
P. B. NUGAWELA.

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

30

No. 10.

P 10.

Kandy Kachecheri, 18th September, 1912.

25

No. 3,836/21,489.

Wallahagoda Dewale Perahera.

Sir,—I have the honour to acknowledge receipt of your letter No. A of the 14th instant, and to state that I think this is a very sensible solution of the difficulty.

M. A. YOUNG,
Office Assistant.

I am, &c.,
G. S. SAXTON,
Government Agent.

The President, District Committee, Buddhist Temporalities Ordinance, Kandy.

40

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

1

No. 11.

P 11.

26

Buddhist Temporalities Office of the District Committee, Kandy, 19th September, 1912.

No. 1,381/14.

Route of the Perahera for the Water-cutting Ceremony.

Sir,—I have the honour to forward for your information and attention copies of all correspondence on the above subject (with the exception of reply No. 3,554, dated August 27, 1912, from the Hon. the Government Agent, which will be sent to you as early as possible) that passed between me and the Hon. the Government Agent.

10 2. I understand that the Superintendent of Police has been written to by the Hon. the Government Agent with regard to the necessary police protection, and if the Police Magistrate has got to be informed you will be good enough to do so.

I am, Sir, your obedient servant,

P. B. DISSANAYAKA,
Hon. Secretary, for President

The Basnayake Nilame, Wallahagoda Dewale.

No. 12.

P 12.

27

No. 1,455/14

October 10, 1912.

To the Colonial Secretary.

Esala Perahera, Wallahagoda Dewale.

20 Sir,—I have the honour on behalf of my Committee to submit the following case for the information of His Excellency the Governor.

2. The Wallahagoda Dewale, which is situated about a mile on the Nawalapitiya side of the Gampola town, was built by King Prakrama Bahu nearly 800 years ago, and the Gangatilaka Vihare at Kahatapitiya, which is about two miles on the Kandy side of Gampola, where the remains of Queen Henakanda Biso Bandara were cremated, is the resort of the Wallahagoda Dewale for the ceremony of cutting the water at the end of the perahera. 28

3. The route taken to Kahatapitiya from Wallahagoda was the present main road from Kandy to Nawalapitiya, part of which passes through the town of Gampola, and is now called the Ambagamuwa Street.

4. We ascertain that the Coast Moorish community built a mosque on this road some 30 years ago, and about five years after building it attempted to stop the perahera passing along this road, but that the then Hon. 30 the Government Agent refused to interfere with a time-honoured custom, as he could not show respect to one religion more than the other, and more especially as their prayer was one in connection with the religion of the land, and that certain disturbances occurred and the Moorish people were warned not to interfere with the procession, and from that date till about four years ago the Dewale procession passed the mosque undisturbed. 29

5. It appears that to gain the object of the Coast Muhammadans they started a procession about four years ago, headed by a young Roman Catholic, and enticed a few old women to join it on the pretext of going to the Wanawasa Vihare in Gampola, and started throwing stones, &c., at the women and caused a sort of riot, so that they might approach Government and gain the privilege they asked for by showing that the passing of the perahera along the street would be a cause for breach of the peace. When Government found that already 30 a breach of the peace had occurred, the Government had naturally sympathy on the Muhammadans, and took up their cause by directing that two posts within 200 yards of the mosque be fixed in order that the tom-tom might be stopped within that area. 40

6. Since then ordinary processions have, we understand, ceased to beat tom-toms within these posts, but the Wallahagoda Dewale had never stopped.

7. To be certain on this point we asked the Ratemahatmaya of Uda Palata, who has been in charge of the division for the past 18 years, and he tells us that the information we have received is correct, except that the time for passing the procession was fixed by consulting the Muhammadans. Formerly the procession went at any time it wished, but since this disturbance the time selected was one during which no service was held at the mosque, which was always before 12 noon. 31

8. Taking the procession before 12 is certainly very inconvenient and disadvantageous to the temple, 50 because it is particularly between the hours of 9 A.M. and 3 P.M. that the devotees come to the Diyakepumptota, and by finishing the ceremony earlier that temple loses its revenue.

1 9. Even at the loss of the revenue the Basnayake Nilames from time to time had tried to maintain the time-honoured custom of taking the procession without ceasing tom-toming at any particular place.

10. There is, on the road which this procession goes, a famous mosque, built in the time of the Kandyan Kings by the Kandyan Moors, called "Mekkan Sohonge," at Kahatapitiya, to which the Kandyan Kings have given a *sannas*. The votaries at this mosque do not so much as hold its service on the day of the procession, lest they disturb the Dewale procession. 32

11. Even at the present moment no objection is raised by the authorities of this mosque.

10 12. We applied to the Hon. the Government Agent, Kandy, for the usual permission to take the procession, which was to have taken place last month, without stopping the beat of tom-tom. The Hon. the Government Agent was not prepared to grant the permission. We begged of him to reconsider the matter, submitting that the restriction of privileges we have been enjoying from time immemorial for the sake of one mosque would necessarily involve us in stopping our perahera all along the road in case the Muhammadans chose to erect mosques of their own all along the route, and further submitting that we only claim the right as handed down from our ancestors, and through absolute prescription, as it is not our wish to violate the conditions of the trust imposed on us by our ancestors, and further submitting that we are prepared to take the procession only at such hours, which may be fixed by the Hon. the Government Agent, when there will be no service at the mosque, but the Hon. the Government Agent was not prepared to alter his decision. 33

20 13. Of course, it is a known fact that at the Kandyan Convention the very just British Government undertook to maintain and protect the rites of the religion of the land, but the order of the Hon. the Government Agent having had to be obeyed, and the water-cutting ceremony having had to be performed, my committee suggested to the Basnayake Nilame to take the procession along another route, avoiding the street where this mosque is, as we did not wish to take the grave responsibility of instructing the Basnayake Nilame to stop the beating of tom-toms at a particular place, as this is the first time in the annals of the history of Ceylon that the Esala perahera has been asked to stop its music before a mosque, and at the same time, as we were not prepared to disobey the orders of the Hon. the Government Agent, to whom we wrote and informed of our plan until such time as we are able to convince Government that our application is a just and reasonable one. 34 35

14. The Buddhists of Gampola, however, would not allow the Basnayake Nilame to consent to the alteration of the route, with the result that the water-cutting ceremony has been postponed until the decision of His Excellency is obtained. I annex a copy of the Basnayake Nilame's letter.

30 15. I therefore beg that His Excellency may be graciously pleased, in view of the facts above enumerated, to grant the order to take the Esala perahera along the route which it took for the last 800 years without ceasing the beat of tom-toms; if necessary, with the restriction that the perahera do pass the mosque when no service is being held there—the hours to be settled by arrangement with the Moors through the Hon. the Government Agent, Kandy. 36

I am, &c.,

P. B. NUGAWELA, President.

True copy—P. B. DISSANAYAKA,

Hon. Secretary, Kandy District Committee,
13th May, 1914.

40

No. 13.

P 13.

37

No. 1,466/14.

Wallahagoda Dewale Procession.

October 10, 1912.

Sir,—With reference to your letter No. 3,836/21,489, dated 18th ultimo, I beg to submit a copy of a letter from the Basnayake Nilame of Wallahagoda Dewale.

2. In view of the feeling of the people I have submitted a letter on the subject to Government.

The Hon. the Government Agent, Central Province.

I am, &c.,

P. B. NUGAWELA, President.

True copy—P. B. DISSANAYAKA,

Hon. Secretary, Kandy District Committee,
13th May, 1914.

50

1

No. 14.

P 14.

38

No. 18,450.

Colonial Secretary's Office, Colombo, 1st November, 1912.

Sir,—I am directed to acknowledge the receipt of your letter No. 1,455/14 of the 10th October, asking that permission may be granted to take the Esala perahera of the Wallahagoda Dewale with native music past the mosque at Gampola, subject to condition that arrangements be made with the authorities of the mosque so as to avoid the procession passing the mosque when worship is going on.

2. In reply, I am to point out that there are no stated hours of worship in a Muhammadan mosque, service being held practically all through the day and often far into the night.

3. In these circumstances the Governor observes that the only adequate method of ensuring that processional music does not disturb public worship at the mosque is to stop all such music within 100 yards of the mosque on either side. This rule has already been approved by Government, and is enforced by the police in every town where processions are controlled, and His Excellency sees no reason why it should not be observed in connection with the Esala perahera of the Wallahagoda Dewale.

4. His Excellency has accordingly ordered that so long as the procession is taken past the mosque, the music must be stopped while passing the mosque and for 100 yards on either side of it. In the alternative the Basnayake Nilame may be allowed to take the procession by the other route referred to by you so as to avoid the mosque.

I am, Sir, your obedient servant,

A. N. GALBRAITH,
for Colonial Secretary.

The President, Buddhist Temporalities Ordinance Committee, Kandy.

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

No. 15.

P 15.

40

Buddhist Temporalities Office of the District Committee, Kandy, 2/4 November, 1912.

No. 1,529/14.

Walahagoda Dewale Esala Perahera.

30 Sir,—With reference to your letter dated 29th ultimo and previous correspondence, I have the honour to forward for your information copy of a letter addressed to me by the Hon. the Colonial Secretary.

I am, Sir, your obedient servant,

P. B. NUGAWELA, President.

T. B. Ellekewala, Esq., Basnayake Nilame, Wallahagoda Dewale, Gampola.

True copy—P. B. DISSANAYAKA,
Hon. Secretary, Kandy District Committee,
13th May, 1914.

No. 16.

P 16.

41

Circular No. 64.

Colonial Secretary's Office, Colombo, 18th July, 1890.

40 Sir,—I am directed to state that His Excellency the Governor has been pleased to order that the circular from this office dated April 26, 1883, regulating the issue of licenses for processions be cancelled, there being no provision of the law providing for the grant or refusal of licenses to hold processions.

2. In conveying to you this information I am desired to invite your attention to the powers placed at the disposal of Police Magistrates for preventing riots or affrays by section 129 of the Criminal Procedure Code.

I am, Sir, your obedient servant,

NOEL WALKER,
Colonial Secretary.

The Hon. the Government Agent, Central Province.

Register under Ordinance No. 4 of 1870 of Paraveni Pangu and Services due therefor in Uda Palata of the District of Kandy.

Village—Wallahagoda.

Name of Proprietor—Wallahagoda Dewale.

Reference No. of Case—212 Kandy 1,748.

10	No. of Panguwa.	Name of Panguwa.	Description and Extent of Panguwa.	Name of Paraveni Nilakaraya.	Nature and Extent of Services.	Annual Amount of Money payment in Commutation of Services.	
						Rs.	c.
			A. P. K.				
	1..	Multen	Fields 0 2 8 Gardens 0 1 7	Multengedera Appu	To cook multen whenever required to do so at the Wallahagoda Dewale. To join with five other tenants in cultivating five pelas of the muttettu. The Dewale only gives seed paddy. The tenants to remove the paddy and straw to the granary. To thatch part of the Dewale Digge with fifty bundles of straw and to assist in weeding the Dewale Maluwa three times a year. To decorate the Dewale for the four festivals with six kumba and three tender coconut leaves. To carry the randoli at the Dewale perahera for five days and at the Kandy perahera for five days. To convert one pela of muttettu paddy into rice for the elephant-keeper during the Dewale perahera, receiving one laha of paddy as wages for so doing. To victual the Basnayake Nilame and Vidane whenever they come to Wallahagoda. To give the Basnayake Nilame a new year's penuma of a kemapettiya and forty leaves of betel. Tenant is entitled to multen rice ..		
20						21	75
	2..	Uhulana	Fields 0 3 0 Gardens 0 1 8	Kankanamalagedera Dingeni Etena, Sobita Unnanse, Kapugedera Menikrala	The service is performed in three shares, and has to perform the same service as above panguwa, except that the tenants do not ever cook multen	26	5
30							
	3..	Wiyana-allana	Fields 0 3 0 Gardens 1 0 3	Udahakapugedera Bindurala	Same service as above panguwa No. 1, except the tenant has to hold one pole of the wiyana canopy instead of carrying randoli and cook no multen	22	5
	4..	Palihawadana	Field 1 0 0 Garden 0 0 3	Egodagedera Ukkurala	Same service as above panguwa No. 1, except the tenant bears a brazen shield at the perahera instead of carrying randoli and cook no multen	36	75
	5..	Mutukuda-allana	Field 0 2 0 Garden 0 2 0	Kapugedera Mudalihamy	Same service as panguwa No. 1, except the tenant holds mutukuda instead of randoli and cook no multen	13	29
40							
	6..	Pandan-allana	Field 0 3 0 Garden 0 0 3	Yamanalagedara Sotana	To join the above five pangukarayas in cultivating five pelas of the muttettu. The Dewale only gives seed paddy. The tenants to remove the paddy and straw to the granary. To thatch part of the Dewale Digge with fifty bundles of straw and to assist in weeding the Dewale Maluwa three times a year. To decorate the Dewale for the four festivals with six kumba and three tender coconut leaves. To carry a torch of rags and cotton supplied by himself steeped in oil supplied by the Dewale for fifteen nights of perahera at Wallahagoda and five nights at Kandy, and to give a new year's penuma of a pingo of vegetables and forty leaves of betel to the Basnayake Nilame	17	65
50							
	7..	Dhoulkara	---	Maruwena	---	---	---

137 54

Copied by J. A. RAMBUKOTA.
Examined by HERAT PERERA, K.M.

Kandy Kacheheri,
24th March, 1914.

True copy—C. S. VAUGHAN,
Government Agent, Central Province.

No. 18.**P 18.**

46

Register of Temple Lands, Kandyan Provinces.

Ganga Ihala Korale in the District of Uda Palata.

Name and Situation of Temple—Wallahagoda No. 214 Dewale.

Name of Person in Charge—Diwelgama Basnayake Nilame.

Name and Description.	Situation.	Property.	Boundaries.	Estimated Extent.		
				A.	R.	P.
10 Dewale C	.. Gampola	.. N.E., Kodikareakumbura ; E., a water-course and Telhawadiakumbura ; S., Telhawadiakumbura ; S.W., Telhawadiakumbura and Captain Bird's property ; N.W., Parukareakumbura	.. ..	1	1	10
Gane C	.. Bowatura	.. N.E., Captain Bird's property ; S.E., Kolondekumbura ; S., Raja-ela ; S.W., Bowaturegekumbura ; W., Bowaturegekumbura	.. ..	1	1	16
Parapitia C	.. Wallahagoda	.. N., a water-course ; E., Meda-ela ; S.E., Meda-ela ; S., Atalahakumbura ; W., Murutangederawatta, Radawage-watta, and Kahatapitiyawatta	.. ..	2	0	18
20 Multenge C	.. do.	.. N., Atalahakumbura ; S.E., Atalahakumbura and Meda-ela ; E., Meda-ela ; S., a water-course ; S.W., Dinangamuwahena ; W., Murutenkotuwahena	.. ..	1	1	14
Dewale W	.. do.	.. N., Bogahakotuwa ; N.E., ditto ; E., Murutenkotuwewatta ; S.E., ditto ; S., ditto ; S.W., Palihawadanahena ; W., Udalinde-watta and Mulle-ela ; N.W., Mulle-ela	.. ..	1	3	1
Yamanagey C	.. Hatugoda	.. N., Dewalepurana ; N.E., Dhoulkarayagekumbura ; E., ditto and Hinatikumburewatta ; S., Hinatikumburewatta ; S.W., Naradanawekumbura ; W., Dewalepurana ; N.W., ditto	.. ..	1	1	16
30 Pilamanawa C	.. Herakola	.. N., Waduwe Pilamannawakumbura ; N.E., Hewendarakumbura ; S.E., a water-course ; S., ditto ; S.W., Pallediwelakumbura ; W., ditto	.. ..	1	0	12
Palihawadana C	.. Hatugoda	.. N., Anguluwapelakumbura and Bowatura-oya ; E., Pattinikapuralagekumbura and Viharekumbura ; S., Viharekumbura, Dhoulkarayagekumbura ; W., Dewale Purana Kapuralage Gonunpelakumbura and Anguluwapelakumbura	.. ..	—	
Bogahapitiya C, Yakdenage Atalaha C	.. do.	.. N., Halgolla-oya ; S.E., Bowatura-oya and Anguluwapelakumbura ; S., Dhoulkarayage Etalawakumbura and Kosgollawatta ; S.W., ditto ; W., ditto ; N.W., Halgolla-oya	.. ..	1	3	32
40	<i>Copied by J. A. RAMBUKPOTA. Examined by HERAT PERERA, K.M. Kandy Kachcheri, 24th March, 1914.</i>		Plan No. 53,769. Certificate granted 2nd July, 1862. G. W. WOODHOUSE.			
			<i>True copy—C. S. VAUGHAN, Government Agent, Central Province.</i>			

No. 19.**P 19.**

Plan of town of Gampola—sent separately.

No. 20.**P 20.**

53

No. 242.

Executed on the 19th November, 1889.

50 Know all men by these presents that I, Casim Lebbe Marikkar Suleima Lebbe, of Gampola, having, at my expense, built a mosque on a land of 16 perches more or less in extent, which is undivided, and towards the south of the land called Patahagederawatta, which belongs to and possessed by me and situate in Kirapone Road, Gampola, which mosque I named after the Lord Nagur Sagul Hameedu, so that all Muslims of Ceylon and all such as have come here from foreign lands might offer prayers to the name of Alla Hutalah, and for his protection,

1 and for the purpose of saying the prayers of Allah Hutalah, so that the commandments of our leader Nabi Muhamado Mustapha Sool Sallalagu Aleikhi Vosallam might be executed, and although I had executed a deed in 1858 and given it to the Kalameemuna Muslims consisting of all men and women, and the said deed having been lost and the Muslims of the present day having asked for a new deed, and it appearing to me desirable to grant such a deed, I do hereby grant the following new deed (which will annul the old deed, even if found). 54

I do hereby dedicate to the name of Allah Subahan Vuttala and make (Okkuba) over for once, twice, and three times to all the Muslims the mosque, together with the land on which it stands, viz. :—

10 The undivided southern portion 15 80/100 perches in extent of a piece of land known as Patahagedera-watta, situate at Kirapone, in Gangapalata korale, Uda Palata, Central Province, according to the figure of survey made by Mr. S. W. Spencer, Surveyor, on the 26th October, 1889, and bounded on the north by Ambagamuwa Road, east by land of Seyedu Hadjar, west and south by lands of Sabiya Umma and Jeynambu Umma, together with the plantations thereon.

I do hereby nominate the following, viz., (1) Sinna Tamby Mohamado Ali Hadjar, (2) Ahamado Neina Iburam Saibo, (3) Seyedu Mohamado Lebbe, (4) Mohamado Kani Habibu Marikkar, (5) Nalla Mira Seyedu Nattame, all of Gampola, as the five trustees on behalf of our Lord Nabi Muhamado Mustapha Ra Al Sallalagu Aleikhi Vosallam, and execute this deed of gift. 55

20 I, for myself, and on behalf of my heirs, &c., hereby renounce all right and title to the land for ever, and the said five trustees Sinna Tamby Mohamado Ali Hadjar, Ahamado Neina Iburam Saibo, Seyedu Mohamado Lebbe, Mohamado Kani Habibu Marikkar, Nalla Mira Seyedu Nattame, selected in the name of our Lord Nabi Muhamado Mustapha Ra Al Sallalagu Aleikhi Vosallam, and their successor in the trusteeship or trustees appointed from time to time shall possess the same.

I declare that I know of no dispute with regard to this land, and if any were to arise I agree to remove all such disputes and to defend and confirm my title.

In witness whereof I do hereby set my signature to three writings of the same tenor and date as these presents on the day, month, and year aforesaid, in the presence of the witnesses (1) Kathibu Nugu Lebbe Alim Saibo Avargal Mohamado Iburahim Levvai Alim Saibo of the mosque, (2) Ana Abbas Sariyan, (3) Mira Tambi Ali Ossen, (4) Amba Aliyar Kiduru Moheyedin, (5) Amath Rayin, butcher, all of Gampola.

C. L. S. LEBBE.

Witnesses :—1 and 2 signed in Arabic ; 3, Miyanna Ali Ossen ; 4, Ana Kiduru Moheyedin ; 5, Ana Rayin.

30 I, the undersigned, John Edwards, Notary Public, do hereby certify that the foregoing document having been read over and explained by me to Casim Lebbe Marikkar Suleima Lebbe, of Gampola, who is known to me and to the witnesses Kathibu Nugu Lebbe Alim Saibo Avargal Mohamado Iburahim Levvai Alim Saibo of the mosque, Ana Abbas Sariyan, Mira Tambi Ali Ossen, Amba Aliyar Kiduru Moheyedin, and Amath Rayin, butcher, all of Gampola, who are known to him and to me, the same was signed by all in my presence, and in that of one another, all being present at the same time at my office, and that to the duplicate was affixed stamps to the value of Rs. 10 and to the original a stamp of one rupee procured by Sina Muna Hadjar.

Which I do hereby attest.

19th November, 1889.

Translated by C. J. Rodrigo, Sworn Translator.

