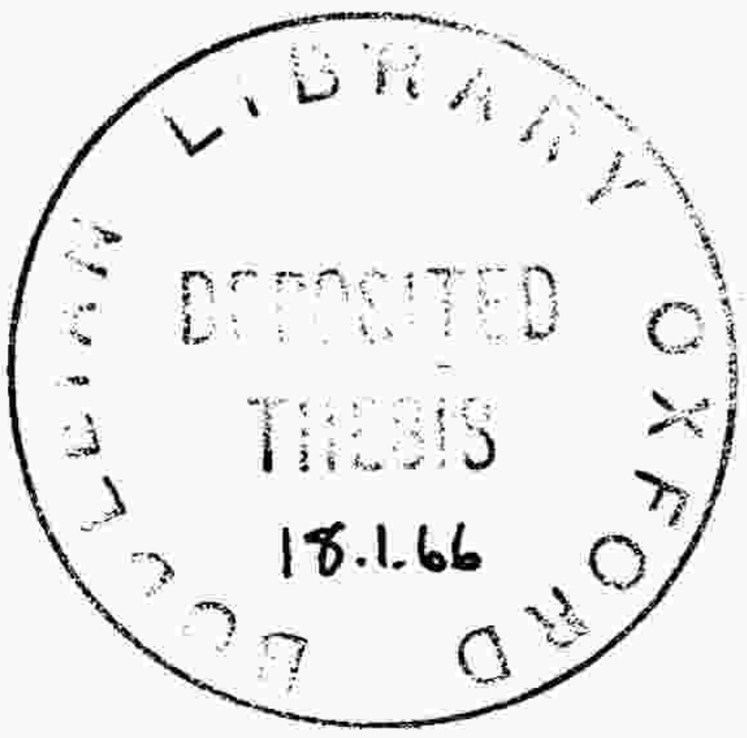
# SOME ASPECTS OF ECONOMIC AND SOCIAL POLICY IN CEYLON, 1840-1871.

Thesis submitted for the degree of Doctor of Philosophy at the University of Oxford.




History.

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Merton College,
10 July, 1965.

# ABSTRACT

One of the important themes of nineteenth century history was the impact of the industrialised Western nations on tropical colonial peoples. The detonations were more immediate in the economic and social fields where they were caused by the character of the colonial power, the particular problems it faced and the policies it evolved in answer to them. In Ceylon, as elsewhere, the British faced broad problems of a choice between Western enterprise or indigenous enterprise, plantation culture or peasant culture, Western principles of economic freedom and laws of contract or tropical systems of compulsion and customary law, and between Western or indigenous forms of administration. Within the limits of the paths they chose, the principles of land policy were crucial in any agricultural country, both to Western and indigenous enterprise. In Ceylon it so happened that the question of waste lands presented a major problem. Their efforts to meet this problem through the waste lands legislation of 1840-41 and 1897 together with the spread of plantations in the Central Highlands are commonly said to have had disastrous effects on the Kandyan peasantry, leading to land shortage and landlessness. Some writers have gone so far as to attribute callous exploitative motives to the authors of this legislation. These views called for a re-examination, with particular attention to the implementation of policy at the grass roots and an attempt to access the extent of land shortage and landlessness.

The choice of period was dictated by several Ceylonese factors but happens to coincide with the early and mid-Victorian era in Britain. The whole of Ceylon was not in the hands of the British till 1815 and even thereafter their hold over the interior was insecure. This made military and political considerations of paramount importance. With the passage of time and

the completion of the Colombo-Kandy road by the early 1830's in particular such considerations diminished in importance though remaining far from trivial. At about the same time, in 1832-33, changes were instituted by the commission of Colebrooke and Cameron. It is with considerable justification that their reforms are held to mark a turning point in Ceylonese history. Besides symbolising many of the ideas that were applied in the course of the century these reforms cleared the stage of many mercantilist and indigenous restrictions and paved the way for the economic progress of the following years. The coffee plantations were one of the forces behind this transformation. Their genesis is commonly dated from 1836-37 but the big land rush did not commence till 1840 when in one year more land was bought than in the eight years preceding it. Because it was crucial to the question of Government policy and its impact the waste lands legislation of 1840-41, therefore, presented a convenient starting-point. 1871 seemed a convenient terminal date, partly because it marks the end of a governorship and largely because the Gansabha (village council) Ordinance of that year set in train an alteration in the administrative structure at the village level in all parts of Ceylon. This thirty-one year span has the advantage of covering most of the Coffee Period (1836-1880's) while the acreage of these plantations did not expand so significantly later in the 1870's to justify inclusion. It is crucial to the history of the plantation areas to distinguish the impact of this period from the Tea and Rubber Era that followed. Apart from arising in a more populous setting, the latter crops were based on different ecological considerations and these differences explain some of the differences in impact.

The introductory chapter sketches the ideological background of the times and the broad problems which confronted a colonial power. It discusses the geographical setting in Ceylon, the major problems confronting the plantation sector and Government's attitude to these questions. Such political factors as the

1848 rebellion, the financial background and other factors influencing Government policy are also considered. Since they bore considerably on policy, the characters of the Governors are sketched and particular attention is devoted to the views of Ward, MacCarthy and Robinson whose periods of administration span the more constructive years 1855-1871. The second chapter is concerned with the main lines of land policy. It begins with an analysis of the tenurial system in the Sinhalese regions in pre-British times and proceeds to study the main forces which, together with legislation, conduced towards the establishment in British times of freehold and transferable rights in land - a principle which the British rulers consciously sought. Their theory of state overproprietorship, their efforts to give incentives to private enterprise of all types by ensuring certainty of tenure in the land, their attempts to reduce such obstacles to development as land held in undivided proprietorship, and their policies with regard to leaseholds and the upset price of land are dealt with; such associated aspects of land policy as the efforts to diminish the litigation so excessively prevalent, and policies towards broad questions of the relations between plantation sector and peasant sector and the choice between progress through a body of peasantry in smallholdings or an elite of indigenous aristocracy in largeholdings are also studied. This chapter, therefore, provides the basis for analysing other issues. One of these is the British effort to boost the indigenous rice enterprise through irrigation works (chapter three). The motives behind such undertakings ranged from the mundane one of increasing Government revenue to a desire to emulate the achievements and the prosperity brought about under some Sinhalese kings in Polonnaruwa and Anuradhapura. But the obstacles faced in the nineteenth century were many; their efforts to meet them included the partial resuscitation (in 1856) of the gansabha, which had earlier been weakened by the British themselves, and the implementation of this scheme receives

detailed study. These efforts were accompanied by schemes of colonization which were destined to remain paper-projects and by several restorations of tanks and watercourses. The policies of the different Governors in this field are scrutinised and an attempt is made to assess what Government achieved in the period under review, while criticism is levelled at the emphasis on short-term financial recoupment which dominated the thinking of some of the Governors - in the teeth of opinion to the contrary by other administrators of the time. Indigenous claims to waste lands were another obstacle to the economic development which the British had in mind. In the fourth chapter events leading up to the legislation of 1840-41 and other historical interpretations of Government's motives are considered in detail before proceeding to describe the way in which the waste lands question was tackled in the field. The conclusions drawn are at variance with the generally accepted historical opinion on these points. This chapter serves as a convenient point of departure for a study of the impact of land policy and the plantations on the Kandyan peasantry both in relation to the 1848 rebellion and in general. This is contained in the fifth chapter which also includes an attempt to gauge the extent of land shortage, partly through a visual test based on a map of the coffee plantations in conjunction with a relief map superimposed on it. The findings, here too, are considerably at variance with accepted opinion. From this chapter attention is focussed on another field of policy which bore considerably on peasants in all parts of Ceylon, namely the question of the paddy tax. Corresponding to that field of policy which comes under the heading of "Land Revenue" in Indian history, this field of theory and action is of considerable interest in itself - all the more because little research has been devoted to it. It was a subject which brought out much opinion from the British officials and unofficials alike, whether in England or Ceylon. In keeping with the time the tendency was to criticise the paddy tax as well as the import

duty on grain - particularly the latter. A redemption scheme for the former was actually in operation in a part of Ceylon between 1835 and 1842. But both imposts were retained because Government needed the revenue for its development projects, though not without conflicting discussions - including an ambitious scheme for a Land Tax in lieu of customs duties that was in great favour in the mid-1840's. Starting off with these theoretical battles the chapter proceeds to detail the modes by which the paddy tax was collected (the renting system and the commutation system) and to point out their many shortcomings. The very basis of the paddy tax is also criticised, and it is concluded that the tax worked against some of the principal aims of British policy in Ceylon. The seventh and final chapter discusses other factors which influenced the condition of the peasantry and attempts to sketch peasant conditions in general though within the limits of the material on which this study is based. It concludes with an appraisal of Government policy. While it is argued that Government policy, on several points, was ill thought-out, at cross purposes and lacking in imagination, one of the themes in this chapter is the danger of generalising about the direct impact of a particular line of policy upon the condition of the peasantry as a whole while neglecting the influence of other factors.