JOHN EDWARDS,
Notary Public.

40 **No. 21.**

P 21.

To the Right Hon. the Earl of Derby, the Secretary of State for the Colonies.

59

50 My Lord,—I have the honour to solicit Your Lordship's attention to, and official action upon the matters which form the subject of the accompanying documents marked A and B, and which are respectively a petition from one Calinge Arnolis Silva, a Sinhalese Buddhist, to His Excellency the Governor of Ceylon ; and a more detailed memorandum of facts connected with the recent religious riots at Kotahena, a ward of the Colombo Municipality. It may be briefly stated for Your Lordship's information that the petition in question embodies a complaint of the miscarriage of justice in the cases of the accused leaders of the riots, in which the petitioner was a sufferer, and a prayer for relief in the shape of the guaranteed protection of the Buddhists of Ceylon in the enjoyment of the forms of their religious worship.

1 Your Lordship is well aware that in taking over the Sovereignty of the Island of Ceylon—from the Dutch at Colombo and the Kandyan chiefs at Kandy—the British authorities conveyed to the Sinhalese people the impression that their rights as Buddhists would be fully protected : in the case of the Kandyans the matter going to the extent of a solemn pledge that the conquerors would preserve the religion of Buddha “ inviolable,” and that “ its rights, ministers, and places of worship ” should be “ maintained and protected.” And though this latter obligation was, upon the plea of a subsequent rebellion, modified, yet even under the new Proclamation the Buddhists received the promise that they should participate with the followers of other faiths in the benevolent protection of Government as regards their freedom of worship. I will not trouble Your Lordship by expatiating upon data which are given at length in the enclosures herewith respectfully forwarded : it will suffice to say that
 10 by the violence of an ignorant faction of Roman Catholic Christians, stirred up by unprincipled agitators, the peace of this Colony is threatened ; and the Buddhists are in danger of having their religious rights sacrificed to mob dictation, and of being deprived of one—that of bearing in public procession to their temples their offerings of fruits and flowers—endeared to them by the custom of twenty-four centuries. If this feature of their religious ceremonies were accompanied by the shocking barbarities which mark those of some other faiths, if they were calculated to provoke immorality, excite religious frenzy, or do violence to good taste, the Buddhists of Ceylon would not be warranted in approaching Your Lordship with the assurance they now feel of obtaining the kind and patient consideration of Government for the present petition. But as Your Lordship, and the whole educated world, fully know, the spirit of Buddhism is at once free from every imputation of the nature of the above, and is, on the contrary, the embodiment of respect for law and for the private obligations of society, and of peace and good-
 20 will towards all mankind. While some other faiths are dogmatic and intolerant, the religion of Buddha inculcates a brotherly patience for opinions which differ from his, and the winning of proselytes by argument and the persuasive force of kindness. There is nothing in either the Buddhist doctrines or the examples of its priests and teachers to provoke its followers to aggressiveness or injustice. On behalf of the Buddhists of Ceylon, therefore, I appeal to Your Lordship to take these facts into consideration, before deciding whether the Government should or should not grant the protection prayed for.

The appeal now made to Your Lordship would not have been presented if the Sinhalese people could feel certain that a policy of strict neutrality might always be expected from the Colonial authorities. The fact that an assault has been made upon a body of unoffending Buddhists, their wives and children in broad daylight upon the public roads, within the city limits, in the presence of more than three score policemen; that in this
 30 affray human life has been sacrificed, many persons maimed, some for life, and much property destroyed, without a single person having been even tried as by law provided, least of all punished, has filled the entire Sinhalese people with dismay. They see that at any time, under a weak Governor or inefficient Police Director, their blood may again be spilled and even more grievous wrongs inflicted on them. It is not too much to say that a thrill of alarm is running through the heart of the whole nation, and that a repetition of such scenes would test their loyalty most severely. Since the country passed under British rule various causes of discontent have been gradually disappearing as the people have become accustomed to their new masters. But if they should see the prospect of the violation of every pledge of protection for their religious rights violated, and the innocent customs of their forefathers ruthlessly broken down, to please a riotous minority defiant alike of law and justice, it is to be feared that the outraged national feeling might manifest itself in disturbances of a most deplorable character.
 40 They have not the remotest desire to interfere with the religious privileges of their fellow-subjects of other faiths, nor do they ask special favours for themselves—though, considering their numerical strength and the ancient promises held out to them when their country was surrendered to the British forces, they might be warranted in doing so. They ask only for justice and the application to their case of that benevolent rule of regard of the rights of one’s neighbour which the Christians boast of as the jewel of their moral doctrine.

The petition to His Excellency the Governor will prove to Your Lordship that the Buddhists have attempted before troubling the home authorities to obtain locally the redress of their wrongs ; and the records of the judicial bench of the Colonial Government but too clearly prove how totally this attempt has failed, and how necessary it was to turn to the Imperial Government, and beg the enunciation of a policy as regards the religious affairs of Ceylon that will remove all present causes of discontent and prevent the occurrence of similar ones.

50 In view of the gravity of the situation I have the honour, as leading proctor for the petitioner and for the joint committee of the most influential Buddhist priests and laics in the recent legal proceedings, to beg as speedy a determination of this matter as may be compatible with Your Lordship’s convenience and the views of the Government.

I have the honour to be,

Your Lordship’s obedient and humble servant,

EDWARD F. PERERA.

Colombo, Ceylon, 18th October, 1883.

True copy—H. M-M. MOORE, for Colonial Secretary,
 8th May, 1914.

1

Enclosure A in P 21.

63

To His Excellency Sir James R. Longden, K.C.M.G., Governor and Commander-in-Chief in and over the Island of Ceylon and the Dependencies thereof.

The humble petition of Calinge Arnolis Silva, of Maradana, complainant in the late Kotahena riots case (J.P., No. 3,550).

Showeth :—

10 That in company with other Buddhists on last Easter day, Your Excellency's petitioner, under a permit duly granted according to law by the authorities, was peaceably proceeding agreeably to the forms of their religion to worship at the temple at Kotahena ; that the company numbered about 4,000, including about 800 women and children, bearing flowers, fruits, and other customary offerings ; that anticipating no bodily harm and relying upon the protection of the authorities under the laws of this Colony, they were entirely unarmed. That in the proces-
20 sion of worshippers no placard, effigy, or emblem was carried that could give offence to any other class of religionists, and that nothing in their deportment or language was calculated to provoke a breach of the peace, " give offence," or bring " scandal to Government " (see Governor's Proclamation of 1799). That notwithstanding, when your humble petitioner and his co-religionists were thus peaceably proceeding towards their temple, they were murderously assaulted by a mob of Roman Catholics and other evil-disposed rioters, who bore painted upon their persons the sign of a cross, who had inflamed their passions by intoxicant drinks, and who were armed with bludgeons, sharp weapons, and other deadly instruments ; that in the affray which followed the lives of the women and children were imperilled, great bodily harm was done to a number of Buddhists, five head of cattle drawing
64 their carts were slaughtered in the Queen's highway, and the carts themselves with their valuable contents were consumed by fire. So inadequate was the force of police that the aid of the military had to be invoked before the mob could be dispersed. That by this unlawful violence a grievous wrong was done to Your Excellency's petitioner and all his co-religionists, and the promises of protection implied by the terms of the Royal Proclamations of 1799, 1815, 1817, and subsequent dates were ruthlessly violated. That a short time before the said procession was so assaulted, to wit, at a half hour after high noon, the same party of rioters had murdered upon the Queen's highway a Buddhist by the name of Juan Naide ; that it is in evidence that the bells of the Catholic churches were rung as tocsins to gather the assaulting mob, and that some noted persons were seen by the police to be painting the crosses upon the rioters, organizing the attack, feeding them with intoxicant drinks, &c.

30 And your humble petitioner further showeth that, notwithstanding the publicity of the aforesaid acts of violence, including murder, riot, and arson, which were witnessed by thousands, among them many officers and privates of the police force, the necessary and usual steps to discover the guilty parties and vindicate the majesty of the law—which but for the unfortunate absence in England of the Inspector-General of Police would, as your petitioner believes, have been taken—were not taken by the police ; and that only after a number of days had elapsed and the re-determination to ignore the whole thing had become apparent, and in the hope of preventing a total failure of justice, your humble petitioner, for himself and his co-religionists, brought a criminal action against certain suspected parties, with such proofs as he, without police help, could discover. And your petitioner represents that under Ordinance No. 11 of 1868 it was incumbent upon the justice of the peace to commit such accused as he was satisfied were *prima facie* guilty for trial before a competent court ; and that this fact was admitted by the justice of the peace himself in open court ; and he did recommend to the Acting Queen's Advocate
40 that twelve of the accused should be so committed. But that contrary to the said Ordinance and to the settled policy of British justice, in this case the sitting justice of the peace was obliged, under instructions of the Acting Queen's Advocate, to assume the functions of the Supreme Court, and without trial by jury to decide the validity of the complaint and the value of the testimony offered by accused. That as a consequence of this unfortunate procedure, the only excuse for which offered by the Acting Queen's Advocate was certain private instructions to justices of the peace issued in 1876, and which notoriously could not over-ride unrepealed statutory provisions—the merits of the case were not tried before an impartial jury, as by law provided, the ends of justice were defeated, and a precedent was established highly dangerous to the liberty of the subject. To make the meaning of your complainant clear the following few salient facts are enumerated.

50 The accused numbered twenty-seven persons, and the justice of the peace, after devoting a number of days to the preliminary investigation, entered a minute as above stated, that the case was *prima facie* clear enough to warrant committal of twelve accused.

The issue was thus judicially settled, and there was a prospect of its being decently disposed of in the usual way by the Supreme Court, but on the 6th day of June, 1883, the Acting Queen's Advocate interposed, with an instruction to the justice of the peace that he should hear the evidence for the defence instead of allowing it to go before a jury ; which course, even though warranted at an earlier stage by a liberal construction of the large powers vested in the Chief Law Officer of the Crown, was scarcely judicious after the strong opinions expressed, as above noted, by the justice of the peace, and in view of the intense feeling throughout the community that their

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1 religious rights were in jeopardy. Thus, then, as events proved, the ordinary course of justice was interrupted and the accused were released, notwithstanding that the Acting Queen's Advocate, in his instructions to the justice of the peace to discharge, so stated the case as to make it unmistakably one to go to a jury for a determination of issues of fact.

The result of the aforesaid circumstances being that, notwithstanding we have spent Rs. 5,000 in legal and other expenses to secure justice, the murderers of an unoffending Buddhist are unpunished, no recompense has been given for property destroyed to the value of a sum of Rs. 4,000, or bodily injury inflicted, and the whole body of Sinhalese Buddhists, numbering as by the last Census 1,698,070 persons out of a population of 2,759,738, are left to face the possibility of similar bloody attacks in future by the various enemies of their religion, encouraged
10 by the immunity with which the above enumerated foul wrongs have been committed. So serious has the agitation upon this subject already become that but for the remonstrance of counsel ten thousand Buddhists would have presented this petition in person to Your Excellency ; and a committee of our influential men have, in despair, taken the preliminary steps to ask of the Home Government and the Commons of England for such help as may be practicable to redress their present wrongs, and give full effect in future to the assurances of religious neutrality in Her Majesty's Asiatic Dominions which have from time to time in the Royal name been solemnly pledged.

In conclusion, your humble petitioner, for himself and the Buddhist community of Ceylon, humbly prays that in the exercise of such discretion as may be conferred by law upon the chief Executive of this Colony, Your Excellency will heal the grievances herein complained of by directing the committal for trial, before a proper
20 tribunal, of any and all parties guilty of the recent riotous outbreak.

For which act of mercy and justice your petitioner, as in duty bound, will ever pray.

C. A. SILVA.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Enclosure B in P 21.

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MEMORANDUM.

To accompany the memorial of Calinge Arnolis Silva, a Sinhalese Buddhist of Colombo, to the Secretary of State for the Colonies, through his proctor, Edward F. Perera, of Colombo, praying for relief from injuries caused to the Buddhists by a mob of Roman Catholics on the 25th day of March, 1883, and for the enforcement
30 of such rules by the Colonial authorities as may fully secure the Buddhists, equally with their fellow-subjects of other faiths, in the unmolested enjoyment of their ancestral forms of worship.

(i.) At midday on Easter Sunday last, the 25th March, 1883, a procession of Buddhists, numbering about four thousand, of whom some eight hundred were women and children, was murderously attacked by a frenzied mob of Roman Catholics at and near St. Lucia's Corner, a street of Kotahena Ward of the Colombo Municipality. For about three hours the mob held possession of the streets, despite the efforts of a force of over sixty police, and were not dispersed until the arrival upon the ground of a body of soldiers, sent for by the Acting Inspector-General of Police. At the commencement of the disturbance the rioters assaulted two Buddhist priests who were quietly passing along, and, later, murdered a Buddhist named Juan Naide while he was holding his little son
40 by the hand ; beat and maimed about forty others, injuring some permanently ; endangered the lives of the helpless women and children of the procession ; killed five valuable bullocks attached to carts ; and destroyed three carts by fire upon the highway, together with a number of religious emblems and vessels of silver and other metals therein contained or erected thereupon. For none of which offences has, until now, any one been punished.

(ii.) By the laws of the Colony of Ceylon (Ordinance No. 16 of 1865) it is made the duty of the police authorities under such circumstances as the above to take summary proceedings to bring the offenders to justice. And in previous instances of riots this course has been strictly adhered to ; as, for example, in the matter of the Mussalman riot in 1871, when the present able and fearless Inspector-General of Police, G. W. R. Campbell, Esquire, charging at the head of his men dispersed the mob, arrested over one hundred of the rioters, and at once had forty-two of them tried and punished with fine and imprisonment, as provided by law.

(iii.) But at the outbreak of the present riot the Inspector-General of Police was absent from the Island on furlough, and the failure of justice now complained of should in nowise be laid at his door. Whether from incapacity to foresee or to meet so sudden emergency, or to realize its gravity as regards future consequences, or from whatsoever other reason, the officers in command of the Police Force allowed their authority to be defied
50 by a fanatical mob, men to be driven and overawed, the traffic of the highway to be stopped for hours, human

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1 blood to be shed, many inoffensive persons to be maimed, many lives to be threatened, the honour of women to be jeopardized, private property to the value of over Rs. 4,000 to be destroyed, and a deadly insult to be offered to the feelings of the whole Buddhist community of Ceylon.

(iv.) Before starting from Borella, another Colombo suburb, for the temple at Kotahena, the promoters of procession had duly obtained a license from the police authorities as required by Ordinance. They had also ascertained, through the same channel, that the Roman Catholic clergy had no objection to offer, provided that the procession should not pass through their quarter of the town before the hour of 2 P.M., and had timed its march accordingly ; the object of the procession was to bear to the temple the offerings of flowers which it is customary to make at the shrines of Lord Buddha, not as idolaters worshipping the gods, but as persons wishing to give the purest and most tender proof possible of the reverential love they feel for this Man, among men the greatest, gentlest, and—as they believe—wisest : “ the exemplar of every virtue, the discoverer of the causes of human misery and of its cure.”

10 (v.) Of all the 4,000 persons in the procession, it is not in evidence that one was carrying any weapon of offence or defence. Nor had there been prior to its starting any threat, any challenge, any provocation on the part of the Buddhists to stir the angry passions of the Roman Catholics and cause them to waylay and fall upon the pilgrims. But, on the other hand, it is clearly shown that, under the spur of false rumours, coined and circulated by cunning Catholic agitators, a mob of fanatics—illiterate fishermen and other low people of the Mutwal quarter—was deliberately organized, armed, plied with arrack, marked with white crosses (as the assassin sectaries were upon the bloody night of the St. Bartholomew massacre in France) upon their naked dark skins to distinguish them ; and led on to the chosen spot to murder, pillage, and destroy. When the approach of the procession was announced the conspirators were summoned to their bloody work by the ringing of the bells of all the Catholic churches of the quarter.

(vi.) Being, then, lawfully proceeding along the highway, furnished with the required permit, and having no thought of either doing or receiving violence, the Buddhist pilgrims were taken unawares. After the man Naide was murdered, the road had been blocked, and the head of the procession attacked with stones and deadly weapons, the Buddhists sent away their women and children ; some themselves fled in panic, and a few tried to defend their lives and property by catching up any stick or missile they could lay hold upon, and some in anger even tried to assert their rights and force their way to the temple through the crowd of their opponents. Despite the confusion many persons, including the police, were enabled to identify a number of the mob leaders ; and members of the police—non-Buddhists—actually saw certain ones serving out arrack, painting crosses upon the rioters, and encouraging them to the attack. In other words, they saw a body of Roman Catholics organizing against the peace of the Protestant Queen’s Colony, plotting the murder of Her Buddhist subjects, and the summary stoppage of their religious processions, in defiance of the frequently reiterated pledges of the British authorities that their religious observances should not be molested.

30 (vii.) After the Muhammadan riot of 1871, not twenty-four hours elapsed before the leaders of the mob were arraigned, and some were convicted. But in the present instance day after day passed without a sign that the police intended to bring any person to punishment. There was, to the surprise and consternation of the Buddhist community, every apparent indication that the hand of authority would be withheld, and the crimes of murder, arson, malicious trespass, assault with intent to do bodily harm, rioting, and disturbance of the peace, go unpunished and unnoticed ; knowing that many of the officials in and out of the Police Department were open enemies of Buddhism—some even active ones—they naturally saw in the behaviour of the authorities a portent of religious oppression and persecution. With the outrageous history of insults of the national religion, the degradation, and almost extirpation of their priesthood, the desecration and destruction of their shrines, the forcible “ conversion ” of their forefathers to alien faiths—unblotted from Sinhalese records, they instinctively feared that under sectarian pressure the British might do to them, and their religion, what had been done in the earlier days of European domination, by the blood-thirsty Portuguese and the rapacious Dutch. As their ancestors had been deceived by lying promises, so now many of the most devoted Buddhists were alarmed lest the British, under whom they had been in the main far happier, and in whose regard for their pledged honour they (the Buddhists) had had perfect confidence, were about to abandon them to the violence of riotous mobs. It seemed to them meant to encourage the latter by a show of indifference as to crimes the most heinous when committed against Buddhists. Each day’s inaction by the police deepened the agitation and strengthened the suspicion above referred to, until at last the bitter spirit of resistance was aroused, and some of the more excitable declared that if the law would not protect them they would take matters into their own hands, and among the first steps should be to prevent the Catholics from having any of their religious processions or open-air festivals. This was all very foolish and very wrong, and it is mentioned only as an indication of the insubordinate spirit which had been aroused by the 16th day after the riot on account of nothing having been done. They were not then in a position to know what were the views of the Acting Superintendent of Police or the Acting Queen’s Advocate.

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1 They only knew that murder was going unpunished. As to allow this to go on would inevitably lead to bloodshed, the interruption of business, perhaps to a general insurrection throughout the Island, certain of the wiser Buddhists, with the concurrence of their most respected priests, agreed that, since the police would not do their duty, a criminal information should be laid by a Buddhist before a Justice of the Peace, to bring to the final test the good faith of the authorities. This was accordingly done on the 3rd day of April, 1883, and 27 alleged rioters were arraigned before a Justice of the Peace. It has since appeared upon inquiry that in the confusion of the riot certain other persons unknown had been mistaken for some of the accused, and the witnesses for the prosecution failed to make out a *prima facie* case against them. As regards the others, however, the testimony should be apparently ample, so much so that the Justice of the Peace announced in open Court that eleven at least 10 should be held for trial. But the Acting Queen's Advocate (*see* Exhibit A), a gentleman neither European nor Sinhalese wholly, and a Protestant Christian, prevented the disposal of the case in the usual and orderly way, and arbitrarily forced upon the Justice of the Peace the function of the Court and jury. The defence was an *alibi*; and in a country where evidence in support of *alibis* is so easily procurable as in Ceylon, and in a case involving the most serious charges against religious fanatics for crimes committed against persons of a hated faith, it would have been indeed strange if the proof had not been forthcoming. The weighing of the evidence, the estimation of its value according to a jury's personal knowledge of the character of the witnesses and the accused, of the feeling of the native community, and the under-current of recent events, all this was virtually impossible for an European Justice—the more so as between this particular gentleman and the natives the gulf always separating the two races had been widened by his aggressive action at Galle in the case of another Buddhist procession, which he forcibly dispersed, and for which regrettable act he had been reprimanded by his official superiors. The issue of the hearing was the discharge of every prisoner, although *alibis* were only sworn as to 20 four of them. Thus were confirmed the worst fears of the Buddhists, who, though very poor men, in the mass had expended five thousand rupees in this endeavour to get justice.

(viii.) The discontent spread, but those who had gone so far determined to go on to the end, and exhaust, *seriatim*, every possible chance of local redress. His Excellency the Governor of Ceylon was petitioned to give relief; the new Queen's Advocate, who arrived in the Island on the 4th of July, was implored to review the proceedings and order the commitment of the accused, which could have been done by the simple expedient of recommitting the case to the Justice to swear one new witness and then send the matter up to the Circuit or Supreme Court for trial; the Inspector-General of Police, who had also returned from furlough, was asked to make 30 a personal inquiry and take the evidence of his sixty subordinates, under whose very eyes the whole riot had raged; and an European gentleman, a Buddhist, was delegated to personally state the Buddhist grievance to His Excellency the Governor and His Honour the Lieutenant-Governor, and did so at appointed interviews and received general assurances of protection for the future and of redress for the past. As yet, however, no prosecution has been instituted by the Government, nor have these promises been in any way practically fulfilled. The inaction seems to indicate that by one way or other obstacles have been multiplied in the path of justice, and the Buddhists, driven from one state to another without getting the redress or the guarantees they demanded and were entitled to, now throw themselves upon the mercy of the British Government and the justice of the British nation as their last resort. They make no pretence of asking the summary conviction of the accused without sufficient evidence, nor that any unusual or irregular remedy should be applied—the ordinary provisions of law amply meet the case. If the issues had been tried before an impartial jury they would have had no grounds for complaint as to the past, and could only appeal to the Home Government for guarantees of the future. It is not now a question of the salvation or obliteration of Buddhism *per se*, for the declared purpose of the missionaries to bring this about is still far from realizable, but what is at stake is the right of Buddhists to pass with their gifts, their usual emblems, and paraphernalia under absolute security for life and property in procession through the public streets to their temples. And this, a privilege which, as before remarked, had been enjoyed from time immemorial. A brief historical retrospect will make this clear.

(ix.) The antiquity of the custom of Aryan religious processions is beyond the power of any man now to fix. That the ancestors of the Sinhalese were accustomed to them in ages before the dawn of Western civilization, so remote as to be computable by millenniums rather than centuries, will upon a study of the ancient 50 Scriptures be apparent to every candid inquirer. In the (European) annals of Ceylon the date of their introduction is undetermined, but admitted to be "lost in the darkness of antiquity" (*see* Bennett's "Ceylon and its Capabilities," p. lxx., App.; Pridham's "Historical, Political, and Statistical Account of Ceylon and its Dependencies," vol. I., p. 330; Tennent's "Ceylon," vol. I., pp. 425, 494, 520. F. N., &c.). Even the *perahera*, a comparatively modernized version of an ante-Lankayan ceremonial, is conceded to be at least as old as A.D. 113 (Bennett, *op. cit.*), and in the ancient times was the occasion of the utmost possible display of wealth and power by the Sovereign and his nobles. So thoroughly was the political as well as religious importance of these processions, as a means of stimulating loyalty and exciting affection among the Sinhalese people, appreciated by the 74

1 gubernatorial conqueror of Kandy in the year 1815, Lieutenant-General Sir Robert Brownrigg, G.C.B., that after the capitulation, to ensure the fidelity of the Kandians to the new order of things, he resorted to a little political humbug by organizing a perahera a mile in length, and so grand that, as Bennett tells us, it exceeded those of the former native Sovereigns, none of whose processions can possibly excel in splendour the restoration of the Relic to the Dalada Maligawa in 1815 (*op. cit.*, 416).

(x.) The people of Asia are confessedly conservative, clinging with desperate tenacity to their customs and minute observances of their forefathers. If, therefore, the Buddhist offertorial procession to the temple were likely to provoke a breach of the public peace, and so to offer some plausible excuse for the murderous assault of last Easter Sunday, we should find in history some traces of the fact. But the contrary is shown, 10 and a Christian historian has the fairness to record that the manner in which the people behaved themselves during these festivals is worthy of notice. It is described as most decorous and highly creditable to them, and so far from being a scene of riot and disturbance, the most modest, according to an eye-witness, might have 75 looked on without having occasion to blush, and the most refined depart without a shock to their feelings (*Pridham, op. cit.*, 331). The Buddhists of the plains of Ceylon are a temperate people naturally, content with simple food, and, by common consent of all foreign writers, as to character seeming to partake of the quiet langour of the paradisaical nature about them. Says Percival ("Account of the Island of Ceylon," p. 215): "The Sinhalese are a quiet, inoffensive people, exceedingly grave, temperate, and frugal. Their bodies partake of the indolence of their minds, and it is with reluctance they are roused to any active exertion. The milder virtues form the most prominent features of the Sinhalese character. They are gentle, charitable, and friendly." And he adds 20 an expression which may well be cited in the present connection: "A mild and equitable government, with a strict administration of justice, cannot fail to conciliate the minds of these people, who have already been trained to submission and an unbounded reverence for Europeans." This soldier-writer's book appeared in 1803, and what was true then is true now. All the Sinhalese Buddhists ask or expect is that strict administration of justice, which shall equally hold a mob of Christians, maddened with arrack and armed for murder and outrage, under the iron grip of the law equally with themselves. As things stand to-day they see the doors of the Court house slammed in their faces, and their religious persecutors unpunished by process of law, and celebrating their triumph in ribald publications like the journal *Kasse* ("The Whip"), which has sprung from the mind of a depraved mind into existence since the late riot at Kotahena. As the religion of Buddha teaches patience, tolerance, and charity, his followers in Ceylon are practising and have ever been practising these habits in the 30 face of the most awful injustice and persecution in times past from their foreign conquerors, who gained a foothold by a falsehood and maintained it by violence. If they nourish any angry feelings against Christians they have had ample reason, for in the history of their lovely Island it appears that the Portuguese tried to coerce them to Christianity by the sword, the Dutch by official pressure, and the British within two years from the solemn Proclamation of Kandy in 1815 cancelled their guarantee of protection to the national religion, and their missionaries are now allowed to revile it as a terrible superstition second to none as an instrument of Satan for lulling souls into that fatal slumber which ends in eternal death. (*Jubilee Sketches, or an Outline of the work of the Church Missionary Society in Ceylon during fifty years, 1818-1868.*) So abusive is the language employed by these propagandists, and so evident is the tacit, not to say open, concurrence of the paramount race in general, that Buddhists had until within the past few years felt timid to confess their religious preferences 40 for fear of thereby injuring their worldly interests, and in the cases of Government employes cutting themselves off from official favour and the chances of a career. In 1826 the intemperance of tone was so marked that the Government was forced to issue a circular addressed to the missionaries, condemning the publication of tracts and notices casting scoffs and offensive reflections on the Buddhist religion, and announcing that their circulation could not be tolerated. (See the pamphlet last cited, page 65.) The same authority, a Christian Missionary, it should be noted, admits (page 12) "that the praiseworthy efforts of the Dutch to stamp out Buddhism seem to have been marred by their mistaken policy, in making the reception of baptism and the outward profession of Christianity necessary to secure the people their civil rights and privileges, and as a passport to Government employment," and (page 62) adds that in those days "there was not a single Buddhist temple in the parish, the Buddhist priests were neglected if not molested and insulted; but, notwithstanding all this, the most of the 50 people were never converted in heart; they were never devoted to the religion which they were in the first instance forced to embrace"; and immediately after "the authoritative operations of the Dutch Government ceased, Christianity declined, as a newly-planted tree fades when its covering is removed before it has had time to take root." What had been the policy of their predecessors, the Portuguese, is pictured to us by Percival (*op. cit.*, 8), who says, "the Portuguese Government was however still weak enough to yield to the arguments of the priests, who maintained that imposing the Christian religion by means of the inquisition was the only sure manner of securing their dominion. These tyrannical invaders, therefore, pursued the Sinhalese to their forests and fastnesses," &c. And again (at page 20): "The cruelties of the Portuguese and Dutch have so exasperated 76 77

1 them against all Europeans, that it will require much pains to reconcile their minds so far as that any confidence can be placed in them." And again (page 238): "The Portuguese pulled down without remorse the religious edifices with which it (Kandy) was adorned, and transported the choicest of the materials to fortify Colombo and the other towns they erected on the seacoast. This act of sacrilege tended more than any other thing to alienate the minds of the natives; and the Ceylonese still record it with horror." From Pridham (page 99) we learn that "The wives and daughters of the people were compelled to minister to their passions, and if any resisted such deeds of violence they were butchered by these merciless wretches and their villages burnt to the ground."

10 (xi.) Profiting at first by this lesson the Dutch stipulated in their treaty with the Emperor of Kandy that "His Majesty of Holland will not suffer any priests, friars, &c., to dwell in his dominions, considering them to be the authors of all rebellions and the ruin of all Governments." This sentiment will be differently viewed by different classes, but that much of the woe that has come upon the Sinhalese Buddhists during the past four centuries is directly traceable to persons in "holy order" is beyond dispute. Even now, under the boasted benign Protestant British rule, it is the descendants of Portuguese converts who have murdered and pillaged Buddhist pilgrims to the sound of the bells of Roman Catholic churches. The Protestant, Mr. Pridham, is perhaps less charitable towards the Colombo Romanists than the Buddhists, for he says (page 439) that the members of a church, which is an off-shoot of the Portuguese branch of that communion, "are not likely to be distinguished for the purity and elevation of their faith. In the case of Ceylon it is very questionable whether the tenets of Buddhism divested of their idolatrous parasites would not serve as a brighter beacon to light the path of morality than the infinitely more debasing tenets of Rome." He holds that "if nine-tenths of the Romanists in Ceylon were interrogated as to the objects of their worship, the chance would be that none of their number knew, or perhaps had ever heard of, Him whose name they professedly bear."

20 (xii.) The causes of the late riot have been reported upon by a Commission appointed by His Excellency the Governor, and it appears they do not hold quite blameless the Romish clergy for the ringing of the church bells to collect the mob. Buddhists, who are neighbours to the fanatical fishermen engaged in the riot, are at least fully convinced that if so minded the priests could have stopped, not merely the use of the bells as a tocsin, but even the murderous affray itself; for they knew even better than Mr. Pridham that "ascendency exercised by the Romish priests over the minds of their flocks is very complete in the places where that religion chiefly obtains, far exceeding that of their Buddhist predecessors" (see page 439). The relation of Catholic priest to Catholic laic is the authoritative one of an intercessor divinely empowered to pardon sin, to loose and bind, to close hell, and open heaven; that of the Buddhist Bhikku to the Buddhist Dayakaya (parishioner, or rather supporter) is simply that of an exemplar of virtues, who can confer no merit, condone no moral offence, but only show the path to emancipation from misery. His "authority" is nil, his personal influence measured by his personal exemplification of the virtues recommended to all men by the founder of Buddhism. What are the tendencies of that teaching; how likely they would be to stir up strife in Ceylon or elsewhere, or prepare the pilgrims of the Easter perahera for evil deeds? These may be estimated from the article "Ceylon" in vol. V. of the new edition of the *Encyclopædia Britannica*: "Under European rule royal support is no longer given to it (Buddhism), but its pure and simple doctrines live in the hearts of the people, and are the noblest monuments to the memory of its founder, Gautama Buddha. The taking of the meanest life is strictly forbidden, and falsehood, intemperance, dishonesty, anger, pride, and covetousness are denounced as incompatible with Buddhism, which enjoins the practise of chastity, gratitude, contentment, moderation, forgiveness of injuries, patience, and cheerfulness." If the Sinhalese Buddhists fall short of this lofty ideal of human perfectibility—as doubtless they do in too many cases—their feelings must be ascribed to another cause than the influence of their religion. The history of Buddhism is unsullied with any record of blood-spilling or suffering as an accompaniment to the propagation of its doctrines. Its greatest royal patrons were tolerant of opposing faiths, and this cardinal feature is most prominently mirrored in the edict of King Dharmasoka: "A man must honour his own faith without blaming that of his neighbour, and thus will but little that is wrong occur." (The twelfth tablet, deciphered by Prinsep and translated by Burnouf and Professor Wilson.)

30 (xiii.) The riot of Easter Sunday is the third of the kind, by the same aggressors, and in the same quarter of Colombo, since 1872. On the first occasion—in 1872—when a procession was coming from Sedawatta to Madampitiya temple, a mob gathered with supplies of boiling coal-tar, powdered pepper, and stones, and armed with deadly weapons—fishers' spears and knives, bludgeons, sand-packed bottles, &c. But owing to the energetic interference of a large force of police they were dispersed before they could pounce upon their intended victims. The second attack was in 1873, upon a torch-light procession, and resulted in the stoning of eight priests, the smashing of the carriages in which they were riding, and the dispersion of the pilgrims, who in terror fled at the beginning of the attack. As on Easter Sunday last, the mob was collected for the riot of 1872 by the ringing of the church bells.

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1 But the purpose of the present memorandum is not to enter into details upon a theme which might easily be extended to a great length. It is desired only to place before the British authorities the salient facts that—

(a) In the ignorant and fanatical class of Sinhalese Roman Catholics is an element of immediate and rapid increasing danger to the peace of the Colony and the dignity of Her Majesty's Government. Three separate outbreaks of their hatred against the Buddhists have proved that their priests either cannot or will not compel them to obey the laws ; and unless the wisest and most effectual precautions are taken, the ultimate consequences may be very serious.

(b) A great wrong has been done to the Buddhists in permitting the failure of justice in the cases of the parties guilty of the outrages on Easter Sunday last.

10 (c) The consequence of which management is to virtually prevent the more respectable Buddhists from joining in their accustomed processions through fear of a repetition of similar murderous assaults, and regard for their personal safety, and that of their families and property.

(d) There is a belief, which is rapidly growing, that, under incompetent officials, should they suffer from violence they have no reasonable certainty of punishment of guilty parties who can command a certain amount and kind of influence, and that some of the Colonial authorities are at least indifferent whether they get justice or not.

Thus are developing the seeds of national discontent ; and a people always noted for their submissive spirit and patient endurance of even despotic rule are being driven to consider the justifiability of retaliation in kind upon the enemies of the religion which to them is dear beyond expression. It has been charged against them that one or more of their priests have provoked the ill-feeling of the Romanists by unwarrantable aspersions upon the Christian religion. To a certain extent this may be true ; but in conceding this much the Buddhists point to the notorious fact that what is called the " Buddhists' Revival," which began in the year 1862, was actually started by the contumelious treatment of the national religion and its adherents by the Christian missionaries—the long pent up feelings of the Buddhists community found voice in the eloquent philippics of Megettuwatte, and a searching comparison of the respective merits of the two systems of faith has been kept up until the present day. But nothing that has been said by any accepted or pretended Buddhist champion can excel, or even equal, the vile and exasperating language that has been used against Buddhism by its sectarian opponents.

20 In conclusion, what is asked and expected of a conscientious British public is not an affirmation of the superiority of Buddhism over any other religion, but practical proof to the Sinhalese nation that the promises heretofore made them, that their religion should be respected and the full enjoyment of its rites and ceremonies secured to them and their children's children, are held sacred and inviolable. They have sought these in vain at home, and hence are suing at the bar of British authority for the justice due to loyal and peaceable subjects of Her Britannic Majesty, their beloved Queen.

No. 22.

P 22.

Colombo, 10th January, 1884.

40 Sir,—With reference to my letter of the 2nd November last, I am directed to inform you that the Governor has received a despatch from the Secretary of State requesting him to inform you that he has received your petition, and that the unhappy riots to which you refer have formed the subject of much consideration and consultation between him and the Lieutenant-Governor of Ceylon ; that His Lordship much deplores that it has not been found possible to bring to justice those who took part in them ; that instructions have been given which he trusts will enable all Her Majesty's subjects in Ceylon to practise the rites of their respective religions without interference ; and that far from desiring to prohibit Buddhist processions, Her Majesty's Government have only been anxious to revise the police regulations, so as to ensure that such processions shall be permitted under due safeguards for the preservation of the public peace and the avoidance of all danger from the violence or intimidation of unruly crowds in the public streets.

E. F. Perera, Esq., Proctor, Colombo.

J. A. SWETTENHAM,
for Colonial Secretary.

True copy—M. A. YOUNG, for Colonial Secretary,
18th March, 1914.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

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No. 23.

P 23.

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Ceylon.—No. 403.

Downing Street, 8th December, 1883.

Sir,—I have the honour to acknowledge the receipt of Sir John Douglas's despatch No. 154 of the 23rd of October last, forwarding a petition addressed to me by Mr. Edward F. Perera on behalf of Calinge Arnolis Silva, complainant in the late Kotahena riots case.

I request that you will inform Mr. Perera that I have received his petition, and that the unhappy riots to which he refers have formed the subject of much consideration and consultation between the Secretary of State and the Lieutenant-Governor of the Colony; that I much deplore that it has not been found possible to bring to justice those who took part in them; that instructions have been given which I trust will enable all Her Majesty's subjects in Ceylon to practise the rites of their respective religions without interference; and that far from desiring to prohibit Buddhist processions, Her Majesty's Government have only been anxious to revise the police regulations, so as to ensure that they shall be permitted under due safeguards for the preservation of the public peace and the avoidance of all danger from the violence or intimidation of unruly crowds in the public streets.

I have the honour to be, Sir,
Your most obedient and humble servant,
DERBY.

Governor the Hon. Sir A. H. Gordon, G.C.M.G.

True copy (not signed),
for Colonial Secretary, 8th May, 1914.

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No. 24.

P 24.

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Colonel Olcott to the Earl of Derby.

77, Elgin Crescent, W., London, the 17th May, 1884.

To the Right Hon. the Earl of Derby, the Secretary of State for the Colonies.

My Lord,—The despatch of the 18th February of His Excellency Sir Arthur Gordon to Your Lordship will have informed you of my having come to London as the representative of the Sinhalese Buddhists, to obtain redress for the gross wrongs done them in connection with the riots of Easter Sunday of last year. I have personally conferred with the Hon. R. H. Meade, of the Colonial Office, with respect to the matter, and now have the honour to ask Your Lordship's consideration of the enclosures herewith forwarded, copies of which are not on file at the office. They are :—

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1. A copy of an official report of a meeting of Sinhalese Buddhists held at Colombo on the 28th day of January, 1884, to consider the present state of Buddhism in the Island of Ceylon, and adopt such measures as may be necessary for obtaining redress for certain grievances.

2. Copy of a letter and appeal to His Excellency Sir Arthur Gordon, Governor, &c., of Ceylon, asking him to take certain specified lawful steps to secure redress for the Buddhists, the writer being Edward F. Perera, leading proctor for the Buddhists in the late riot proceedings. To which letter, although written and delivered to its address on the 5th of February, no response had been received up to the most recent date from the Island.

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3. Extracts from a private letter to myself from Mr. De Silva, one of the best and most intelligent Buddhists of Ceylon, the gentleman who was secretary to the meeting for forming the defence committee named in document 1, the information showing the despairing state of feeling with regard to the prospect of getting justice from Government unless my present mission should succeed.

I have also shown to Mr. Meade a copy of a Colombo paper which sets forth the unlimited power habitually enjoyed by the second law officer of the Crown—the local official primarily responsible as alleged for the apparent miscarriage of justice complained of.

That Your Lordship may know what the Sinhalese people hope for as measures of justice, I would state that I am asked to beg your consideration of the following points :—

(a) That the Attorney-General of Ceylon be instructed, if not illegal, to order the parties accused of the guilt of the Easter riot and of its consequences to be committed for trial.

50

(b) That either by extending the terms of the Imperial Indian Proclamation of religious neutrality by the British Government, or otherwise, some absolute guarantee of their religious rights and privileges shall be

1 at once given the Sinhalese Buddhists, so that the prevailing inquietude may be done away with, and all officials be made to feel that Her Majesty's Government will hold them to stern account should they henceforth fail in the impartial performance of duty.

(c) That the birthday of Buddha, viz., the full moon day of May, be proclaimed a full holiday for Buddhist employés of Government, as the sacred days of Mussalmans, Hindus, and Parsis are officially recognized holidays in India for employés of those several faiths. The Buddhists, who are always most loyal subjects, are compelled to either work on this, their most holy day of the year, or lose the day's pay. 86

(d) That all restrictions upon the use of their national and religious music shall be removed, and the Buddhists permitted to hold their religious processions as always hitherto since the remotest epochs. Though Your Lordship's despatch to Sir Arthur Gordon of December last, as transmitted to Mr. Perera through the Ceylon Colonial Government, declared that instructions had been given which Your Lordship trusted "will enable all Her Majesty's subjects in Ceylon to practise the rites of their respective religions without interference," yet the most revered and respected monk in the Island, Sumangala Thero, High Priest of Adam's Peak and Principal of Vidyodaya College, Colombo, was only the other day denied the privilege of a procession with tom-toms, and thus forced to bring his religious fair or *pinkama* to a premature close. Harsh and unpleasant as the sound of the tom-tom may be to European ears, yet it is music to the Asiatic, and a festival without it is lifeless and uninteresting to them.