Inevitably the conflict between laissez-faire inhibitions and the demands of the time is one of the recurring questions in this thesis. The thesis is also much concerned with the gap between alien ideas and the situation in Ceylon itself. Since specialised regional studies to ascertain the impact of British rule in close detail have yet to be undertaken, it has devoted greater attention to policy than to impact. It is more concerned with policy towards the peasant than towards the European planter or immigrant worker. Within this field attention has been confined to the material sphere, and educational, constitutional and religious policy have been left untouched as fields which influenced a few, if with profound consequences for the future.

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# ABBREVIATIONS

## REFERENCES

The names of Secretaries of State for the Colonies are given without their titles and rank. Thus "Earl Grey" is rendered "Grey". The numbers following despatches (or letters) will be the numbers of the despatch (or letter) concerned. Thus, Anderson - Grey.68. 10 March 1851 will mean Anderson's despatch No.68 of 10 March 1851. This applies to internal correspondence in Ceylon too (where letters were numbered).

Admin. Reports. — Administrative Reports. [The year of the reports will precede the citation; thus 1868 Admin. Reports will refer to the printed volume for that year. Individual reports were entitled in different ways. These have been simplified by naming the district and the province to which each report applied; this is followed by the name and official position of the author.]

B.P.P. — British Parliamentary Papers.

Bailey 1857 Memo. — CO 54/345. Ward - Newcastle.46. 29 Aug 1859 Encl.5. W.Power [Government Agent, Kandy.] - Colonial Secretary.290. 14 April 1858. Encl. Memoranda on the settlement of the Chena question. J.Bailey [Assistant Government Agent, Badulla.] 12 Nov 1857. (pp 324-342 of the enclosures in Ward's despatch.)

Bailey 1859 Memo. — CO 54/345. Ibid. Encl.3. Memorandum on the Memorial (on the Chena question) from the Chiefs, Priests, European Residents, etc. interested in Chena lands to the Secretary of State. J.Bailey [Principal Assistant to the Col. Sec.] 9 May 1859.

| | |
|---|---|
| Braybrooke Memo. | CO 54/345. op.cit. Encl. 1. P. Braybrooke [G.A.Kandy.] - Col. Sec.255. 13 May 1859. |
| C.1202; C.1204; etc. | British Museum Newspaper Library, Colindale: call signs for Ceylonese newspapers. |
| Cey. Jour. of Hist. & Social Studies. | The Ceylon Journal of Historical and Social Studies. |
| Cey. Hist. Journal. | Ceylon Historical Journal. |
| C.G.A. | Ceylon Government Archives. |
| C.M.S. | Church Missionery Society MSS. |
| CO | Public Record Office call sign for Colonial Office series. |
| Governor's Addresses. | Addresses delivered in the Legislative Council of Ceylon by the Governors of the Colony together with The Replies of Council (in four vols. printed at different dates). |
| [1870] Hansard. | Proceedings of the Legislative Council of Ceylon also called Debates of the Legislative Council and later termed Hansard; the year preceding it refers to particular year being referred to. These debates were only printed from 1870. |
| J.R.A.S. CB. | Journal of the Royal Asiatic Society, Ceylon Branch. |
| PRO | Public Record Office call sign. |
| R.F.C. | Reports on the Finance and Commerce of the Island of Ceylon and correspondence relative thereto. (1848. London.) also found under B.P.P. Accounts & Papers. (1847-1848) [933.] Vol.XLII.105. |
| R.F.C.C.O.Committee Report. | Ibid. Encl. in Grey - Torrington. 40. 18 June 1847. Report of a Committee appointed for the Review and Consideration of the Colonial Reports on the Finance and Commerce of the Island of Ceylon. 13 April 1847. (pp 7-38.) |

| | |
|---|---|
| T.R.C. Tennent's Report. | T.R.C. op cit. Encl. in Campbell - Grey. 60. 4 Nov 1846. Report of Sir J. Emerson Tennent on the Finance and Commerce of the Island of Ceylon. 22 Oct 1846. (pp 44-106.) |
| S.P. | Sessional Papers. [Thus S.P.XII of 1865 will refer to Sessional Paper No.XII of 1865.] |
| Univ. of Cey. Review. | University of Ceylon Review. |
| W.M.S. | Wesleyan Missionary Society Archives. |

OTHER ABBREVIATIONS

| | |
|---|---|
| A.G.A. | Assistant Government Agent. |
| App. | Appendix. |
| Clbo. | Colombo (only for places of edition). |
| Cey. | Ceylon (only for places of edition and titles of periodicals). |
| Chap. | Chapter. |
| C.O. | Colonial Office. |
| Col. Sec. | Colonial Secretary, Colombo. |
| Confid. | Confidential. |
| D.J. | District Judge. |
| Econ. | Economic. |
| Encl. | Enclosure. |
| fol. | folio. |
| G.A. | Government Agent. |
| J.P. | Justice of the Peace. |
| Lon. | London (only for places of edition). |
| n.n. | no number. |
| para. | paragraph. |
| P.M. | Police Magistrate. |
| q. | question. |
| Sec. | Secretary. |
| Vol. | Volume. |