(e) That Buddhist registrars of marriages, &c., shall be appointed in Buddhist villages and wards of cities, and the Buddhists not forced as hitherto to depend for these services upon their bitter enemies of other faiths. 20

(f) That immediate steps shall be taken to decide the question of the Buddhist temporalities, and by taking financial matters out of the hands of the priests, who by their ordination laws are prohibited from meddling in worldly affairs, but nevertheless have been greatly corrupted by the hasty action of the British authorities in turning over to their custody (*see* Ordinance No. 10 of 1856) the vast estates of the Church, to aid in restoring the pristine virtue of the priesthood. An examination of Ceylon official records shows that the British authorities have unwittingly helped to a great extent to injure the tone of Buddhist morality, by first extinguishing the ancient sovereign power of ecclesiastical discipline vested in the King, and then failing to either exercise it themselves or to vest it in a Chamber or Board, or Council of Priests. The High Priest of the Dalada Maligawa at Kandy himself bitterly complained to me about this when I was at his temple in January last. 87

I am sorry to inform Your Lordship that discontent and despair are rapidly spreading among the Sinhalese Buddhists, a fact to be the more deplored since there is not in all the Imperial realm a more simple, peaceable community. Before the manufacture and sale of arrack was promoted for revenue purposes they were—unless history belies them—a most kindly, quiet, and virtuous nation. Their devotion to Buddhism appears in the fact that, despite the bloody policy of the Portuguese, and the despicable and crafty one of the Dutch, they ever remained secretly true to their forefathers' faith, and as soon as it became safe, under British rule, openly professed it. They feel just now, however, as though the ruling power were secretly willing to deliver them over to the Romish mob, and determined to deny them common protection. No seer is required to foretell what the legitimate outcome of such a feeling must be, and on behalf of the better part of the nation I do most earnestly implore Your Lordship to take such steps as shall, without dangerous delay, prove to them the sincerity of the professions of Government as made from time to time. 88

(With three enclosures.)

I have, &c.,
HENRY S. OLCOTT.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Enclosure No. 1 in P 24.

Minutes of a meeting of Sinhalese Buddhists held at Colombo on the 28th day of January, 1884, to consider the present state of Buddhism in the Island of Ceylon, and adopt measures for obtaining redress for certain grievances. 89

Pursuant to previous call, a meeting of influential Buddhists was held at the Library of Vidyodaya College, in the City of Colombo, on Monday, the 28th January instant, at 5 o'clock P.M.

H. Sumangala Thero, Principal of the College and High Priest of Adam's Peak and Galle, was in the chair. Mr. J. R. de Silva was elected secretary of the meeting.

1 Mr. Edward F. Perera, proctor, stated that the meeting had been called to consider a letter from the Colonial Government dated the 10th of January, 1884, in answer to a petition to the Secretary of State for the Colonies from himself as senior proctor for the Buddhist party in the late Catholic riot cases at Colombo.

The petition in question prayed that the persons accused of a riotous attack upon a Buddhist religious procession, who had been allowed to go unpunished, might be brought to justice, and such measures be adopted by the Imperial Government as would permanently ensure to the Buddhist community the enjoyment of all their ancestral religious rights and privileges. The letter in question was then translated into the Sinhalese language, read, and discussed.

10 After a general expression of opinion by the priests and laity, the following resolution was, upon the motion of Mr. W. de Abrew Rajapakse, seconded by Mr. S. P. Dharma Gunawardana, unanimously adopted. 90

“ Resolved, that in the opinion of this meeting the letter of the Colonial Secretary in declaring the inability of the Colonial authorities to punish those who took part in the disgraceful religious riots of Easter Sunday last has set a precedent dangerous to the peace of the Colony, and calculated to invite a repetition of such outrages upon the Buddhists whenever the Government may be in the hands of weak or prejudiced officials.

“ Resolved, that the interests of Buddhism and those of the law-abiding public equally demand that every possible step should be taken to secure a reversal of this decision, that the majesty of the law may be vindicated, and the religious rioting prevented in the future.

20 “ Resolved, that the promise of future protection is so qualified as to leave it optional with any future timid or bigoted Inspector-General of Police to refuse permit for Buddhist religious processions, on the plea of possible interference by ‘ unruly crowds in the public streets ’; therefore, the ancient rights of the Buddhist people are not adequately guaranteed; and finally, that no assurance seems to be given that whatever revision may be made in the present police regulations, they may not be abrogated and again altered for the worse at any time when there is a change of administration.

“ Resolved, that for the above reasons it is expedient to make a final appeal to Parliament for such clear and definite affirmations of Imperial policy as the paramount importance of the religious rights of the Sinhalese Buddhist demand.”

30 It was then moved by Mr. Don Carolis, and seconded by Mr. Don Davit Abeyaratne, Muhandiram, that to carry into effect the resolutions of the meeting a committee should be organized. 91

The suggestion having, after full debate, received the unanimous consent of the meeting, it was—

30 “ Resolved, that a committee, to be known as the ‘ Buddhist Defence Committee,’ be formed, with full powers to adopt such lawful and proper measures as may from time to time seem advisable to promote Buddhist interests, and in the present instance to obtain redress for injuries to our religion and to persons and property during the late religious riots of Easter Sunday last.

“ Resolved, that the committee be composed of the following gentlemen, who shall have power to add to their number:—Messrs. William de Abrew, Don Carolis, Don David Abeyaratne, Muhandiram, J. P. Jayatilleke, J. R. de Silva, Simon Perera Dharma Gunawardana, Arachchi, B. H. Kure, Sedris Silva, R. A. Mirando, Charles Alexander de Silva, Proctor, C. P. Gunawardana.”

40 Upon motion, a resolution was adopted asking the High Priest and Dhammalankara High Priest and other respected priests to give the committee the benefit of their advice and such other assistance as may be permitted by the rules of their Sangu. At the suggestion of the High Priest, and upon the motion of Mr. Don Carolis, seconded by Mr. H. A. Fernando and supported by Mr. J. P. Jayatilleke, it was unanimously— 92

“ Resolved, that Colonel H. S. Olcott, of Madras, be respectfully requested to generally assist the committee to carry out the objects of its organization. And that, provided he consent, he be made an honorary member, and asked to proceed to London as the chief agent of the committee, with the full power to represent it under any circumstances that may arise; and in its name, and that of the Sinhalese Buddhist in general, to ask for such redress and enter into such engagements as may appear to him judicious.”

50 Upon motion, the following gentlemen were unanimously chosen as officers of the committee: *Chairman*, Mr. A. P. Dharma Goonewardhana, Muhandiram; *Vice-Chairmen*, Tepanis Perera and Mr. Don Carolis; *Treasurer*, H. Amaris Fernando; *Secretary*, Carolis Poogitta Gunawardana.

Upon motion, the Treasurer was asked to select a committee to obtain subscriptions.

There being no further business the meeting then adjourned.

Dated at Colombo, Ceylon, the 28th January, 1884.

J. R. DE SILVA, Secretary to the Meeting.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

1

Enclosure No. 2 in P 24.

93

To His Excellency the Hon. Sir Arthur Hamilton Gordon, G.C.M.G., Governor of Ceylon, &c.

Sir,—The undersigned, leading proctor of the Buddhist party in the late riots case and petitioner to the Secretary of State in appeal from the inaction of the Colonial Government, has the honour respectfully to ask your attention to the following facts :—

1. The uneasy feeling among the Buddhist community resulting from the failure of justice in the case above named has increased rather than abated; the immunity from persecution enjoyed by the Catholic violators of the peace has depressed the spirits of the Buddhists in proportion as it has elated those of their enemies. The suspicion that this case is not destined to be exceptional has been steadily growing, and, like all popular movements
10 of the kind, must gather force as time goes on.

2. Recent events, it would seem, have fully corroborated the provisional surmise which the undersigned permitted himself in the petition to Lord Derby. Since that document was forwarded a Buddhist procession has, it is true, occurred, but under an escort of some three hundred police with a large reserve under arms, and it was with the greatest difficulty that an assault upon it by the Roman Catholics was averted. A collision occurred after Your Excellency's arrival in the Island at Kotte between the two factions, and only a few days ago there was an affray at the gate of Megettuwatte's pansala at Kotahena, between the alleged leader of the riots
94 of Easter last and some servants of that pansala. It would seem no great stretch of language to affirm that we are as a community living over a social volcano, which at any moment may appal us with some bloody outburst.

3. The undersigned is emboldened to ask an exercise of Your Excellency's statesmanlike methods, because of his conviction that the remedy is within reach. It cannot be denied that after the case has been in
20 abeyance for a number of months, there would be difficulty in securing the testimony of the same witnesses who gave evidence before, but may now have been partly dispersed or tampered with, but still it is respectfully submitted that the committing of the accused for trial would be the lesser of two evils, even supposing an acquittal should follow. For it is the failure to prosecute before a competent Court, in the face of the notoriety of the facts of the outrage, and the assumption of *alibis* in the cases of accused parties whose whereabouts were not even inquired into by the defence, that have created all this popular uneasiness.

4. As Your Excellency is aware, in actions of this kind, the Queen's Advocate (Attorney-General) has full authority even at so late a stage as the present to direct the committal of those accused against whom a
30 *prima facie* case has been made out, by ordering the complainant to file a fresh information and procuring the testimony of one or two witnesses additional, or even the old ones.

5. If Your Excellency can see your way to advising the above step, the undersigned is persuaded that great public good would result. There would then remain for disposal only the question of the recovery of damages, and that of some effectual modification in the Imperial relation with the Buddhist community that would give
95 them a guarantee of a permanent protection in the exercise and enjoyment of their religious rights and privileges.

The undersigned, praying for as speedy a decision as possible in the premises, has the honour to remain,

Your Excellency's obedient servant,
EDWARD F. PERERA.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

40

Enclosure No. 3 in P 24.

96

Extracts from a private letter from J. R. de Silva to Colonel Olcott, of date Colombo, 23 March, 1884.

" * * * A short time after you left here the High Priest Sumangala had a *pinkama* at his college for a week, and though it was not on a grand scale, yet he and the members (of the Board of College trustees) wanted to have a few processions, and applied for license to the Inspector-General of Police. At the eleventh hour he granted the license, without permission to beat tom-toms and with other conditions imposed on them. Of course you know well that there could be no procession without tom-toms, and so they were obliged to close the *pinkama* without any processions. You shall have copies of all the correspondence about this matter between the High Priest and the Inspector-General of Police, Mr. Campbell. Mr. Abrew and the High Priest want to see His Excellency the Governor about this matter, and submit the correspondence first to him before sending it to you. No sooner
50 they see him (the time is indefinite—perhaps in the latter end of the twentieth century) the papers will be sent you.

" The High Priest Sumangala, the High Priest Dhammalankara, Amaramoli Priest, Weligama Priest, and Subhuti Priest have been visiting the villages of Sedawatta, Horakele, Ratmalana, Panadure, &c., holding meetings and speaking to the people about your mission. I was present at one of these. The two High Priests

1 explained to the audience that your mission to England was to obtain certain privileges in the exercise of our religion, viz., to settle the riot troubles ; to proclaim the day of Buddha's birth a Government holiday ; to remove restrictions with regard to the Buddhist processions ; to appoint Buddhist registrars for Buddhist villages, &c. ; to get the Government to give ecclesiastical authority to a committee of respectable Buddhist priests for the administration of the affairs of their church. 97

" It is the general opinion of sensible persons here that your trip to London is the great culminating point in the destiny of Buddhism in Ceylon. For if we are so fortunate as to see your efforts crowned with success in securing a portion, if not all the privileges that you are now seeking to obtain for us, you may rest assured that our battle is half won. * * * * *

10 But I am constrained to ask myself what possible effect it would have upon the Buddhists if, despite their sanguine hopes of success, you fail to succeed in your mission. I am afraid the effect would be most deplorable, * * * * * and the public would surely raise a tremendous outcry, whose long sounding echoes will help increase the prevailing feelings of distrust. I sincerely hope, however, these fears may prove to be only imaginary. * * * "

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

No. 25.

P 25.

Colonel Olcott to the Earl of Derby.

77, Elgin Crescent, Notting Hill, London, May 27, 1884.

20 To the Right Hon. the Earl of Derby, the Secretary of State for the Colonies.

My Lord,—I have the honour to enclose for Your Lordship's information the following additional papers in the matter of the late religious riots at Colombo, Ceylon: copies of eight letters and endorsements included in a correspondence in February last between H. Sumangala Thero, High Priest, and certain Government officials, with respect to a police permit for religious processions.

The Venerable High Priest, as Your Lordship will perceive, asked for permission to perform the well-known popular rite of conveying about the city, with appropriate music, a sacred relic. The object was to help allay the prevalent apprehension " with respect to sickness now prevailing at Colombo," the relic being supposed to possess a certain power in itself. If this be regarded as a mere superstition, it is to be observed that it is identical in character with the popular feeling in Catholic and Greek Protestant countries which demand the similar bearing of relics about the streets in times of pestilence. Moreover, among the Sinhalese Buddhists the ceremonial is hallowed by the custom of many ages. 99

The documents show that their innocent request was virtually denied, notwithstanding the benevolent assurances of Your Lordship as communicated through the Colonial authorities in January last. My latest advices from Ceylon (May 5th instant) indicate a continuance of the unsettled feeling among the Buddhists, and I venture to hope that in view of the fact that they have now been patiently waiting for about thirteen months for justice, Your Lordship may be able to give early and favourable consideration to the appeal which on their behalf I have had the honour to make.

With assurances of profound respect.

I have, &c.,
H. S. OLCOTT.

40 *True copy*—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Enclosure No. 1 in P 25.

Colombo, 20 February, 1884. 100

Sir,—I beg that you will be pleased to grant me permission to use tom-tom on the roads from Maligakanda Pali College to Pettah, New Bazaar, Messenger Street, Wolfendahl Street, Slave Island, and Borella on the 22nd (Friday) and the 23rd (Saturday) instants, from 3 P.M. to 6 P.M., and on Monday, the 25th instant, from Maligakanda Pali College to Wellampitiya and back, from 3 P.M. to 6 P.M., on the occasion of a procession to convey a relic according to Buddhist faith, with respect to sickness now prevailing at Colombo. It will be performed in a manner not to disturb the public peace in any way.

I remain, &c.,
H. SUMANGALA, High Priest.

Enclosure No. 2 in P 25.

Application should be made to the Inspector-General of Police.
20.2.1884.

F. R. SAUNDERS, Government Agent.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Enclosure No. 3 in P 25.

Colombo, 20th February, 1884. 101

Sir,—I beg that you will be pleased to grant me permission to use tom-toms on the roads leading from Maligakanda Pali College to Pettah, New Bazaar, Messenger Street, Wolfendahl Street, Slave Island, and Borella on the 22nd (Friday) and the 23rd (Saturday) instants, from 3 P.M. to 6 P.M., and on Monday, the 25th instant, from Maligakanda Pali College to Wellampitiya and back, from 3 P.M. to 6 P.M., on the occasion of a procession to convey a relic according to Buddhist faith, with respect to sickness now prevailing in Colombo. It will be performed in a manner not to disturb the public peace in any way.

I remain, &c.,
H. P. PERERA.

No. 637.

Enclosure No. 4 in P 25.

Colombo, 21st February, 1884.

To Mr. H. P. Perera, Pali College, Maligakanda, Maradana.

Sir,—I am very sorry that I am unable to sanction the six processions with tom-toming, which you propose to hold on Friday (to-morrow), Saturday, Sunday, and Monday next through a large number of the streets of Colombo. I am unable to comply with your request because you show no sufficient grounds for inflicting on the public of Colombo the obstruction and danger attendant on processions.

I would remind you that you have made your application at the eleventh hour, though you have been carefully warned by lithographed circulars that applications for processions must be made very early to allow time for inquiry.

Your obedient servant,
G. W. R. CAMPBELL, Inspector-General of Police.

Enclosure No. 5 in P 25.

To the Inspector-General of Police.

Colombo, February, 1884.

Sir,—With reference to your letter No. 637 of the 21st instant, I beg to inform you that, with due deference to your reasons stated therein, I am obliged, though with great dissatisfaction to the Buddhists, to do away with the first five processions; but for the sixth, I beg that license may be granted for Monday, the 25th instant, from 3 to 8 P.M., to proceed from Maligakanda to Kolonnawa and *vice versa*, a distance of about a quarter of a mile, there being no traffic or residents in that locality to cause any disturbance or annoyance to the public, as it is customary and essentially necessary to have the procession on the occasion of a "pirit ceremony."

I remain, &c.,
S. P. D. GOONEWARDENE, Colombo.

Enclosure No. 6 in P 25.

Colombo, 23rd February, 1884. 103

I have much pleasure in complying with the request* of the High Priest of Adam's Peak for a procession; but I beg that he will kindly restrict such processions as much as possible for the future, as they are productive of annoyance and danger to the public.

G. W. R. CAMPBELL, Inspector-General of Police.

Letter A.

Enclosure No. 7 in P 25.

Colombo, 23rd February, 1884.

Sir,—I hope you will be good enough to grant a permission for that simple procession according to accompanying letter of the Hon. the Government Agent for the Western Province.

The Inspector-General of Police.

Your obedient servant,
H. SUMANGALA, High Priest.

* Refer to letter A below.

Enclosure No. 8 in P 25.

1
No. 2,233.

PERMIT.
Procession.

Colombo, February, 1884.

1. The bearer, G. S. P. Gunawardana, of Colombo, has permission to conduct a religious procession with native music, *but not tom-tom*, from Maligakanda through the Dematagoda Road to Kolonnawa, between the hours of 3 P.M. and 8 P.M. on the 25th instant.

2. Provided there be no obstruction in the public thoroughfare, that there be no disturbance of public repose, that all noise be stopped on approach of horses or on the procession approaching within 100 yards of any place of public worship.

10 3. If any of the provisions of this license are not complied with, this permit may be withdrawn and prosecution shall follow.

L. HOLLAND,
Superintendent of Police, Western Province.

Forwarded to the Hon. the Government Agent, Western Province, for counter signature.

L. HOLLAND,
Superintendent of Police, Western Province.

Approved—F. R. SAUNDERS, Government Agent, Western Province.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

No. 26.

20

P 26.

105

The Colonial Office to Colonel H. S. Olcott.

Downing Street, London, 17th June, 1884.

Sir,—I am directed by the Earl of Derby to acknowledge the receipt of your letters of the 17th and 27th ultimo, relating to certain grievances which the Buddhists of Ceylon are alleged to be suffering.

2. Lord Derby has already expressed his great regret that it has not been found possible to prosecute the ringleaders of the riots of Easter Sunday last year, and is ready to acknowledge that the sufferers on that occasion have real grounds for complaint in this respect, but in the absence of fresh evidence it would be impossible to re-open the matter.

30 3. Her Majesty's Government are resolved that in Ceylon, as in other parts of the Empire, the principles of religious liberty shall be strictly adhered to, and to remove any grievance under which any religious community can be shown to labour, and to put an end to any appearance of disregarding the proclamations of religious neutrality which were made at the time when the English took possession of the Island. It is impossible to make any more explicit statement of the firm intention of the Government to abide by the spirit of those ancient proclamations than has already been made by the Governor under the instructions of the Secretary of State, as given in Lord Derby's despatch to which reference is made in your letter of 17th May. Lord Derby has confidence in the loyalty and good sense of the Buddhist community in Ceylon, and feels sure that they will loyally accept his assurances in this matter.

40 4. The question of dealing with the Buddhist temporalities is a difficult one, and has already engaged the attention of Her Majesty's Government and of Sir Arthur Gordon's predecessors. No doubt Sir A. Gordon, to whom your letter will be referred, will carefully consider the whole matter, and Lord Derby will be glad to give his attention to any practicable scheme suggested to Sir A. Gordon, and recommended by him, which would enable the Buddhist community to control the management of the properties vested in their church, though clearly the exercise of any such control should be by the Buddhists themselves, rather than through the instrumentality of any Government officials.

5. As regards the suggestion that the birthday of Buddha should be observed as a full holiday for all Buddhist servants of the Government, and the question of allowing tom-toms in the religious processions, and of the appointment of Buddhist registrars of marriage, Lord Derby can express no opinion without first referring to the Governor, but he is confident that it will be the wish of Sir Arthur Gordon, as it is that of Her Majesty's Government, that every consideration possible should be shown in these matters.

50 Your letters will accordingly be referred to the Governor by the outgoing mail.

Colonel H. S. Olcott.

I am, &c.,
R. H. MEADE.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

107

No. 27.

P 27.

108

77, Elgin Crescent, Notting Hill, W., 19 June, 1884.

To the Right Hon. the Earl of Derby, the Secretary of State for the Colonies.

My Lord,—I have the honour to acknowledge the receipt of Your Lordship's letter of the 17th instant, replying to mine of the 17th and 27th ultimo.

10 2. On behalf of the Buddhists of Ceylon, I have to thank you for the frank and unequivocal declaration of the intent of Her Majesty's Government to rigidly enforce the neutrality of the Crown, in the matter of religious liberty, as regards the Buddhist community of Ceylon, equally with other religious communities in all parts of the Empire, or, as you state it, "to put an end to any appearance of disregarding the proclamations of religious neutrality which were made at the time when the English took possession of the Island." This assurance, if published in the *Gazette* of the local Government, and made obligatory upon all local officials, will go far towards re-establishing the confidence of the Sinhalese nation, now so deeply shaken by recent events. What the nation wants is the full conviction that they are not to be made the victims of a mob of religious fanatics, who, by threatening the peace of Ceylon, can intimidate officials and escape punishment of their crimes.

20 3. I beg Your Lordship's attention to the second clause of the letter under reply, as it really touches the most vital point of the present question. It is there remarked that "in the absence of fresh evidence it would be impossible to re-open the matter" of the trial of the alleged ringleaders of the riots of Easter Sunday last year. By implication this, of course, affirms that if such fresh evidence had been by me brought forward, Her Majesty's Government would have felt it their duty to instruct the Colonial law officers of the Crown to proceed to prosecution, as by Statute provided. If I am not mistaken in this deduction I would most earnestly beg of Your Lordship to put that affirmation into so many words. For that alone would, in the opinion of the Sinhalese, restore them to their vested rights as subjects, by showing them that the Courts are as open to them as to their foes, and they need not sue for justice in vain. Until this moment, in the absence of some such assurance since the riots, they have felt the contrary, and it was their despair which drove them to organize the "Buddhist Defence Committee" on the 28th of January last, and send me to England upon my present mission. 109

30 4. A reference to the archives of the Colonial Office will convince Your Lordship of the fact that the question of the Buddhist temporalities is in the state of a case awaiting decision, after a full report by a Special Commission appointed to look into the entire subject. Their report is dated 17th October, 1876, and the delay of Government in acting up to its recommendations has been productive of much injury to the morals of the Kandyan priesthood.

5. I thank Your Lordship for the promise to refer to His Excellency Sir Arthur Gordon, Governor of Ceylon, with the expression of the wish of Her Majesty's Government that "every consideration possible should be shown in these matters," the questions of making Lord Buddha's birthday a Government holiday for Buddhist public servants, of allowing tom-toms in religious processions, and of the appointment of Buddhist registrars. I have the full confidence that Sir Arthur Gordon will do all he can to give effect to the expressed sympathies of Government, and in all official matters to treat the Sinhalese with justice, when his attention is called to grievances. 110

40 6. To complete the files of the Colonial Office to date, I hand Your Lordship herewith copies of documents received by me by last mail from the Buddhist Defence Committee. They show that permission was denied for a Buddhist religious procession upon the birthday of Lord Buddha (May 9th), and for another on the Sinhalese New Year day (April 11th), although permits were issued for processions, with tom-toms, during the months of February and March, to Muhammadan and Hindu applicants. Can it be that to the representatives of the most ancient religion in Ceylon these simple privileges are to be denied, while granted to communities of all the other and later faiths? That permission to march in religious procession was actually given the Buddhists in one or two instances within the past year was of no practical benefit to them, since they were prohibited the use of their tom-toms, and therefore the permit or permits were not availed of. For, as the correspondence shows, a procession without those musical instruments is a tame and lifeless affair. It is the commonest of things in Great Britain for the ordinary street traffic to be suspended in streets along which authorized processions are passing. It would be no great concession, therefore, for the same thing to be done in the small town of Colombo, where the street traffic is usually very small, upon the rare occasions of Buddhist processions, seeing that the Sinhalese people have ever been loyal and peaceable subjects of Her Majesty, and the privilege for which they are contending has been enjoyed from the remotest antiquity. 111

I am, &c.,

H. S. OLCOTT.

True copy—H. M. MOORE, for Colonial Secretary,
8th May, 1914.

1

112

Copy of letter to Colonel Olcott from the Secretary of the Buddhist Defence Committee.

Colombo, 14th May, 1884.

Dear Sir,—I forward by this post the original copy of a license for a procession which was to have taken place on the 9th of May, being the birthday of our Lord Buddha, and copies of connected papers. You will find on reference to the above papers that license was granted with native music, but no tom-tom was allowed. It is not improbable that the word tom-tom may be misunderstood. It means the Sinhalese "hevisi," which was in use from time immemorial in processions, and it is hard to imagine how a procession could be conducted without tom-tom. And there are other provisions to be observed which are simply impossible: "all noise is to be stopped on approach of horses or within 100 yards from any public place of worship." You know yourself that for almost every 100 yards or less there are places of worship in the populous parts of the city. About horses it is simply absurd. So the permit is simply impracticable, and owing to these defects in the license no procession took place, and a petition was sent to His Excellency, to which you will find the reply in a telegram.

On the 9th instant His Excellency wanted to see the High Priest, and he went and had an interview. In it His Excellency is said to have told the High Priest that he could not publish the 9th instant (birthday of Buddha) as a holiday, as then there was no time to publish it in the *Gazette*, but he could communicate it to the public offices. So the High Priest was under the (wrong) impression that His Excellency prepared to give us the holiday and he would communicate it to the public offices. But no communication was made, and as a matter of course there was no holiday. It appears from this that there must have been a mystery about this matter.

The papers (copies of which were forwarded to you by the last mail) connected with the procession of the piriwana were handed to His Excellency (who it appears promised to look to them in due course), but nothing has been since heard about it. It is indeed remarkable, this year three applications for processions were made: first one by the piriwana people; second one for a procession on the Sinhalese New Year's day to be taken to Kotahena, for which license was not given, as it was the Good Friday; third one is the present case. For the first and the last one license was granted without tom-tom, and subject to restrictions. So all the three processions were stopped. It will strike every one, as you know, that the authorities are laying restrictions and cutting short the rights and privileges of the Buddhists, instead of inflicting condign punishment on the Roman Catholics, who actually have done the crime and disturbed the public peace.

* * * * *

In reply to my letter to the Colonial Secretary forwarding the minutes of the meeting, he writes that he is directed by the Governor "to state that he (Governor) will always be glad to receive communications from the committee affecting the interests of the Buddhist community."

Fraternally yours,
C. P. GUNAWARDANA.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

114

To His Excellency Sir Arthur Gordon, G.C.M.G.

The petitioner of Don Cornalis, Vedarala, of Pettah, in Colombo, respectfully sheweth Your Excellency's petitioner is one of the trustees of the Deepaduthama Vihare at Kotahena.

The coming full moon day on Friday, the 9th of May, 1884, is the holy and most important day of the Buddhists, being the birthday of Lord Gauthama Buddha. It also happens to be the day of his attainment of Nirvana.

The festival of Panjunkama and special reading of Scriptures are to take place on the above date at the said Kotahena vihare, and the usual offerings intended for worship are in readiness to be taken in procession from the Pettah of Colombo to the vihare.

The application for the license to conduct the procession was made on the 22nd April last. It was signed by the Superintendent of Police on the 3rd instant, and forwarded to the Hon. the Government Agent on the same day for counter signature, and from him it was received by the petitioner only yesterday afternoon.

The annexed is the license, and it will be seen that its conditions are impossible to comply with, and therefore unless the license be altered the petitioner is obliged to suspend the perahera to the great disappointment of the Buddhist public of Colombo, most materially interfering with their worship on so great a day.

Tom-tom is the *only native music* in use at the present day, and it is for the use of this music on a public thoroughfare within the police limits that the Ordinance required a license to be taken; but in the present case

1 it will be seen from the wording in the license that the purpose for which the authorities have given the document in this instance is to carry flowers into the vihare by a few persons collected together, a proceeding for which a license may not be necessary. 115

The petitioner begs to submit for Your Excellency's kind consideration that the use of tom-tom is an indispensable requirement of a Buddhist perahera, and it was *never denied* to the Buddhist public ever since Buddhism was introduced into Ceylon. A perahera could not exist without music, and if there was no perahera there could be no festival either within the premises of a vihare, for the festival is intended for public worship, bringing public offerings in the form adopted on such occasions.

10 The Buddhists are highly aggrieved at the difficulties thrown in their way since of late in the worship of their religion, and the petitioner prays that Your Excellency may be graciously pleased to grant redress in the matter, and that a proper license which would enable him to conduct the proposed perahera on so great a day may be granted.

For which act of kindness the petitioner, as in duty bound, will ever pray.

DON CORNALIS.

Enclosure No. 3 in P 27.

Copy of telegram received 9.5.84.—To Colombo. From Kandy. To Don Cornalis. From F. P. Murray, Private Secretary. Governor cannot properly interfere without first asking police authorities for explanation, for which there is not now sufficient time. Regret that matter did not come before His Excellency sooner.

Enclosure No. 4 in P 27.

20 To the Inspector-General of Police, Colombo. Colombo, 22nd April, 1884.

Sir,—I have the honour to request permission to carry on a procession from Pettah to Kotahena Deepaduthama Vihare, with flowers, &c., on the 9th day of May, being our Lord Buddha's birthday. The procession is to accompany native tom-toms, *i.e.*, as usual. I have, &c.

Enclosure No. 5 in P 27.

116

To the Inspector-General of Police, Colombo.

Sir,—This will be handed to you by Don Cornalis Appuhamy, who is to bring some offerings, with a procession as well, to my temple at Kotahena on the 9th day of May, being our Lord Buddha's birthday; he is a respectable Buddhist, and I hope you will be good enough to grant him the necessary permission to bring his procession from Pettah to this, and oblige.

30 (Copy forwarded not signed, but it seems to be from Priest Megettuwatte.) Yours truly.

Enclosure No. 6 in P 27.

117

No. 5. Processions. Colombo, 3rd May, 1884.

The bearer, Don Cornalis, Vedarala, of the Pettah, Colombo, has permission to conduct a religious procession, with flowers and native music (without tom-toms), from Prince Street through Wolfendahl Street, Barber Street, and Green Street to Deepaduthama Vihare at Kotahena, between the hours of 2 and 5 P.M. on the 9th instant.

2. Provided there be no obstruction in the public thoroughfares, and that there is no disturbance of public repose, and that all noise be stopped on approach of horses or within one hundred yards of any place of public worship.

40 3. The procession to consist of not more than 150 persons.

4. The procession will carry nothing but flowers.

5. The procession will proceed by the route pointed out by the police.

6. The procession must stop or proceed or retire as directed by the police.

7. If any of the provisions of this license are not complied with, this permit may be withdrawn by any Police Officer and prosecution will follow.

(Signature illegible)

Superintendent of Police, Western Province.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

1 No. 5,261.

Enclosure No. 7 in P 27.

Colombo, 3rd May, 1884.

Forwarded to the Hon. the Government Agent, Colombo, for counter signature.

(Signature illegible)

Superintendent of Police, Western Province.

Approved—F. R. SAUNDERS, Government Agent.—6/5.

Enclosure No. 8 in P 27.

118

To the Inspector-General of Police.

10 Sir,—I have the honour to request permission to carry on a procession, as usual, with flowers, &c., to our Buddhist temple at Kotahena on the 11th April next, which being our New Year's day. The procession is to start from Tanque Salgado at 9 A.M., and reach Kotahena temple between 10 and 11. The procession will be accompanied with beating of native tom-tom, &c.

Colombo, 26th February, 1884.

Tanque Salgado, House No. 81.

I have, &c.,

DON ANDRAYAS.

Enclosure No. 9 in P 27.

To the Inspector-General of Police, Colombo.

20 Sir,—I have the honour to bring to your notice that I did not receive any reply from you for my application of the 26th ultimo, requesting permission to carry on a procession to the Buddhist temple at Kotahena on the 11th of April next.

I beg, therefore, that you will be good enough to grant me the usual permission.

Colombo, 10th March, 1884.

Tanque Salgado, House No. 81.

I have, &c.,

DON ANDRAYAS.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Memorandum 1,071.

Enclosure No. 10 in P 27.

Colombo, 19th March, 1884.

119

Mr. Don Andrayas, of Tanque Salgado, is informed, with reference to his two letters of 26th February and 10th March, 1884, that I cannot grant the permit he asks for.

G. W. R. CAMPBELL,
Inspector-General of Police.

Enclosure No. 11 in P 27.

To His Excellency the Hon. Sir Arthur Gordon, G.C.M.G., Governor of Ceylon.

30 The humble petition of Don Andrayas, of Mutwal, in Colombo.
Most respectfully sheweth :—

That Your Excellency's petitioner on the 26th February, 1884, made an application to the Inspector-General of Police for permission to lead a procession, carrying offerings, to Kotahena vihare, on the Sinhalese New Year day, but the Inspector-General of Police in his memorandum of the 19th March, 1884, declined to grant the permission applied for.

That it has been customary with the native Buddhist population of the Island to celebrate the Sinhalese New Year with religious ceremonies, such as bearing offerings in procession to their places of worship, and visiting such places of importance, &c., and for the convenience of the large mass of Buddhist pilgrims proceeding on this special holiday to Kelani vihare, it has been arranged to run extra trains between Kalutara and Veyangoda.

40 That the completion of the Kotahena vihare during the middle of last year has imposed upon the Buddhists of the neighbourhood a strong obligation to carry offerings, &c., in a procession to the said vihare on the ensuing Sinhalese New Year day.

That although license to carry on a procession has not been granted to the petitioner, license had been granted to the Hindus and Muhammadans to parade their respective religious processions through the streets of this part of the city, during the months of February and March of this year, as will be shown in the annexed papers.

120

1 That it would not be out of place to state here for Your Excellency's information that even history does not show an instance when the native Buddhists had been denied the privilege of the free exercise of their religious rites in any part of the Island, and the tendency, however, of the high officials of the present day is to forfeit these important religious privileges to the Buddhists, which is very much to be deplored.

Under these circumstances the petitioner prays that it may please Your Excellency to grant the petitioner permission to lead a procession on the ensuing Sinhalese New Year day to the said vihare at Kotahena with the beat of tom-tom and other usual music.

For which act of kindness Your Excellency's humble petitioner, as in duty bound, will ever pray.

DON ANDRAYAS.

10 *True copy*—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

Memorandum.

121

(1) That on the 15th February last Samsi had permission to carry on a Moorish procession from Kotahena to Mutwal and back.

(2) That on the 28th of the same month Muniandi had permission to carry on a procession from the junction of the Sea Street to Kochchikade Hindu temple.

(3) That in the same month a funeral of a Tamil man was led with procession from Korteboam Street to Kotahena burial ground.

20 (4) That on the 11th March last Muniandi carried on a procession from the Sea Street junction, through different streets to Kochchikade Hindu temple. That two other parties on the same day carried on two processions through the streets of Kotahena. All of the above processions were accompanied with both native and Tamil music—beating of tom-tom, &c.

Memorandum No. 1,509.

Enclosure No. 12 in P 27.

Colombo, 10th April, 1884.

Mr. G. W. Don Andrayas is informed, with reference to his petition to His Excellency the Governor, that I am instructed by Government to refuse to grant permission for a procession on Good Friday.

G. W. R. CAMPBELL, Inspector-General of Police.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

No. 28.

P 28.

30

122

The Colonial Office to Colonel Olcott.

Downing street, 27th June, 1884.

Sir,—I am directed by the Earl of Derby to acknowledge the receipt of your further letter of the 19th instant, on the subject of the late unfortunate riots which took place in Ceylon on Easter Sunday last year.

A copy of your letter will be sent to Sir Arthur Gordon with the previous correspondence for his consideration. As Governor of the Island he is responsible for the peace and order of the community, and no final decision on the points urged by you can be taken without first referring the matter to him.

40 Lord Derby, however, desires me to acquaint you with reference to paragraph 3 of your letter that your inference is correct that if any fresh evidence had been forthcoming, such as would justify legal proceedings, a prosecution would have been instituted and pressed to its conclusion.

I am to add what must be well known in Ceylon, that when the new Queen's Advocate arrived in the Island he was instructed to review the whole proceedings with the view of ascertaining whether then, late as it was, those who took part in the disgraceful riots of Easter Sunday might not be brought to justice, and Lord Derby much regrets that this has not been found possible.

I am, &c., R. H. MEADE.

True copy—H. M-M. MOORE, for Colonial Secretary,
8th May, 1914.

1

No. 29.

No. 553.

P. 29.

Kandy Kachecheri, 27th August, 1909. 123

Permission is hereby granted to Tikiri Banda, Basnayaka Nilame, to conduct a procession, with two elephants, tom-tom beaters, &c., on the night of the 28th instant, after 12 P.M., and on the 29th afternoon, from Wallahagoda Dewale to Bothalapitiya ferry and back, passing through the town of Gampola.

(Signature illegible), for J. P. LEWIS,
Government Agent, Central Province.

No. 30.

P 30.

124

10 A 2.

Administration Report.

Service Tenures Commission Report for 1872, page 450.

Minute by His Excellency the Governor.

By the Convention entered into between His Excellency on the part of the British Government, and the Kandyan chiefs on the part of the inhabitants, on the 2nd March, 1815, it was stipulated that the rites, ministers, and places of worship of the Budhoo religion were to be maintained and protected.

In execution of this article of the Convention, which was one most anxiously pressed by the Kandyan chiefs, His Excellency considers it an especial part of the duty of Government to take care that the revenues appropriated to the support of the various temples and religious establishments in the Kandyan Provinces are not diverted from the purpose to which the former Government had allotted them. It is also under that article a duty imposed on Government to provide that none of the religious edifices should, for want of timely attention and repair, either fall to ruins or become in such a state as to demand very expensive arrangements for their restoration or reconstruction. And His Excellency is more forcibly called upon to take immediate steps for the last-mentioned object in consequence of witnessing the dilapidated state into which many of the principal religious buildings at Kandy are daily falling, while no effort seems made for their repair.

It appears to His Excellency that the first point necessary to enable Government to fulfil its part of the Convention with the people of the Kandyan Provinces on this head is to ascertain the extent of landed property and annual revenue therefrom, and from other sources, during the years 1816 and 1817, the expenditure during the same period for the support of priests, and the necessary expenses of ceremonies and other contingencies in the different temples.

After these two essential points are ascertained it will then be seen what balance there remains in the hands of the various headmen to whom the administration of those revenues is committed ; and it will then only remain to calculate what amount will be required for the immediate repairs necessary to each of the various buildings above mentioned, and the Governor will have it in his power to determine in what manner any present deficiency in the means actually existing is to be supplied.

A further prospective measure appears to His Excellency as worthy of consideration, which is the allotment of an annual fixed sum, to be deducted in the first instance from the general annual revenues of each temple, and kept in deposit by the headmen for the purpose of future repairs and improvement of such temples, which sum is to be considered as not tangible for daily expenditure.

The amount of such appropriation will, of course, be proportioned to the total amount of the revenue of each establishment. 125

An annual audit of the accounts of all these establishments by the chiefs, and a report made by them to the Board, on each establishment separately, with the assent of the priests to the correctness of the accounts, will, it is conceived, tend to prevent any future abuse, and convince the inhabitants that Government is equally attentive in this as in every other point of its administration. His Excellency requests the early attention of the Board to these suggestions ; and he is persuaded that the Commissioners will equally see with himself the impolicy of so material a subject as the religious establishments, to which a native is so much attached as is the case in these Provinces, appearing to suffer neglect and inattention from the Government.

In considering these topics His Excellency also hopes that the chiefs and priests, to whom such a part of this minute as may be necessary shall be communicated, will give their cordial aid.

50

By order of His Excellency the Governor,

GEO. LUSIGNAN,
Secretary, Kandyan Provinces.

Kandy, 21st January, 1818.

1

DEFENDANT'S DOCUMENTS.

No. 31.

D 1.

128

No. 1,197/14. Buddhist Temporalities Office of the District Committee, Kandy, 17th August, 1912.

Wallahagoda Dewale Perahera.

Sir,—I have the honour to submit that the Wallahagoda Dewale is a very old temple, situated about a mile from the Gampola town.

2. It was in ruins, and was restored by the present Basnayake Nilame at his personal expense this year.

3. The annual perahera of that Dewale commences next month.

4. It was usual for the perahera of this Dewale to parade the town of Gampola, and on the last day to go to Kahatapitiya for the water-cutting ceremony. In going to Kahatapitiya the perahera has to pass two mosques, one in the town of Gampola and the other at Kahatapitiya.

5. Although the Kahatapitiya mosque is the oldest of the two, those concerned in that mosque have no objection to the usual tom-tom being beaten opposite their mosque, whilst the Coast Moormen, who are the worshippers in the mosque at Gampola, seem to obstruct the performance of the religious festival of this ancient temple with all the pomp and grandeur attached to it from ancient times. They seem to think that they are entitled to stop the beating of the tom-tom opposite their mosque; and I understand that last year the Local Board of Gampola has posted up two boards, at a distance of 100 feet on either side of the mosque, warning that the beating of tom-tom should be stopped between those two posts.

6. I submit that this prohibition prevents the temple from observing the due performance of the religious ceremonies as carried on from time immemorial.

7. The mosque in question is a recent structure, and whilst the temple authorities will be the last to hurt the religious feelings of people of other creeds, they feel deeply hurt that obstacles should be thrown in their way in carrying out the ancient ceremonies of the temples connected with the Island from times immemorial, and which were conducted in the most peaceful manner, even with the sanction and support of the British Government.

8. I therefore beg that you will be kindly pleased to cause the obstruction to beat tom-tom opposite this particular mosque removed on the occasion of the perahera of the temple.

The Hon. the Government Agent, Kandy.

I am, Sir, your obedient servant,
P. B. NUGAWELA,
President.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

No. 32.

D 2.

130

No. 1,258/14. Buddhist Temporalities Office of the District Committee, Kandy, 2nd September, 1912.

Wallahagoda Dewale.

Sir,—I have the honour to acknowledge the receipt of your letter No. 3,554, dated the 27th ultimo.