## GOVERNORS OF CEYLON[1]

| | | |
|---|---|---|
| | 1831. | The Right Hon. Sir Robert Wilmot Horton. |
| 7 | Nov. 1837. | The Right Hon. J.A.Stewart Mackenzie. |
| 5 | April 1841. | Lt. General Sir Colin Campbell. |
| 19 | April 1847. | *Sir James Emerson-Tennent. |
| 29 | May 1847. | The Right Hon. the Viscount Torrington. |
| 18 | Oct. 1850. | *The Hon. Charles Justin MacCarthy. |
| 27 | Nov. 1850. | Sir George William Anderson. |
| 18 | Jan. 1855. | *The Hon. C.J.MacCarthy. |
| 11 | May 1855. | Sir Henry George Ward. |
| 30 | June 1860. | *Major-General H.F.Lockyer. |
| 30 | July 1860. | *Colonel C.E.Wilkinson. |
| 22 | Oct. 1860. | Sir C.J.MacCarthy. |
| 1 | Dec. 1863. | *His Honor Major-General Terence O'Brien. |
| 31 | March 1865. | *Sir Hercules George Robert Robinson. |
| 16 | March 1865. | Sir Hercules George Robert Robinson. |
| 2 | July 1868. | *His Honor Lt. General S.Hodgson. |
| 13 | June 1869. | Sir T.G.F.Robinson. |

1. From C.Pickman. The Ceylon Civil Service Manual. (1885.Cbo.)
* Lt. Governor or Officer Administering the Government of Ceylon (i.e. temporarily in charge).

## SECRETARIES OF STATE FOR THE COLONIES[1]

| | | |
|---|---|---|
| 1830. | | Viscount Goderich, Earl of Ripon. |
| 1833. | | Right Hon. E.G.Stanley, late Earl of Derby. |
| 1834. | | Right Hon. Thomas Spring Rice, late Lord Monteagle |
| 1834. | | Earl of Aberdeen. |
| 1835. | | Right Hon. Charles Grant, late Lord Glenelg. |
| 1839. | | Marquess of Normanby. |
| 1839. | | Lord John Russell. |
| 1841. | | Lord Stanley, late Earl of Derby. |
| 1845. | | William Ewart Gladstone. |
| 1846. | | Earl Grey. |
| 1852. | | Right Hon. Sir John S.Pekington. |
| 1852. | | Duke of Newcastle. |
| 10 June | 1854. | Right Hon. Sir George Grey. |
| Feb. | 1855. | Right Hon. Sidney Herbert. |
| 15 May | 1855. | Lord John Russell. |
| 21 July | 1855. | Right Hon. Sir William Molesworth. |
| 17 Nov. | 1855. | Right Hon. Henry Labouchere. |
| 26 Feb. | 1858. | Lord Stanley. |
| 31 May | 1858. | Right Hon. Sir Edward Bulwer Lytton. |
| 18 June | 1859. | Duke of Newcastle. |
| 4 April | 1864. | Right Hon. Edward Cardwell. |
| 4 June | 1866. | Earl of Carnarvon. |
| 8 March | 1867. | The Duke of Buckingham and Chandos. |
| 10 Dec. | 1868. | Earl Granville. |
| 6 July | 1870. | Earl of Kimberley. |

1. From The Colonial Office List, 1872.

## OTHER AUTHORITIES IN ENGLAND

| | |
|---|---|
| Adderley, Sir C.B. | Later Baron Norton. Parliamentary Under-Secretary of State for the Colonies, July 1866 - Dec. 1868. [Hereafter Parl. Under-Sec.] |
| Bell, John. | Parl. Under-Sec. April 1855 - May 1855. |
| Blackwood, Arthur. | Clerk in the Colonial Office [C.O.] from 1824 and a Senior Clerk from 30 Aug. 1840. |
| Cox, Charles. | Clerk in the C.O. from 1836 and a Senior Clerk from 1860. |
| Elliot, T.F. | Clerk in C.O. from 1825; secretary to the Emigration Commission of 1831-32; a Land and Emigration Commissioner from Jan., 1840; soon its Chairman and then Assistant Under-Sec. of State for the Colonies from 1847. |
| Fairfield, E.D. | Entered C.O. from Harrow as a clerk, Nov., 1866. |
| Fortescue, Chichester, S. | Later Lord Carlingford. Parl. Under-Sec. under Labouchere May 1857 - Feb. 1858, and under the Duke of Newcastle, June 1859 - Nov., 1865. Irish. |
| Gairdner, Gordon. | Clerk in C.O. from 1824, Senior Clerk in 1837 and Chief Clerk in 1860. |
| Hawes, Benjamin. | Parl. Under-Sec., July 1846 - Nov. 1851 |
| Herbert, R.G.W.* | Permanent Under-Sec. from Feb., 1870. |
| Holland, Henry, T. | Later Baron Knutsford. Legal Counsel to the C.O. from 3 Jan., 1867, Assistant Under-Sec. from 31 March 1870. |

* Permanent Under-Secretaries of State for the Colonies.

| | |
|---|---|
| Irving, Henry, T. | Clerk in the C.O. from Nov., 1854 and Rogers' private secretary from April, 1862 - June 1866, then Colonial Secretary, Jamaica and then Col.Sec.,Ceylon from May 1869. Rose to be a Governor. |
| Knatchbull-Hugessen, E.H. | Parl. Under-Sec. from 14 Jan. 1871. |
| Lowe, Robert, E. | Eton and Oxford to the Foreign Office and thence private sec. to Earl Granville at the C.O. Eventually Assistant Under. Sec., together with Holland, from 21 May 1871. |
| Merivale, Herman.* | Lecturer in Oxford. Succeeded James Stephen as Permanent Under-Sec. in Nov. 1847 and served till May 1860. |
| Murdoch, W.H.C. | Clerk in the C.O. from 1828. Chairman of the Land and Emigration Commission after Elliot's departure in 1847. |
| Robinson, William. | Clerk in C.O. from Jan. 1854. Senior Clerk by March 1862. |
| Rogers, Frederic.* | Later Baron Blachford. Lecturer in Oxford before becoming Legal Counsel to the C.O. as well as an Emigration Commissioner from 18 May 1846. Succeeded Merivale as Permanent Under-Sec. in May 1860. Retired in Feb.1870 |
| Round, Francis, R. | Balliol, Oxford to clerkship in C.O. Feb. 1869. |
| Sandford, Sir F.R.J. | Assistant Under-Sec. Dec. 1868 - March 1870. |
| Smith, Vernon. | Later Lord Lyveden. Parl. Under-Sec. from Aug. 1839 - Sept. 1841. |
| Stephen, James.* | Permanent Under-Sec. from the 1830's to 1847, while also Legal Counsel to the C.O. as before. |

* Permanent Under-Secretaries of State for the Colonies.

Strachey, William — Precis writer in C.O. from 1848–1870.

Walcott, Stephen — Secretary to the Land and Emigration Commission from 1 April 1840. Promoted to Commissioner on 21 July 1860.

Wood, C.A. — An Emigration Commissioner from 1843 – 1857, he was also legal counsellor to the C.O., with Rogers, from 9 January 1847.

## List of Maps and Photographs

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Photograph Illustrative of the 'elevation factor': one of the typical hill-country scenes. p. 181[b].

# Chapter One

## INTRODUCTION

### I. THE IDEOLOGICAL BACKGROUND

After it fell under the control of the British at the turn of the eighteenth century, the island of Ceylon became subject to far greater changes in the course of the nineteenth century than under the partial sway of the Portuguese and Dutch. If this was partly a reflection of the different historical periods, it derived in great part from the character of the new rulers as well as the advantage they possessed in having the whole island in their hands. Since their policies contained a strong tinge of contemporary British thought it is with early Victorian Britain that we must begin, with that prosperous, powerful nation in whom a spirit of buoyant expansion, of pride, self-satisfaction and superiority was characteristic of those who gloried in the name of Briton.

> [The] Victorians regarded themselves as the leaders of civilization, as pioneers of industry and progress .... They were sure that their ability to improve the human condition everywhere was as tremendous as their capacity to produce wealth.[1]

They were convinced they had more to give to colonial peoples than to receive from them.[2] This was not mere rationalization after the event but also an attitude of mind. At its best it generated much service to colonial peoples. At its worst it produced great strains in different parts of the Empire. Invariably it created a natural predisposition to mould the children in the fond image of the mother-country. There was a constant

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1. Robinson, Gallagher & others. Africa and the Victorians.(1961. Lon.) p 1.
2. R. Iyer. "Utilitarianism and all that". St. Anthony's Papers. Vol.VIII. South Asian Affairs: One. (1960.) p 10.

attempt to transplant British ideas and institutions into the colonies - sometimes with adaptations, sometimes without. This was the policy of "assimilation".[1] Dissemination of Western culture in all its forms was regarded as a duty. Such acculturation of colonial peoples, in turn, was expected to create a suitable ethos for the spread of British commerce. Commerce, in turn, was considered a civilising agent; and so a missionary in Ceylon could proclaim that