2. The Wallahagoda Dewale was built by King Prakrama Bahu nearly 800 years ago; and the Ganga-tilaka Vihare at Kahatapitiya, where the remains of Queen Henakanda Biso Bandara were cremated, is the resort of the Wallahagoda Dewale for the ceremony of cutting the water at the end of the perahera.

3. The route taken to Kahatapitiya from Wallahagoda Dewale is through Herakola, Eregoda, Kirapone, and Molligoda, that is, the present main road from Nawalapitiya to Kandy, part of which passes through the town of Gampola and is now called Ambagamuwa Street.

1 4. We ascertain that the Coast Moorish community built a mosque on this road some thirty years ago, and about five years after building it attempted to stop the perahera passing along this road ; but the then Hon. the Government Agent refused to interfere with a time-honoured custom, as he could not show respect to one religion more than the other, and more especially as their prayer was one in connection with the religion of the land ; and that certain disturbances occurred, and the Moorish people were warned not to interfere with the procession, and from that date till about four years ago the Dewale procession passed the mosque undisturbed.

5. It appears that to gain the object of the Coast Muhammadans they started a procession about four years ago, headed by a young Roman Catholic, and enticed a few old women to join it, on the pretext of going to the Wanawasa Vihare in Gampola, and started throwing stones, &c., at the women, and caused a sort of riot, so that they might approach Government and gain the privileges they asked for by showing that the passing of the perahera along that street would be a cause for breach of the peace. When they found that already a breach of the peace had occurred the Government had naturally sympathy on the Muhammadans, and took up their cause by directing that two posts within 200 yards of the mosque be fixed, in order that the tom-tom might be stopped within that area.

6. Since then ordinary processions have, we understand, ceased to beat tom-tom within those posts, but the Wallahagoda Dewale has never stopped.

7. To be certain on this point we asked the Ratemahatmaya of Uda palata, who had been in charge of the division for the last eighteen years, and he tells us that the information we have received is correct, except that the time for passing the procession was fixed by consulting the Muhammadans. Formerly the procession went at any time it wished, but since this disturbance the time selected was one during which no service was held at the mosque, and was always before 12 noon.

8. Taking the procession before 12 is certainly very inconvenient and disadvantageous to the temple, because it is particularly between the hours of 9 A.M. and 3 P.M. that the devotees come to the Diyakepumptota, and by finishing the ceremony earlier that temple loses its revenue.

9. Even at the loss of the revenue the Basnayake Nilames from time to time had tried to maintain the time-honoured custom of taking the procession without ceasing tom-toming at any particular place.

10. It may be submitted that stopping tom-tom before any particular individual or place of worship is in our opinion a dishonour to that individual or place of worship.

11. There is on the road which this procession goes a famous mosque, built in the time of the Kandyan kings by the Kandyan Moors, called " Mekkan Sohonge," to which the Kandyan kings have given a sannasa, which we learn is now in the hands of Kolande Vedarala. The votaries at this mosque do not so much as hold its service on the day of the procession, lest they disturb the Dewale procession.

12. Even at the present moment no objection is raised by the authorities of this mosque.

13. We beg further to submit that restricting the privileges we have been enjoying from time immemorial for the sake of one mosque would necessarily involve us in stopping our perahera all along the road in case the Muhammadans chose to erect mosques of their own all along the route.

14. We claim the right, as handed down from our ancestors and through absolute prescription, as it is not our wish to violate the conditions of the trust imposed on us by our ancestors.

15. It is at the same time our wish not to hurt the feelings of any religious body, whether by word or deed, nor to show any disrespect to any place of worship ; and it is particularly on this ground that we approach you, and ask you to obtain for us the privileges we have been enjoying by fixing the time of the perahera to suit the Gampola Muhammadan community.

16. We are prepared to take the procession at any time you fix, even at a disadvantage to us ; but we ask that we may not be deprived of the privilege granted and enjoyed by us for so long a time, for the pleasure of a handful of Moors, who had come and fixed a mosque of theirs by the side of a road which had been used from time immemorial as the route for the procession.

17. We may further submit for your information that there are Christian churches on this road where the services of the ruling nation are held, and the procession passes without ever being obstructed ; and it is hardly a fair request of the Gampola Muhammadans, who are only traders, to sacrifice our rights.

18. We may still further submit that the Buddhists never raised any objection to the Muhammadans taking their pagodas and their Hobson-Jobson festivals by the side of any Buddhist places of worship.

I am, Sir, your obedient servant,

P. B. NUGAWELA,

President.

The Hon. the Government Agent, Kandy.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

No. 33.

D 3.

No. 3,783/21,489.

Kandy Kachcheri, 13th September, 1912.

134

Wallahagoda Dewale Perahera.

Sir,—With reference to your letter No. 1,258 of the 2nd instant, I have the honour to inform you that I see no reason to alter my previous order.

M. A. YOUNG,
Office Assistant.

I am, Sir, your obedient servant,
G. S. SAXTON,
Government Agent.

10 The President, District Committee, B. T. O., Kandy.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

No. 34.

D 4.

Wallahagoda, Gampola, 23rd September, 1912.

135

20 Sir,—I have the honour to inform you that the Esala perahera of Wallahagoda Dewale, Gampola, will come to a close this year on the 29th instant. The perahera will proceed to Kahatapitiya on the night of the 28th for the water-cutting ceremony, and return to the Dewale on the 29th instant before 6 P.M., along the Kandy Road and New Street at Gampola, with about 12 elephants.

Until we get redress from the Government I shall avoid the Ambagamuwa Street where the mosque stands.

Therefore I beg that you will be good enough to grant me license to take the perahera along the streets above named on the 29th instant, between 2 A.M. and 6 P.M.

I am, Sir, your obedient servant,
T. B. ELLEKEWALA, Basnayake Nilame, Wallahagoda Dewale.

To the Hon. the Government Agent, Kandy.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

30

No. 35.

D 5.

136

CEYLON POLICE.—PROCESSION FORM.

Kandy, 26th September, 1912.

B. Ellekewala Basnayake, of Wallahagoda Dewale, having applied for permission to move a procession, with customary native music and elephants, from Kahatapitiya along Kandy Road and New Street at Gampola to the Dewale, between 2 A.M. and 6 P.M. on 29th September, 1912, I, the undersigned, prescribe the route to be taken as above, in terms of Clauses 69 and 90 of Ordinance No. 16 of 1865.

2. The applicant is informed that music must be stopped on the near approach of horses, or within one hundred yards of any place of public worship, and that this procession cannot pass the Ambagamuwa Street where the mosque stands.

3. The applicant is warned that this permit will not free him from liability to an action for damage, or to a charge of manslaughter, if any damage is done or life lost owing to anything applicant may do or cause to be done during the procession.

4. This license does not empower the licensee to discharge fireworks.

G. S. SAXTON,
Government Agent, Central Province.

1

No. 36.

D 5a.

137

No. A/14. Buddhist Temporalities Office of the District Committee, Kandy, 14th September, 1912.

Wallahagoda Dewale.

Sir,—I have the honour to acknowledge the receipt of your letter No. 3,783, dated the 13th instant.

2. As this is the first time, from all information my Committee have received, that the annual Esala perahera has been asked to stop its music opposite a mosque, I respectfully submit that my Committee fear to take the grave responsibility of instructing the Basnayake Nilame (who, and the leading Buddhists in that quarter, seem to be quite averse to stopping the music) to stop the music opposite the mosque.

10 3. At the same time my Committee will not disobey your orders.

4. Until the Committee are able to convince Government that the application on behalf of the Buddhist temple is reasonable, my Committee would instruct the Basnayake Nilame to take the perahera along another route, avoiding the street where the mosque is situated, namely, along the street from the railway station to the fountain.

I am, Sir, your obedient servant,
P. B. NUGAWELA, President.

The Hon. the Government Agent, Kandy.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

20

No. 37.

D 6.

Dalada Maligawa, Kandy, 30th June, 1909.

141

Sir,—As the usual annual festival called Esala perahera of the Kandy Dalada Maligawa and the four Dewales is to be celebrated from 28th July to 7th August, 1909, I beg that permission may be granted to bring the following elephants into the town of Kandy, and to request that you will be pleased to obtain the usual assistance from the police to go along with the perahera.

I beg further to submit that these elephants are not so furious as to kill human beings :—

To Dalada Maligawa.

30

- | | |
|----------------------|----------------------|
| 1. Hondakota Eta | 6. Rambukwelle Eta |
| 2. Tikiri Eta | 7. Katugastota Aliya |
| 3. Gombara Aliya | 8. Attaragama Etinni |
| 4. Karunawati Etinni | 9. Horatala Eta |
| 5. Talwatte Aliya | 10. Walliya Aliya |

To Natha Dewale.

- | | |
|--------------------|--------------------|
| 1. Wal Aliya | 5. Gunamali Etinni |
| 2. Punchi Etinni | 6. Rani Etinni |
| 3. Horatali Etinni | 7. Gombari Etinni |
| 4. Wela Aliya | 8. Gunaya Aliya |

40

To Maha Dewale.

- | | |
|-------------------|------------------|
| 1. Horatala Aliya | 4. Punchi Etinni |
| 2. Gunaya Aliya | 5. Rama Aliya |
| 3. Sella Aliya | |

142

To Kataragam Dewale.

- | | |
|----------------------------|---------------------------|
| 1. Halangoda Mudiyanse Eta | 4. Elpitiye Punchi Etinni |
| 2. Punchi Etinni | 5. Amunugama Eta |
| 3. Elpitiye Loku Etinni | |

To Pattini Dewale.

- 1. Punchi Etinni
- 2. Horatala Aliya
- 3. Siribari Etinni
- 4. Guni Etinni

- 5. Siriyati Etinni
- 6. Wela Aliya
- 7. Gombara Aliya

K. B. NUGAWELA, Diyawadana Nilame, Dalada Maligawa.

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 38.

D 7.

143

Security Bond, Rs. 8,750.

Know all men by these presents that we, Kuda Banda Nugawela, Diyawadana Nilame of the Dalada Maligawa, Kandy, (2) Tikiri Banda Madugalle, Basnayake Nilame of the Natha Dewale, Kandy, (3) Abeyaratna Ratwatte, Basnayake Nilame of Maha Dewale, (4) Medduma Banda Ratwatte, Basnayake Nilame of the Kataragam Dewale, (5) Punchi Banda Wettewe, Basnayake Nilame of Pattini Dewale, Kandy, are held and firmly bound to His Majesty the King in the sum of Rs. 8,750, for the payment of which we bind ourselves, our heirs, executors, and administrators by these presents.

The condition of the above obligation is such that if the elephants named (1) Hondakota Eta, (2) Tikiri Eta, (3) Gombara Aliya, (4) Karunawati Etinni, (5) Talwatte Aliya, (6) Rambukwelle Eta, (7) Katugastota Aliya, (8) Attaragama Etinni, (9) Horatala Eta, (10) Walliya Aliya, (11) Wal Aliya, (12) Punchi Etinni, (13) Horatala Etinni, (14) Wela Aliya, (15) Gunamali Etinni, (16) Rani Etinni, (17) Gombari Etinni, (18) Gunaya Aliya, (19) Horatala Aliya, (20) Gunaya Aliya, (21) Sella Aliya, (22) Punchi Etinni, (23) Rama Aliya, (24) Halangoda Mudiyanse Eta, (25) Punchi Etinni, (26) Elpitiye Loku Etinni, (27) Elpitiye Punchi Etinni, (28) Amunugama Eta, (29) Punchi Etinni, (30) Horatala Aliya, (31) Siribari Etinni, (32) Guni Etinni, (33) Siriyati Etinni, (34) Wela Aliya, (35) Gombara Aliya be brought into the town of Kandy for the observation of the annual festival called Esala Perahera Mangallaya, and shall not injure, chase, pursue, alarm, or molest any of His Majesty's subjects from July to August, 1909, then this obligation to be void, otherwise to remain in full force.

In witness whereof we have hereto set our hands on the dates noted below :

Signed by the Diyawadana Nilame of the Dalada Maligawa, at Kandy, this 28th day of _____, 1909. 144

In the presence of—

K. B. NUGAWELA,
Diyawadana Nilame.

- 1. HERAT PERERA.
- 2. A. B. WEGODAPOLA.

Signed by the Basnayake Nilame of the Natha Dewale, at Kandy, this 20th day of July, 1909.

In the presence of—

T. B. MADUGALLE.

- 1. H. D. S. SENEVIRATNE.
- 2. T. B. ELLEPOLA.

Signed by the Basnayake Nilame of the Maha Dewale, at Kandy, this ____ day of _____, 1909.

In the presence of—

A. RATWATTE.

- 1. HERAT PERERA.
- 2. _____.

Signed by the Basnayake Nilame of the Kataragam Dewale, at Kandy, this 28th day of _____, 1909.

In the presence of—

M. B. RATWATTE.

- 1. HERAT PERERA.
- 2. L. B. RAMBUKWELLE.

Signed by the Basnayake Nilame of the Pattini Dewale of Kandy, this 28th day of _____, 1909.

In the presence of —

P. B. WETTEWE,
Basnayake Nilame.

- 1. HERAT PERERA.
- 2. A. B. WEGODAPOLA.

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

1

No. 39.

D 8.

145

Dn 9/553.

Perahera.

Kandy Kachcheri, 27th August, 1909.

Sir,—I have the honour to inform you that the Superintendent of Police, Central Province, has complained to me that during the last perahera season elephants were brought into the town at unusual hours, and that as a result there was considerable danger of accidents happening to the public, when riding or driving.

2. Further, it has been brought to my notice that some of the elephant-keepers were found drunk and not capable of managing the elephants. In one instance a keeper of an elephant of the Kataragam Dewale was prosecuted and fined in the Police Court.

10 3. I have to point out that greater supervision over the elephant-keepers should be exercised by the responsible parties, with a view to prevent danger to the public.

4. In future, elephants will not be allowed to be brought into the town except between the hours of 6 p.m. and 6 a.m., except on the last day of the perahera.

5. You are informed that this restriction will be strictly adhered to, and that the keepers will be prosecuted by the police in case this rule is not observed.

The Diyawadana Nilame and Basnayake Nilames.

I am, Sir, your obedient servant,
B. G. DE GLANVILLE,
for Government Agent.

20

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 40.

D 9.

146

No. 2,882.

Kandy, 5th August, 1910.

From the Superintendent of Police, Central Province, to the Hon. the Government Agent, Central Province.

Esala Perahera.

30 Sir,—I have the honour to acknowledge receipt of your letter No. 28/553 of 30th ultimo. In this connection I would request that the Basnayake Nilames be directed to take precautions that their respective elephant-keepers do not get drunk before going into the procession. Last year we had some trouble with drunken keepers, and one man was killed by an elephant, due to his keeper being drunk.

2. I would further ask that care be taken to see that the separate Dewale processions follow one another in an unbroken procession. Last year it happened that one portion of the procession was far in advance of the rest, consequently the crowd filled up the gap and rendered the control and direction of the procession difficult.

I am, Sir, your obedient servant,
C. L. TRANCHELL,
Superintendent of Police, Central Province.

True copy—C. H. COLLINS,
for Government Agent, Central Province,
May, 1914.

40

No. 41.

D 10.

147

NOTICE.—*Tom-tom beating at the Sacred Shrines at Anuradhapura.*

His Excellency the Governor has approved the following arrangements, agreed upon in conference by the High Priest of the Bo Maluwa, the Priest of the Ruwanweli Dagoba, and the Priest of the Isurumuniya Vihare, with the Hon. Mr. H. Wace, C.M.G., and the Government Agent of the North-Central Province, with regard to tom-tom beating at the sacred shrines at Anuradhapura.

Colonial Secretary's Office, Colombo, May 15, 1905.

By His Excellency's command,
A. M. ASHMORE,
Colonial Secretary.

ARRANGEMENTS.

Daily.

Tom-tom beating and bell-ringing is recognized within the maluwas of the eight sacred places up to 9 P.M.

Special.

1. At the full moons of Bak, Wesak, Poson, and Ehela the Chief Priest of the Uda Maluwa will give the Government Agent notice when the festival should commence. Tom-tom beating and bell-ringing will be recognized day and night for seventy-two hours from that time, and no license will be required either at the shrines or in the streets.
2. At the full moons of the other eight months the same practice will be recognized for forty-eight hours.
- 10 3. At the four mangallas—"Parana Aurudda," "Alut Aurudda," "Katti," and "Alutsal"—tom-toming in the perahera and at the shrines, as well as ringing of bells, will be recognized all night for one night at each festival.
4. Also at the "Mahapujawa" for one night.
5. Also at the Masa Poya of Bak, Wesak, Poson, and Ehela for one night at each festival.
6. And until midnight on the Atawakas of those four months for one night at each Atawaka.
7. For any special occasion not provided for above the High Priest will make application to the Government Agent.
8. In case of processions having to pass any place of public worship in which service is proceeding the beating of tom-toms, music, and all noise likely to disturb the service must cease within one hundred yards on either side of such building during the hours of such public worship.
- 20 9. The special arrangements Nos. 2 to 7 include the recognition of tom-tom beating when bodies of pilgrims are entering the town or moving from shrine to shrine along the roads.

No. 42.

D 11.

Dalada Maligawa, 16th November, 1909. 148

No. 256/1.

Sir,—I have the honour to inform you that "Katti mangalla" is one of the four annual ceremonies of the Kandy Dalada Maligawa and the four Dewales.

It has been usual custom from ancient times to take processions, starting at Natha Dewale, to the other Dewales on the days those ceremonies are performed, and that it had never been a practice to obtain permission from Government to beat tom-tom for the said ceremonies previous to this.

30 The Basnayake Nilame of Kataragam Dewale has written to me on the 13th instant that he was prosecuted by police for tom-toming when Katti mangalla of last year was performed, and that he was punished in that case.

I beg, therefore, that you will be pleased to inform the police not to raise any objection, on the occasion of the celebration of customary ceremonies, regarding religious matters, as they have been performing from ancient times without any hindrance.

K. B. NUGAWELA,

Diyawadana Nilame, Dalada Maligawa.

True copy—C. H. COLLINS,
for Government Agent, Central Province.

No. 43.

D 12.

23rd November, 1909. 150

40

E. 665/553.

From the Diyawadana Nilame, Kandy.

Date, 16th November, 1909. No. 256.

Referred to the Superintendent of Police, Central Province.

B. G. DE GLANVILLE,
for Government Agent, Central Province.

1 No. 860.

REPORT.

27th November, 1909.

The Hon. the Government Agent, Central Province.

It is not usual for police to issue licenses for beating tom-tom in the temple premises, but all the processions along any public road should and must be licensed, as the police are responsible for the regulation of the traffic on all public thoroughfares. The police must regulate the time and route to be taken, so that no Court of Justice is inconvenienced and services of other religions disturbed. It is seldom if ever that license is refused, so there is no hardship in obtaining a license.

C. I. TRANCHELL,
Superintendent of Police, Central Province.

10

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 44.

D 13.

151

No. 29. CEYLON POLICE.—PROCESSION FORM.

_____ having applied for permission to move a procession with customary native music from _____ between _____, I, the undersigned, prescribe the route to be taken as above, in terms of Clauses 69 and 90 of Ordinance No. 16 of 1865.

20 2. The applicant is informed that music must be stopped on the near approach of horses, or within one hundred yards of any place of public worship.

3. The applicant is warned that this permit will not free him from liability to an action for damage, or to a charge of manslaughter, if any damage is done or life lost owing to anything applicant may do or cause to be done during the procession.

4. This license does not empower the licensee to discharge fireworks.

Superintendent of Police.

No. 45.

D 14.

152

To Walter de Livera, Esquire, Police Magistrate, Gampola.

The humble petition of T. B. Kotandeniya, Basnayake Nilame of Wallahagoda Dewale, in Gampola.

30 Respectfully sheweth :—

That the annual perahera of the above temple having commenced it is necessary to conduct the water-cutting perahera procession to and from Bothalapitiya on the 15th, 16th, 17th, namely, a procession will start from the above temple to Bothalapitiya through the town on the nights of 15th, 16th instants, and that on the 17th instant from morning till evening also through the town.

That in the said procession two elephants would be led, and the same would be conducted with usual beating of tom-tom, &c.

And the petitioner, therefore, prays that your Honour may be pleased to grant him permission to conduct the same.

And for which act of goodness your Honour's petitioner shall ever pray,

40

T. B. KOTANDENIYA.

Gampola, 15th September, 1905.

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 46.

D 15.

No. 151/553.

Kandy Kachcheri, 21st May, 1907.

153

Processions in Gampola Town.

Sir,—In forwarding herewith a petition addressed to me by the Muhammadan inhabitants of Gampola, I have the honour to state that in view of recent doings at Gampola I think it would be advisable not to issue licenses for Buddhist processions to pass the mosque, if there is any alternative route by which such processions can reach the temple.

H. W. CODRINGTON,
Office Assistant.

To the Police Magistrate, Gampola.

I am, Sir, your obedient servant,
J. P. LEWIS,
Government Agent, Central Province.

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 47.

D 16.

No. 194/553.

Kandy Kachcheri, June, 1907.

154

Licenses for Processions.

Sir,—With reference to your sending H. C. de Silva to me *re* license for Poson carol, I have the honour to inform you that you should use your own judgment as to issuing licenses for the use of music in the streets, insisting on the conditions that music should cease within 50 yards of a place of worship and for 50 yards after passing it.

H. W. CODRINGTON,
Office Assistant.

To the Police Magistrate, Gampola.

I am, Sir, your obedient servant,
J. P. LEWIS,
Government Agent.

True copy—A. N. STRONG,
for Government Agent, Central Province,
16th May, 1914.

No. 48.

D 17.

155

To the Hon. the Government Agent, Central Province.

Sir,—I beg to submit that I am the Acting Basnayake Nilame of Wallahagoda Dewale, of Kataragam Deiyo, which is situated near the town of Gampola, and which was constructed during the reign of the King Prakrama Bahu, about 450 years ago.

2. A petition was presented to your Honour on the 17th September last, praying for permission to take the usual Esala Perahera of the Dewale along the street of Gampola as usual, with tom-toming and elephants, for cutting water, for which permission was granted to carry out the perahera in obedience to the police orders. When the police was informed after arrangements were made to start the perahera from the Dewale, an order was given by the police to take the perahera without tom-toming, &c., within a distance of 40 yards on either side of the mosque situate at Ambagamuwa Street. As the perahera was never taken in that manner, the tenants of the Dewale, as well as all the Buddhists in the division, said that they cannot agree to that order, and the water-cutting ceremony was not done.

3. In the evening of the same day I went, together with Gampolawela Korala, of Gangaihala Korale, and a few tenants of the Dewale, to the Police Magistrate's bungalow at Gampola, and brought the matter to his notice. Then he promised that he would allow to take the perahera as usual, but no redress whatever up to date. I am therefore obliged to submit the danger and the loss resulted thereby.

4. If the ceremony of cutting water in a perahera is not taken place, there will be a great calamity over the country; and also it seems to be a matter of violating the ancient Sinhalese customs. The ceremony of cutting water of the Esala Perahera is one which has been continuing from the time of ancient Kandyan kings up to date without any interruption, and that there is no use of a Dewale if the ceremony of water-cutting is not taken place.

5. On reference to page 907 of the second volume in the book "Gazetteer of the Central Province," which was compiled and published by Justice Lawrie, it will appear that this Dewale is a very ancient one, for which lands were dedicated by the King Prakrama Bahu. There are seven panguwas for the Dewale, viz., Multen

156

1 Panguwa, Uhulana Panguwa, Wiyana Allana Panguwa, Palihawadana Panguwa, Mutukuda Allana Panguwa, Pandan Allana Panguwa, and Dhoulkara Panguwa. There are some tenants, with the exception of Kapuralas and Vidanes, who are possessed of mud and high lands belonging to this Dewale by performing the rajakariya thereof.

All these rajakariyas are rendered on account of the Dewale. If the water-cutting ceremony is put a stop to, there will be no tenants to perform the rajakariyas, but they will possess the lands for nothing.

This Dewale had to give a log of sandalwood and five dollars to Embekka Dewale as a fine, according to the ancient custom, for having failed to go first to the seat of cutting water at Bothalapitiya.

6. It is usual to take the perahera along Ambagamuwa Street for cutting water from ancient times. Not only all the Buddhists but the Chetties and Hindu Tamils who are residing in the villages Bothalapitiya, 10 Kahatapitiya, Illawatura, Molligoda, Kirapone, Godagama, Hatugoda, Herapola, and Wallahagoda, are anxiously expecting to offer their vows to the Randoli on the day of cutting water.

7. As these villagers failed to do so this year, they are very angry about it. Besides, the inhabitants of the surrounding villages, including the other Basnayake Nilames, are threatening me and are in a state of great anger. They also use rough words towards me. I am not in a position to escape from the tenants who perform the rajakariyas of the Dewale, and also I have no way to escape the ridiculing at me by the inhabitants of the villages.

8. Ever since the establishment of the Gampola town there was neither a quarrel in connection with the perahera nor was there any objection to perform the ceremony up to date. The perahera of the Dewale is still performing until the water-cutting ceremony is taken place, expecting to receive a favourable reply from the Police Magistrate, as he stated. 157

20 I beg therefore to bring to your notice that the perahera will proceed to Gampola town on the night of the 19th instant, and will return to the Dewale and terminate on the following day (20th instant), as usual.

9. I beg further to request that your Honour will kindly be pleased to take the foregoing facts into your consideration, and allow as usual to perform the perahera, which has been continued from ancient times without any interruption.

Angamana, 1st October, 1907.

TIKIRI BANDAR,
Acting Basnayake Nilame, Wallahagoda Dewale.

True copy—A. N. STRONG, for Government Agent, Central Province,
16th May, 1914.

No. 49.

30

D 18.

163

The Superintendent of Police, Central Province, Kandy.

The humble petition of Angamana Rampanhinda Senanayaka Seneviratne Wasala Mudiyanseralahamillage Tikiri Banda, Basnayake Nilame of Wallahagoda Dewale, in Gampola.

Respectfully sheweth :—

That the annual perahera festival of the Wallahagoda Dewale having commenced, the water-cutting ceremony connected with the said perahera is fixed to take place on the 13th instant, in the ferry at Bothalapitiya (Mahaweli-ganga).

40 That in connection with this perahera it is customary for the Dewale procession to proceed on the afternoon of the previous day (12th instant) to the town of Gampola, with usual hevisi, &c., beating of tom-tom, having elephants in the procession, between the hours of 6 and 12 P.M., and thereafter return in procession to the Dewale.

That on the 13th instant the perahera will start again from the Dewale at 2 A.M. and proceed in procession as aforesaid through the town of Gampola, along Kandy Road to Bothalapitiya, where the water-cutting ceremony would be performed, and thereafter about 12 noon the procession would return along same route through Gampola town to Dewale at Wallahagoda.

And the petitioner therefore most humbly prays that your Honour may be graciously pleased to grant him permission to conduct the said perahera procession ceremonies during the period as aforesaid.

And the petitioner, as in duty bound, shall ever pray.

Gampola, 10th September, 1908.

(Signed in Sinhalese.)
Drawn by (*signature illegible*).

50 Allowed—E. B. A., 10.9.08 He must be quiet when passing churches and mosques where worship is going on.

1 No. 267—D. I., Kandy. Kandy, 10.9.08. 164a
For P. S., Gampola.

Allowed as applied for, but the applicant is informed that he must be quiet when passing churches or mosques where worship is going on. E. B. A., S. P., C. P.

1,263/12.9.08—No. 2,988.
P. S., Gampola.

For attention. It would be well if you inform the P. M. of the movements of this procession. Send for the petitioner, and warn him as regards the requirements, *i.e.*, stopping music near places of religious worship, &c.

J. D. S., 11.9.08.

10 The petitioner is warned to carry procession along Ambagamuwa Street between 6 A.M. to 12 noon, and night, 12 midnight to 4 A.M., when there is no religious worship in the Muhammadan mosque. I made inquiry from the respectable Muhammadans in town and they informed me as above—that no worship in those hours as above said.

G. MENON, P. S. No. 1560—12.9.08.

I further informed him that in case he removes procession after or before the aforesaid time he will have to stop the tom-tom and music 50 yards within the reach of religious worship.

G. MENON, P. S. No. 1560—Gampola, 14.9.08.

The District Inspector, Kandy.

Submitted: myself, P. S. 1045, and seven constables went on duty. No complaints.

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G. MENON, P. S. No. 1560.

20 No. 3,014—15.9.08.
Superintendent, C. P.

Submitted: no complaint.—J. D. Samaraweera, D. I.

True copy—H. N. WOOD, Assistant Superintendent of Police, Kandy,
16th May, 1914.

No. 50.

D 19.

166

CEYLON POLICE.—PROCESSION FORM.

No. 267.

Kandy, 10th September, 1908.

30 A. R. S. S. W. M. Tikiri Banda, Basnayake Nilame, having applied for permission to move a procession, with customary native music, from Wallahagoda Dewale to the town of Gampola, between 6 and 12 P.M. on 12th September, and back again in the town of Gampola, along Kandy Road to Bothalapitiya and back to Wallahagoda Dewale between 2 A.M. to 4 P.M. on 13th September, 1908, I, the undersigned, prescribe the route to be taken as above, in terms of Clauses 69 and 90 of Ordinance No. 16 of 1865.

2. The applicant is informed that music must be stopped on the near approach of horses, or within one hundred yards of any place of public worship. The applicant must be quiet when passing churches or mosques where worship is going on.

3. The applicant is warned that this permit will not free him from liability to an action for damage, or to a charge of manslaughter, if any damage is done or life lost owing to anything applicant may do or cause to be done during the procession.

40 4. This license does not empower the licensee to discharge fireworks.

E. B. ALEXANDER,
Superintendent of Police, Central Province.

1

No. 51.

D 20.

167

Abstract from the Gampola Police Information Book.

Hour, 2.35 P.M.

Paragraph 1367.

Return from Perahera duty (*vide* paragraph 1363) I, with the Police Court Sergeant, went up to Kahatapitiya and saw the perahera procession was coming towards Gampola. I informed of the orders given to the police by the Police Magistrate. The chief of the perahera, Tikiri Banda, Basnayake Nilame, was not pleased with the orders, and said he would go along the Ambagamuwa Street, where there is a mosque, without ceasing the tomtoming. I told him that I cannot allow it, as the Moors might cause a row, and they must carry out the Police Magistrate's orders. Then the said Basnayake Nilame said he would speak to the Police Magistrate and obtain permission. I agreed. The Basnayake Nilame and myself went up to the Police Magistrate and explained the matter. The Police Magistrate decided that the procession should take the railway station road, and accordingly the perahera procession passed on without any complaint.

G. MENON, P. S.

True copy—H. N. WOOD, Assistant Superintendent of Police,
16th May, 1914.

No. 52.

D 21.

Downing Street, 30th August, 1815. 168

Duplicate No. 31.

Sir,—I have received and laid before the Prince Regent your despatches from No. 84 to No. 101 inclusive, with the exception of Nos. 98 and 99, of which neither the originals nor duplicates have yet reached this country. The complete success of your operations against the King of Kandy has relieved me from the necessity of conveying to you the opinions or instructions of His Majesty's Government on the points detailed in your earlier despatches, relating as they do exclusively to the circumstances which gave rise to and justified the war with that Power, and to the mode in which it was your intention to conduct its operations. The wisdom of your arrangements is sufficiently proved by their success, and as the objections of His Royal Highness to a Kandyan war arose not from any doubt of the justice of such a measure, but from an apprehension of its failure, your success has rendered it equally unnecessary to advert to that part of the subject.

His Royal Highness has commanded to signify to you his general approbation of the principles of liberal policy by which you have been guided in acceding to the Convention as proposed for the annexation of the Kingdom of Kandy to His Majesty's Dominions. But I cannot conceal from you that the satisfaction of His Royal Highness would have been more complete if the 5th Article of the Convention, which relates to the superstition of Boodho, had been couched in terms less liable to misconstruction. I am too well aware of your own feelings on these subjects, and of their perfect accord with those of His Majesty's Government, to doubt that the sense in which you acceded to that article, and therefore that in which it was accepted by the Kandyan people, was that expressed in the latter part of the Article, which provides for the maintenance and protection of the rites, ministers, and places of worship of the religion of Boodho; and in this sense His Royal Highness has no hesitation in giving to it his most unqualified approbation. If, however, the term "inviolable" in the first clause of the Article is, as I do not conceive it can have been, understood as precluding the efforts which are making to disseminate Christianity in Ceylon by the propagation of the Scriptures, or by the fair and discreet preaching of its ministers, it would be very much at variance with the principles upon which His Majesty's Government have uniformly acted for guarding against so great an evil. At the same time, I am to acquaint you that although His Majesty's Government have thought it their duty thus to qualify their sanction of this Article of the Capitulation, they entertain no doubt but that your explanation of the sense in which it was proposed and accepted will agree with the interpretation which they have put upon it.

I am well aware of the anxiety which you must feel to receive from His Majesty's Government some definite instructions with respect to the execution of the 3rd, 8th, and 9th Articles of that Convention, and the objections to it brought forward by the Chief Justice and the Advocate-Fiscal. Those points are now under the consideration of His Majesty's law servants, and I trust that I shall shortly be enabled to transmit to you their decision, with corresponding instructions for your guidance.

I see every ground to approve your arrangement for the future administration of the Kandyan country. As Ehelapola Adikar refused to accept any situation in the Government of the country, to the liberation of which he had so mainly contributed, I cannot but be glad that you discovered some other method of rewarding his services more gratifying to his feelings and not less becoming the character of His Majesty's Government. His Royal Highness approves the measures which you have adopted for this purpose, and has moreover been pleased to accede to the request made by Ehelapola of receiving the picture of His Royal Highness. It will be forwarded

1 to Ceylon by the earliest opportunity. The selection of Mr. D'Oyley as the representative of Government in the Kandyan country was no more than was due to his long and distinguished services, and the subordinate appointments appear to have been made with due regard to the talents which the different persons have evinced in the situations formerly held by them, and to their claims upon the Government.

It is not the least ground of my approbation that the arrangements have been formed with a due regard to economy. The distressed state of the Island finances for some time past, and the accumulation of charges necessarily arising from the operations which you have so successfully conducted, have no doubt attracted your observation : and I, on this ground, only forbear urging the necessity of immediately adopting such retrenchments in the military expenditure of the Colony as may enable the revenue to meet the charge of the Island.
10 Whatever objections may have hitherto existed to a reduction of the Colonial force must to a great degree be obviated by the removal of the enemy who most required observation, because he was the only one capable of inflicting real injury ; and I confidently expect that your next despatches will announce this reduction, at least of that Ceylon regiment the services of which you seemed in your despatch of the 17th January prepared to dispense with, even while the power of the King of Kandy was yet in existence.

You will not fail to bear in mind that although the expense of maintaining the Colonial regiments has been latterly thrown upon this country, and directions have been given in consequence to the Treasury for the payment of the bills stated in your despatch No. 90 to have been drawn by you on this account, yet that this charge must at an early period revert to the Colony itself. You will therefore make all your financial calculations upon this supposition. Among the subjects of minor interest referred to in your despatches, the failure of the cinnamon
20 crop is the most important, as it materially affects a main branch of the Colonial revenue. Inasmuch as that failure has been occasioned by the impossibility of deriving during war assistance from the cinnamon planted within the Kandyan limits, it may be repaired at no distant period, and I trust to your exertion for making up in the succeeding years the deficiency of the present year's investment.

I fear that the death of Mr. Kerr may prove a serious loss to the agriculture of the Colony. It has not been as yet in my power to provide a person properly qualified to succeed him in his charge ; but I will not fail to make every exertion to repair his loss, and to attend to the suggestions which you have made with respect to the qualifications to be required in his successor.

The only other points in your despatches which require any specific reply are those which relate to memorials presented by certain individuals to you, and by you referred to the consideration of His Majesty's Government.

30 As far as those memorials relate to claims upon the pension fund of the Island, I must, in conformity with the principles which I laid down on this subject in my despatch of the 10th of May last, No. 18, consider two of those cases as subjects for the previous consideration and report of the committee to whom the management of the pension fund is entrusted.

Upon Mr. Eden's memorial, however, I have no difficulty in expressing my opinion that, as he has held for above two years, though not successively, a situation to which a salary of above £1,500 a year was attached, and has for above two years subscribed at the rate of such salary, he is upon a fair construction of the regulations entitled to receive the pension of £500 a year, as soon as the whole period of his civil service shall have been completed.

I am sorry that I can neither accede to the prayer of Mr. Atkinson's memorial nor to the limited recommendation expressed in your letter to him. Requests of this nature only prove the impropriety of ever having
40 admitted a deviation from the rules of the pension fund, and inculcate more strongly than ever the necessity of adhering literally to them, unless it be admitted that every person employed in the Island in any capacity, whether on the Establishment or not, is to be equally entitled to its benefits. During Mr. Atkinson's former residence in the Island he was not on the Establishment, and therefore from the day of his quitting it was as much unconnected with Ceylon as if he had never visited it. Every argument which you have urged against his taking rank in the service from the date of his original appointment applies equally to his not receiving the other benefits of a civil servant previous to his being actually placed on the Establishment, and as no such expectation was ever held out to him at the time of his being placed on the Establishment, I cannot but consider his claim as entirely destitute of any foundation.

I have referred Captain Robson's memorial to the consideration of the Lords Commissioners of the
50 Admiralty. On the only point submitted to my consideration I confess that, as Captain Robson at a subsequent period fixed the rent of his house at 900 rixdollars per annum, I see no ground for giving him, for an antecedent period, higher rent than that which has been subsequently considered by himself as completely satisfactory.

I have the honour to be, Sir,
Your most obedient humble servant,
BATHURST.

Governor Sir Robert Brownrigg, G.C.B., &c.

True copy—M. A. YOUNG, for Colonial Secretary,
May, 1914.

No. 53.

D 22.

(From the Appendix to the Service Tenures Commissioners' Report, contained in the Ceylon Administration Reports for 1872. See pages 445 and 446.)

173

MEMORANDUM ON THE RESUMPTION BY THE CROWN OF VIHARA AND DEWALA LANDS.

For many years—in fact, from the earliest days of British rule in the Kandyan country—there have been repeated complaints of the misappropriation of the revenues derived from the lands set apart for the maintenance of the vihara (Buddhist temples or places of worship) and dewala (places dedicated to certain deviyo or demi-gods, regarded almost in the light of guardian saints whose influence for good or bad extends only to this present life).

10 So far back as 1818 (see Government Minute of 21st January, 1818) the Government directed that steps should be taken to ascertain the extent of landed property belonging to the temples, and the annual revenue therefrom, and the annual expenditure for the support of priests and the necessary expenses of ceremonies and other contingencies in the different temples. It also contemplated provision for the upkeep of the temple buildings and an annual audit of the accounts of all the ecclesiastical establishments.

It cannot be ascertained what steps were taken to carry out these instructions ; but it is probable that the inquiry did not go further than an attempt to ascertain the extent of landed property belonging to the temples.

20 By the Convention entered into on 2nd March, 1815, between the Governor of Ceylon and the Adikars and other principal chiefs of the Kandyan Provinces on behalf of the inhabitants, the dominion of the Kandyan Provinces was vested in the Sovereign of the British Empire (clause 4), and by clause 5, " The religion of Boodho professed by the chiefs and inhabitants of these Provinces is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected."

The vagueness of this engagement was the subject of remark by Earl Bathurst, the Secretary of State for the Colonies ; and the Governor, Sir R. Brownrigg, wrote in answer, that the " affirmative part of the clause, namely, that the rites, ministers, and places of Boodho worship shall be maintained and protected, embraces (as Your Lordship has justly construed it) the sum total of support engaged for on the part of the British Government ; and the negative term, inviolable, I can affirm to Your Lordship never to have had greater latitude of acceptance in my mind than that the Boodho religion should not be abolished or obstructed."

174

30 Here the matter rested for a time, but in October, 1817, a rebellion broke out, and the Government became anxious to show its readiness to adhere to the stipulations of the Convention of 1815. By the Minute of 21st January, 1818, it declared that by clause 5 of the Convention, " it is a duty imposed on Government to provide that none of the religious edifices should, for want of timely attention and repair, either fall to ruins or become in such a state as to demand very expensive arrangements for their restoration." And on the suppression of the rebellion a Proclamation was issued, under date 21st November, 1818, by which (clause 20) all lands which on that date were the property of the temple were exempted from all taxation whatever, with the exception that the Crown reserved its right to fixed gratuitous services from certain inhabitants of temple villages. It thus became necessary to make a register of the temple lands, and a Proclamation was issued on 18th September, 1819, commanding the en-registration of all lands which belonged to the Vihara and Dewala on the 21st November, 1818. This registration was carried on till the 1st September, 1822. It was subsequently ascertained that in this register there was entered a large extent of land which was liable to tax ; and it became necessary to put a stop to enormous and illegal exemption from tax which appears to have taken place under it. On the recommendation of the Board of Kandyan Commissioners the Government set aside the old Kandyan register, and a new register, known as Mr. Turnour's register, was commenced in 1831 ; but the work was abandoned when the claims in rather less than one-eighth of the Central Province had been investigated.—(See First Report of Temple Lands Commissioners, page 8.)

40

True copy—F. LIESCHING,
Proctor for defendant.

No. 54.

D 23.

175

MINUTE by His Excellency the Governor, addressed to the Board of Commissioners in Kandy, on the subject of amending the system of Government in the Kandyan Provinces.

50 A very short experience, after the acquisition of the Kandyan Provinces, served to convince His Excellency the Governor that the system of administering the Government of those new Possessions through the medium of Native Chiefs holding high privileges, which they conceived to be very little controlled by the Articles of the Convention, was inefficient to establish the due authority of the supreme executive power of the British Crown

1 for any of the purposes of securing its stability, collecting its revenue, or ensuring the well-being of its subjects, by protection from oppression, and a full administration of justice.