> the commencement of coffee cultivation [would] soon change the character of the people and the aspect of the place [Morowaka Korale];

and pray that

> the introduction of British capital and influence [would] lead to the universal reception of the gospel with all its benign and saving consequences.[2]

Christianity itself was another front of cultural penetration. As represented in the Evangelicals, it also influenced administrators and had some influence on theories of government such as Utilitarianism and "Burkean Trusteeship".[3] Like the other strands of thought Utilitarianism was an apologetic for the fact of imperial rule, but, even more than the others, it presented a programme as well as methods of government.[4] Utilitarians sought to justify British rule through concrete progress, both spiritual and material. Their emphasis was on action and results. At times they were less doctrinaire than other Anglicists. In India they were less attached to the creed of laissez-faire than they were in Britain, but because they thought more in terms of results and interest rather than duty, in both countries they could be rather careless regarding the means they employed.

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1. Eric Stokes. The English Utilitarians and India. (1959. Oxford.) p xviii.
2. R.S. Hardy. Jubilee Memorials of the Wesleyan Mission. (1864. Cbo.) p 243.
3. R. Iyer. "Utilitarianism and all that". op.cit. p 50.
4. Ibid. op.cit. p 28.

Fortunately, the British had the saving grace of self-criticism and empiricism. Doctrinaire grafting did not go unchallenged. There existed the cautioning influence of "Burkean Trusteeship" - a cast of thought that was essentially conservative in spirit, distrustful of theory, anti-innovationist and more concerned with duty than with interest. Iyer argues that it "proved in practice more a private moral code than a generally accepted theory of government".1 But it served to temper the emphasis on Progress and Change by a healthy regard for the prejudices of indigenous peoples. As Stokes puts it

> In the shaping of Indian policy this form of conservatism ... as the attitude of paternalism was able to make strong headway against the reforming tides.2

Benevolent paternalism of this type appealed to many administrators, drawn as many of them were from the families of gentry. Both in the Colonial Office and in the field many an administrator tended to think of himself as part of a specialised caste.

> The aristocrat by right, the official by expertise, both felt socially superior and functionally detached from those who pushed trade and built empires ... [and] thought of themselves as arbiters above the tumult.3

If the constitution of the Colonial Office and its physical aloofness from the colonies worked to the advantage of preconceived prejudices and doctrinaire ideas, administration of a world-wide Empire had made the men in this office pragmatic in outlook and sceptical of all-embracing panaceas.4 Where there as political eruption in the form of tribal wars and rebellion, pragmatism was strengthened by political expediency and the

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1. Iyer. "Utilitarianism and all that". op.cit. p 28.
2. Stokes. The English Utilitarians and India. (1959. Oxford) p xvi.
3. Robinson, Gallagher & others. Africa and the Victorians. (1961. Lon.). pp 19-23.
4. James Stephen was pragmatic in outlook on many questions and his influence coloured the work of the Office even afterwards. But at times he was doctrinaire - particularly on religious questions. With regard to the question of the Buddhist-State connection in Ceylon, both he and Grey were quite bigoted [K.M. De Silva. Social Policy and Missionary Organizations in Ceylon. 1840-1855. (1965. Lon.) Chap.II. pp 64ff.]

reluctance to incur additional expenses. In India the patent failure to transform society bred a disenchantment in the 1850's and 1860's which contrasted with the optimism of the previous decades. The explosion of the Mutiny only served to strengthen Burkean concepts and made administrators feel that it was

> safer to take native society for what it was and concentrate on honest government and raising living standards.[1]

Pragmatism and trusteeship did not exclude that other great emphasis in British imperialism: the economic aim of boosting trade and developing the natural resources of the colonies with the benefit of the parent in mind. "[Material] progress in India originated mainly in the expectation of imperial and economic benefits for Britain."[2] At the same time the British believed that their colonial satellites would gain as much, or more, from the connection. If the great vehicle of this progress was to be commerce working shoulder to shoulder with the spread of Western civilisation, its engine was to be private enterprise. In the broad choice between the western principle of economic freedom and "the tropical system of compulsion",[3] there was no doubt that the Liberal Age would settle on the former. In the associated choice "between the western principle of law and the tropical system of relying on personal authority, between direct and indirect rule",[4] there was as little doubt that the former would prevail; for even if circumstances, at times, forced a considerable degree of personal authority on colonial administrators, the tendency was to work through Europeans, to set limits to their power and to separate judicial and executive functions.

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1. Robinson, Gallagher & others. op.cit. pp 10-11.
2. C.D. Bearce. British Attitudes towards India. 1784-1858. (1961. Lon.) pp 220-23.
3. J.S. Furnivall. Colonial Policy and Practice. (1956. New York.) p 6.
4. Idem.

Once the rule of law and the principle of economic freedom were opted for, the British faced a broad problem which could be termed the "Legal Tangle".[1] The merchant and capitalist, the very ethos of Liberalism, demanded a commercial code, a well-defined legal system and suitable economic institutions. This raised questions. Could the existing British legal system, or the new Utilitarian ideas, be applied? How far could the local legal 'systems' - or lack of them - be taken into account? What were the local customs? Obviously there was room for the imposition of concepts foreign to the indigenous peoples; and for the fusion or confusion of European and local concepts.

Behind this all was an ingrained premise of that day: "the basic assumption that the rapid economic development, however achieved, would automatically serve the interests of the inhabitants".[2] Economic progress and social welfare were equated. Eyes were, thereby, closed to many dangers.

Influencing this all, and even restraining the very economic progress that everyone sought, was the financial leash of the British Treasury. Throughout the nineteenth century, one of the basic assumptions behind British colonial policy was that colonies must live within the revenues they produced. Each measure was judged according to its cost in relation to necessity. Projects which could be classed as reproductive were expected to cover their costs, if not show profits. This was consistent with the age, for the British Government judged its own domestic projects in a similar manner and all commercial ventures under private enterprise were expected to yield profits. It was an age, too, which considered industry as a virtue in itself and believed that individual failure to prosper in the world indicated

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1. The phrase is derived from W.K. Hancock. Surveys of British Commonwealth Affairs. (1940. Lon.) Vol.II. pp 177-79. I am using this term in a wider sense. His label is more akin to what I have categorised as the "Land Problem". [Infra. Chapter two.]
2. J.T.Legge. Britain in Fiji 1858-1880. (1958.Lon.). p 167.

laziness and a lack of perseverance. It was an age when a journalist wrote:

> [We] need scarcely add that we agree in the abstract principles laid down as to the Singhalese and work. "If any man will not work neither should he eat"; and if Singhalese are starving and will not work, let them die, say we.[1]

Only the fittest deserved to survive. Charity was bad for both individuals and colonies.

Aiming at material and spiritual progress in the colonies, British administrators and entrepreneurs found that the tropical landscape could not be treated lightly. Private enterprise found that much was beyond its means and was quick to seek Government aid when it suited them. It was for this reason that one found State enterprise leading the way in the economic development of India and inspiring the progress of private enterprise in many ways. Much of this aid was of a productive nature, whether it assumed a material form such as roads, railways and irrigation works, or a non-material form such as general education, agricultural instruction or medical aid. The emphasis, initially, was more on the material. At times this equipment did promote production for a market, a case in point being the railways in the American prairies. At times, production for a market caused or demanded an increased application of productive equipment;[2] and there is no better example than the origin of the Ceylon Railway in 1856-58. Be that as it may, conditions were such that the Government of India became "an improving benevolent proprietor on an enormous scale".[3] Among the British exports were the ideas of "public probity and State philanthropy and the magic carpet of collectivism in harmony with private enterprise".[4]

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1. C.1202. "Ceylon Observer". 20 Aug 1868.
2. R. Fares. "Economic Factors in the History of Empire". Economic History Review. 1st Series. Vol.VII. (1937). p 141.
3. Iyer, op.cit. p 12.
4. Idem.

This was true of Ceylon too, though the predominant role of the plantations rendered it rather less the case. So it was that a Governor, Ward (1855-60), criticised another's private letter for

> [overrating] what a Governor [could] do for a community, and [underrating] what the community [did] for itself, especially where, as in Ceylon, there [was] a large infusion of Anglo-Saxon blood.[1]

He believed that

> when once the nucleus of an Anglo-Saxon community [was] formed all that a Government [had] to do [was] to give its energies fair play,

and that Ceylon's prosperity in the late 1850's was due to "the great commercial movement" rather than to Government.[2] On another occasion he proclaimed: "Government does not create trade. It follows it."[3] Yet he himself was an activist in many spheres and insisted on undertaking irrigation projects as an obligation on Government's part.[4] He appears to have accepted the view that Ceylon was "a country where the Government [was] expected to do everything".[5] But he was essentially a pragmatist who took each case on its merits. He rejected a suggestion that Government should experiment with cotton culture in the Dry Zone on the ground that

> the interference of Government would be of little effect without private enterprise and private capital; - and, as to introducing cotton cultivation upon a large scale, by any others, it would be wrong in principle, and certain to fail in practice .... It may hold out inducements in the way of internal improvements to private capital but it cannot take its place or conduct, by a Public Agency, speculations that require the constant supervision of a well-regulated self-interest.[6]