In the want, however, of a perfect knowledge of the fundamental principles of the ancient Government of Kandy, and of the relative powers and prerogatives of the Sovereign, and the privileges and jurisdictions of the chiefs, it was deemed most prudent to defer the introduction of any change till materials had been collected to complete that knowledge, and to enable His Excellency to submit to the consideration of His Royal Highness the Prince Regent such plan or reform as might be fairly expected to afford a solid foundation for a good Government; embracing at once the interest of the Sovereign and the subject, and attending, as much as those two more important considerations would allow, to the feelings of the chiefs, and the rights they had stipulated for by the
10 Convention.

The delay that has taken place in bringing the information required before Government has been a source of deep anxiety to His Excellency, as well as arising from the impossibility he has lain under by it of complying with the requisition in the meantime received to afford those data to His Majesty's ministers in England and from the consequent postponement of so desirable an object, as the imparting a beneficent form of Government to the Provinces newly acquired by the British Empire. 176

In the interval, the very moderate exercise of power by the Commissioners of Government, either in demanding the accustomed services of the inhabitants or collecting the ancient revenues, have, there is too much reason to believe, little benefited the lower classes; while, on the other hand, the want or disuse of a strong controlling power in the superior executive authorities had relaxed the general administration to so great a degree, that even the chiefs themselves complained of frequent disobedience to their commands when given for the public service. 20

At the same time it has been unfortunately proved that all the condescension that had been shown to their prejudices, and the share that had been left them in the administration of Government, have not been sufficient to keep in their allegiance to His Majesty. The chiefs of the greatest portion of the Kandyan territories who have in almost every Province joined in the support of a Pretender to the Throne of Kandy, whose strongest claim, as held out to the mass of the people, was founded on his assumed relationship to that family, the tyrannical conduct of which had been generally acknowledged and condemned by the nation, but who, it is now proved incontestably, was only put forward by some, if not all, of the designing chiefs in the completion of the project they had in view when admitting and aiding the British Government in 1815 to dethrone the late King, viz., to
30 acquire plenary dominion themselves.

Under these circumstances, surely, where so many of the chiefs have broken their part of the Convention by withdrawing their allegiance, and have seduced and forced the people to the same wicked course of rebellion, it is not imperative on His Excellency to consider the letter of the Articles of that Convention as so completely fettering his measures that he is not, on the subjugation of the existing insurrection (which he hopes he may now shortly anticipate to have accomplished), to take steps to fortify the hands of the British Officers appointed to the Executive Government, to invest them with powers of compelling immediate obedience from all the chiefs and inhabitants to the orders of Government, fixing and collecting a moderate and legitimate revenue, administering prompt and impartial justice to every subject of His Majesty, and finally to prevent, by all possible means, the recurrence of such calamities as have been in these Provinces the consequence of the existing rebellion, and the effects of which, it is to be feared, will long clog their prosperity. 40

To carry into execution His Excellency's ideas of an effective Government for these Provinces it is proposed—

(1) That the British accredited Agent of Government, either resident in Kandy or in the various Provinces, shall have powers of similar nature to those exercised by Collectors in the Maritime Provinces.

(2) That the Dessaves (where it shall be deemed expedient to continue that high class of native officers) shall only act under the orders of the British Agents, but shall be entitled to all the personal honours by which they now are distinguished.

(3) That all mohottales, corales, and other native chiefs shall receive their appointments from Government, and not from the Dessave.

(4) That all fees on the appointments to offices, including the Dekam of the Dessave to Government, shall
50 be abolished.

(5) That the Dessaves shall be recompensed for the loss they sustain hereby from the Public Treasury, as also from what it may be supposed they will sustain by a deprivation of the power of levying fines or fees in law-suits and demanding the services of the people. 178

(6) That the various services to be performed by all classes of inhabitants shall remain as they are, but with this limitation, that they can only be demanded by authority of the Agent of Government, and on payment being made for the same; excepting for making or repairing roads and bridges in the neighbourhood of every village, which is to be effected gratis; and also excepting, under due and known rules and limitations, the services to be

1 performed by certain persons to the Dessave or other superior chief, for which it is to be considered whether their lands or a particular portion should be exempted from taxation to be otherwise generally imposed.

(7) That all lands excepting Royal lands, those now belonging to temples, and such as are held by chiefs, both of the superior and inferior classes, and other servants mentioned in the above Article, also katopurales and attepattoo servants, by virtue and as perquisites of their office, shall be liable to taxation.

(8) That the rate of such taxation be on paddy land (the grain deliverable in kind at the nearest store) in the proportion of one-tenth of the annual crops, excepting on lands belonging to rebels who have fallen under the penalties of the several Proclamations of prescription, which are, if restored to the original owners, to pay one-fifth, and lands in Oodanoora, Four Korales, Three Korales, and the peaceful parts of Saffragam and of the
10 Seven Korales, which it is proposed only to submit to one-fifteenths.

(9) That natcherry and other dry-grain lands be subjected to a similar tax, and coco gardens to a tax of half a pice per tree ; and that these taxes be considered as in full of all imposts upon land or labour whatsoever.

(10) That all obligation to work on Royal lands be abolished ; that they be let to farm by public bidding for a term of three years.

(11) That every Agent of Government shall have power to punish disobedience of his order by suspension, fine, and imprisonment of all chiefs excepting the Dessave, cases of misconduct or neglect by whom shall be reported to the Board of Commissioners, unless in a case of very extraordinary emergency, as also the suspension of other chiefs, for the final decision of Government.

(12) That the administration of justice and police shall be on the following system :—

20 All cases relative to personal property not exceeding in value 25 rixdollars, and all cases of common assault, petty theft, or breaches of the peace may be heard by the Agent of Government solely, and decided on.

(13) All cases affecting lands, successions, marriages, and large personal property, and all criminal offences (treason, murder, and homicide excepted) shall be heard, tried, and determined by the Agent of Government, in presence of the Dessave and at least two mohottales, or in the absence of the Dessave, three mohottales, which latter shall perform the functions of jurors, and the Agent of Government that of judge.

(14) That the power of the Agent of Government sitting alone in passing sentence shall be limited to fines not exceeding 50 rixdollars ; corporal punishment not exceeding thirty lashes ; and imprisonment at hard labour not exceeding two months ; and that to those limits he be confined in assessing fine and imprisonment on the chiefs for neglect or disobedience of orders.

30 (15) That the powers of such Agents, acting with the Dessave and mohottales, as to sentence shall be unlimited, short of deprivation of life or limb. Provided that no such sentence by which corporal punishment is awarded exceeding 100 lashes, imprisonment either with or without chains exceeding four months, or fine exceeding 100 rixdollars shall be carried into execution without the sanction of Government, to whom the case is to be immediately submitted through the Board of Commissioners, who will report their opinion of the case and sentence, also for His Excellency's information. 180

(16) That capital cases shall be tried in the mode already established, and reported to the Governor.

(17) That in civil suits the losing party shall be liable, discretionally, to fine not exceeding the proportion of one-twentieth part of the value of the object in dispute, and in total amount 50 rixdollars, such fine to go to Government.

40 (18) That appeal shall lie in all civil suits wherein the object in dispute being land shall be one ammonam in extent, or being personal property shall be worth 150 rixdollars, to the Board of Commissioners in Kandy.

(19) That the Agent of Government may refer inferior cases for hearing and report to the Dessave or mohottales, liable to the decision being brought on appeal before himself ; but if such decision be affirmed the appellants to be liable to double fine.

(20) On these points, and on matters of detail arising in the execution of them, and on any others which may suggest themselves to the Resident and Second and Third Commissioners, as tending to introduce the effective system required, His Excellency requests the early opinion and advice of the Board.

50 His Excellency suggests that under the immediate administration of the Board of Commissioners, in the several departments of which it is composed, be placed the execution of this plan, in Oodanoora, Yatinoora, Doombara, Hewahette, Oudapalata, Kutmale, Harasi Pattoo, Toompanhe, and Matale ; that the minor judicial duties in the Four and Three Korles, including Bulatgamme, be committed to Resident Agents as at present ; and that the Resident Agent at Badulla conduct the executive, revenue, and judicial duties of Ouva, Welasse, and Bintene, under the general superintendence and review of the Board ; the Resident Agent for the Seven Korles those of that Province and Nuwara Kalawiya ; and the Agent in Saffragam its affairs ; the Collector of Trincomalee those of the Tamankaduwe. 181

His Excellency contemplates, with sanguine expectations of deriving pleasure from their being brought into action, that these several principles, combining a great degree of political liberty and the fullest security of property,

1 will be soon well understood and voluntarily acceded to by both chiefs and people of the Kandyan Provinces. To the former a degree of affluence sufficient to command all necessary respect, with a great portion of honour and consideration from Government and its Agents, must be held to view, to compensate for the slavish submission and extorted contributions from the inhabitants. To the latter His Excellency thinks very little additional inducement need be held out, after freeing them from the trammels of abject subjection, to the independence of their property on caprice—while both parties will, it is expected, be conciliated, and a third of no little power, kept at least neutral, by the inviolable respect paid to the property of temples and a proper regard to the due administration of their funds, already pointed out to the notice of the Board in the Minute of 21st January last, to which His

10 Kandy, 25th September, 1818.

By order, &c.,
GEO. LUSIGNAN,
Secretary, Kandyan Provinces.

True copy—M. A. YOUNG, for Colonial Secretary,
May, 1914.

No. 55.

D 24.

Downing Street, 13th April, 1847. 182

Duplicate No. 2.

My Lord,—On Your Lordship's assumption of the Government of Ceylon you will find much anxiety existing in that Island on the subject of a law which was designed to regulate the relation of the British Government to the Buddhist priesthood and to the property, and especially to certain relics which are consecrated to the Buddhist worship. A protracted correspondence on this topic (which I recapitulate in the margin*) has failed to produce any satisfactory result. I trust that the instructions which I am now about to write may be attended with better success.

30 In the progress of this discussion a preliminary difficulty has been raised by Mr. Buller, the Queen's Advocate, which if well founded would supersede much of the inquiry and preclude many of the conclusions into which they who dissent from him have been drawn. Mr. Buller's propositions are, in effect, that the Treaty into which we entered on the conquest of Kandy constitutes a law or compact binding and unalterable in all following times, however urgent might be the motives, and however extreme the exigency demanding the alteration of it. Then it is maintained that the terms of this immutable obligation are such as to require the Sovereign of the British Empire to maintain and protect the Buddhist religion in Ceylon as fully, and in the same sense, as Her Majesty is bound to maintain the Anglican Church in England and the Scottish Church in Scotland. Hence is deduced the inference that provision must be made by a written law, or by a custom having the force of law, for the exercise of all the rights and for the performance of all the duties attaching to the priesthood or to the people, in the relation which they mutually bear to each other. 183

Against this inference, and against the general doctrines from which it is thus deduced, I find that Lord Stanley protested. I adopt his Lordship's opinion, and am prepared to advance even farther than he did in repudiating the obligation which it is thus attempted to impose on the British Crown, not only by the Queen's Advocate, but by the memorial which accompanied your predecessor's despatch of the 7th February, 1846 (No. 37).

40 I cannot subscribe to the opinion that any law, whether it assume the form of an enactment or the form of a compact, can be justly regarded as incapable of such changes as in process of time, and under new and unforeseen circumstances, the general interests of society may demand.

The conventions made between a conquering and a conquered people must be understood as being made with a tacit qualification of this kind. The contrary hypothesis is sufficiently refuted by the absurdity and extravagance of the consequences which it involves. 184

I also decline to admit that the Convention of the 2nd March, 1815, is capable of such a construction as the Queen's Advocate and the memorialists concur in giving it. That Convention declares that the religion of Buddha is inviolable, and that its rites, ministers, and places of worship are to be maintained and protected. The obvious meaning of these words is, that the Buddhists should be free to celebrate their religious rites, and to hold all the places and property devoted to their worship, without molestation from their new Sovereign or from any one else. The stipulation was little else than a copy of the language usually employed during the last war on every capitulation to the British arms. It is a form of which the meaning is, at first sight, sufficiently obvious, and which usage in a great variety of cases has exempted from all ambiguity. 50

But if I were compelled to admit the construction thus put on these words, I should then deny that such an engagement would be valid or binding. Antecedently to this Treaty, and independently of it, there were obligations

* Sir C. Campbell : No. 14, 24 January, 1844 ; No. 53, 16 March, 1844. Lord Stanley : No. 210, 24 July, 1844. Sir C. Campbell : No. 96, 8 May, 1845. Lord Stanley : No. 388, 7 August, 1845. Sir C. Campbell : No. 37, 7 February, 1846 ; No. 65, 7 November, 1846.

1 incumbent on the Sovereign in whose name it was made, from which no compact could discharge him, but which must survive, control, and if necessary abrogate any Treaty repugnant to them. The Christian Sovereign of a Christian State had no authority to bind himself and his successors to a course of conduct which Christianity unequivocally forbids.

If, for the sake of argument, it were conceded that His Majesty King George the Fourth pledged himself not only to secure to the Buddhists a perfect exemption from all loss and injury in the celebration of their religious observances, but to enforce by law and by administrative authority the mutual rights and duties of the priests and people, that assumption would conduct us to the inevitable conclusion that His late Majesty had, however unadvisedly, pledged himself to the maintenance of abominations to which not merely the revealed Law of God, but the general conscience of mankind is irreconcilably hostile. 185

10 Adverting now to the Ordinance No. 2 of the 7th January, 1846, "To provide for the management of Buddhist Vihares and Dewales in the Kandyan Provinces," I observe that it is framed on the principle to which I am thus clearly opposed, the principle, namely, that we are not only bound to secure the Buddhists against molestation and injury in their property on account of their religious observances, but are bound to advance further, and to enact and execute laws having for their express object the more easy, convenient, and orderly celebration of the Buddhist rites and ceremonies. Thus it is enacted that the Dalada, or Sacred Tooth, shall be delivered over to the custody of a certain committee which is constituted by the first section; then follows an enactment vesting in that committee "all the rights, powers, and privileges which by virtue of the Convention of March, 1815, were vested in the Governor of these Settlements for the time being, so far as the same relate to the appointment or removal of priests and chiefs of temples and to the internal discipline of the ministers of the Buddhist religion." Power is given to the committee to remove any priest on the non-performance of his duties. The priest may appeal to the District Court to be restored to office, which court is to satisfy itself by due inquiry whether the priest was or was not guilty of any non-performance of his duties, and is to confirm the removal or restore the priest accordingly. 186

Now these enactments assume and declare that the Convention of 1815 vested in the Governor of Ceylon the appointment and removal of the priests and a control over the internal discipline of the ministers of the Buddhist religion. Denying, for reasons already assigned, that such is the real effect of the Convention, I cannot advise the Queen to confirm a law which ascribes that effect to it.

30 Further, if this Ordinance were confirmed it would follow that the appointment of Buddhist priests and the regulation of everything connected with their internal discipline could thenceforward take place, not as a tolerated usage, but in virtue of a positive enactment, to which Her Majesty the Queen would have been directly assenting and imparting Her royal authority. It is impossible that I should advise Her Majesty so to employ the powers adherent in Her Crown.

The confirmation of this Ordinance might possibly, and not improbably, lead to a result so strange that the mere statement of it seems sufficient to show the impossibility of the Queen being advised to take such a step. Suppose a Buddhist priest removed by the committee for not performing some of the obscene and odious practices which that superstition requires. Under this Ordinance such a person might appeal to a British Court of Justice for redress, and might pursue his appeal to the Queen in Council, and thus it might become obligatory on Her Majesty, with the advice of Her Privy Council, to confirm the removal of a British subject from his employment and his means of subsistence, not because he had done anything deserving of censure, but because he had abstained from doing something profane, impious, and obscene. 187

The Ordinance is suspended for the signification of Her Majesty's pleasure. Your Lordship will therefore understand, and will cause it to be publicly known, that Her Majesty will not be advised to confirm it. You will communicate to the Legislative Council the grounds of that decision.

50 The question then recurs, what law should be substituted for that against the confirmation of which these objections arise? As far as I can judge, at this distance from the place, it appears to me that no law whatever is necessary or could be properly made respecting the custody of this Relic, the choice of Buddhist priests, their internal discipline, or their religious observances. I cannot discover throughout this voluminous correspondence any sufficient reason why the priesthood should not be informed that they may regulate these matters for themselves, and execute their own regulations as they shall see best. Provided always, that neither in making nor in executing any such regulations anything be done repugnant to or interfering with the laws by which the persons, the reputation, and the property of Her Majesty's subjects in the Island are protected. Subject to such a general qualification I know not why we should desire to prevent the Buddhist priests from taking the management of these subjects into their own hands. The discipline which every religious body can exercise over those to whom continuance in that body is an object of deep interest, would be the appropriate sanction for the due observance of all such regulations. The mere proprietary rights which might be vested in the priests, or in any committees or trustees of their appointment, might, it should seem, be enforced or defended like the proprietary rights of any corporate body. Or if any technical difficulty should arise respecting the power of any such priests, committees, 188

1 or trustees to sue or to be sued in respect of such proprietary interests, there could be no difficulty in the enactment of a law creating that right, or declaratory of the existence of it.

The other objects of the Ordinance No. 2 of 1846 are, first, to ascertain the extent and boundaries of the temple lands, the names and the holdings of each tenant, and the nature of the services he is to render. Secondly, to enable a tenant to commute his services into a money payment. Thirdly, to provide for the ejection of tenants refusing to render the service or to make the payment on condition of which he holds the lands. Fourthly, to prevent the future acquisition of other lands to be held in mortmain, except by the Governor's license. Fifthly, to prevent the alienation of any such lands without a similar license. And sixthly, to render temple lands subject to taxation whenever they may cease to be devoted to religious uses.

10 To so much of this Ordinance as is limited to these purposes I do not object, except so far as they presuppose the existence of the committee and of other religious bodies which the earlier part of the Ordinance would constitute. With a slight change in the machinery the enactments which I have enumerated might very properly be brought together as constituting one complete and distinct enactment.

Nothing further appears to be necessary, and beyond the strict necessity of the case I cannot authorize 189
Your Lordship to advance.

It is not without regret that I observe that the preceding instructions are opposed to the opinions and the wishes of nearly all the members of the local Legislature. To their superior knowledge of all local affairs I cannot too unreservedly defer. But the present is a case in which the principles brought into debate depend, not upon any local circumstances, but upon considerations which can be appreciated with equal clearness in whatever country 20 they may be discussed, or which (it may be no exaggeration to say) can be appreciated more clearly at a distance from the scene of action than in the centre of a society agitated by the proposed application of them to practice. To separate the British Government from all active participation in practices at once idolatrous and immoral is a plain and simple, though most urgent, duty. That they who live in Ceylon may have a far clearer and more comprehensive perception than I have of the difficulties, and even of the dangers of performing that duty there, I do not, for a moment, dispute. It is possible that the vividness of that perception may have reconciled them to that compromise of the duty which the earlier parts of this Ordinance appear to me to contemplate and to sanction. I trust that on a review of the subject they will agree with me that the difficulties, whatever they may be, must be encountered, and that the danger, whatever it may be, must be incurred, in order to maintain inviolate the sacred principle in question, to the maintenance of which I am well assured the members of the Legislature of 190
30 Ceylon are not less earnestly attached than are the members of Her Majesty's Government in this country.

I have the honour to be, My Lord,
Your Lordship's most obedient humble servant,
GREY.

Governor the Viscount Torrington, &c.

True copy—A. N. GALBRAITH, for Colonial Secretary,
8th May, 1914.

No. 56.

D 25.

No. 1,400.

To the Hon. the Attorney-General, Colombo.

Kandy, 23rd July, 1913.

40 Sir,—We are instructed by Wickramasinghe Nawaratne Panditta Wasala Abeykoon Ganwila Herat Mudiyan-selage Tikiri Bandara Ellekewala, the Basnayake Nilame and Trustee of the Wallahagoda Temple, in the District of Gampola, in the Central Province, that he will institute an action against you in the District Court of Kandy to have it declared that he, as and in his capacity of Basnayake Nilame of the Wallahagoda Temple, is privileged and of right entitled to pass and repass along the entirety of Ambagamuwa Road or Street, in the town of Gampola, including that portion of it which abuts or adjoins and on which the present Muhammadan mosque stands, in procession, with elephants, to the accompaniment of tom-toms, drums, and other musical instruments, permission for the exercise of which privilege and right has been refused to our client by the present Government Agent, Mr. Saxton, although this privilege and right has been exercised by a large number of Basnayake Nilames of this Dewale during the last eight hundred years. We, therefore, give you notice that our client, the aforesaid 50 Basnayake Nilame of the Wallahagoda Dewale, will, after the expiry of one month, institute an action in the District Court of Kandy for the declaration that he is entitled to exercise the above-mentioned privilege and right, which he values at Rupees Three hundred and fifty (Rs. 350), and for damages and costs, unless he be allowed permission to exercise the privilege and right he seeks to have himself declared entitled to in the action to be by him instituted.

We are, Sir, your obedient servants,
GOONEWARDENE AND WIJEQONWARDENE,
Proctors.