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1. 1856 Blue Book Reports. Ward - Labouchere. 135. 25 July 1857. pp 282-85. [re Torrington's letter].
2. Idem. To the people he stated that the increased revenue was not due to his own work but to the "large investment of Capital" and "the combined exertions of the whole community". [Volume of Speeches and Minutes of Sir H.G. Ward (1864. Cbo.) - hereafter cited as V.S.M. Ward - [Ward's reply to the address of the inhabitants of the Seven Korales. n.d. 1858.] p 370.]
3. CO 54/344. Ward - Lytton. 101. 23 May 1858. Encl.2 [Col. Sec.] - Lt.Col. Tranchell and Memoralists. 23 May 1859.
4. Infra. pp 106. 110-12, 147, ff.
5. CO 54/327. Ward - Labouchere. 6. 10 Jan 1857.
6. CO 54/331. Ward - Labouchere. 219. 27 Nov 1857.

On another occasion he

> [warned] the Council against relying too much upon [the] argument of interfering with private enterprise; for Ceylon ... would go to the ground between two stools, if whenever the Government proposed to do an useful thing, they were told it ought to be done by a Company, while when a Company came forward to do the work it was argued that it could only be done properly by the Government.[1]

MacCarthy (1860-64), on the other hand, was more inclined towards laissez-faire on both the immigration and irrigation issues.[2] To the planters' accusation that he was following a "parsimonious" policy in expenditure on roads and the like, MacCarthy replied:

> Private enterprise, however laudable a thing in itself, should operate with its own capital and not with that of the public. [Any appropriation from the general revenue towards such private enterprise] would be simply a misappropriation of public funds.[3]

If choices between laissez-faire and State intervention recur regularly in the period under review, clearly the ultimate choice hinged largely on the particular Governor's predilections. If road construction was accepted as a Government task from the outset, there were several other spheres in which laissez-faire held out for some time. This will be one of the recurring questions in the period studied in the present work.

With Hancock one can say that in

> territories inhabited by a relatively numerous indigenous population ... the development plans which economic interest demanded became inextricably interwoven with those governmental activities which are customarily described as "native policy".[4]

This was the "Ethical Tangle". Bearing on it and within the orbit of development by private enterprise the British were

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1. CO 54/324. Ward - Labouchere. 215. 15 Nov 1856. Encl.3; cutting from the "Colombo Observer" of 13 Nov 1856 reporting on Proceedings in the Legislative Council.
2. CO 54/363. MacCarthy - Newcastle. 212. 30 Oct 1861. C.1202. "Colombo Observer". 1 Nov 1866. Editorial reprinting extracts from a debate in the Legislative Council. 26 Dec 1862.
3. CO 54/377. MacCarthy - Newcastle. 123. 31 July 1863.
4. W.K. Hancock. op.cit. Vol.II. pp 173-75.

faced with a vital choice between the three paths which confronted most colonial powers - that of patiently encouraging local enterprise while limiting foreign ventures, or that of throwing the land open to European enterprise, or that of combining the two. Much depended on the nature of the crops grown or to be grown. As often as not, this choice also involved deciding between a reliance purely on peasant culture and an attempt to introduce plantation culture, for European enterprise in the tropics generally took to plantation crops. But there were occasions when the indigenous peoples grew plantation crops such as indigo and sugar though on a small-holder's basis.[1] Basically, the question was between indigenous enterprise and the introduction of large-scale foreign enterprise. At the turn of the eighteenth century, governed by the experience of European adventurers in Bengal, Dundas had established strict limitations on European enterprise in Ceylon, but invariably at our stage of the nineteenth century the British were not patient enough to rely purely on the local enterprise. Even in the 1870's Gordon was unique in the strength of his desire to slow the pace of economic development by settlers in Fiji in order to save Fijian society from cataclysmic changes.[2] Hence an early writer held Ceylon to be "deplorably deficient in four essential articles: capital, a spirit of enterprize, industry and labourers"; he believed that the "indolence of the Cingalese [sic]" was such that they needed "the stimulus of example", and suggested that Chinese colonists be imported for this purpose.[3] The British in Ceylon could not envisage the

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1. H.M. Leake. "Studies in Tropical Land Tenure". Tropical Agriculture. Vol.X (March & April 1933) pp 78, 112-13; Vol.IX (Aug 1932). p 238.
   In Indonesia through the Culture System the Dutch "secured, without planters, the objects of plantation culture". [W.K. Hancock. op.cit. Vol.II. pp 21-22.]
2. See Legge. Britain in Fiji 1858-1880. (1958. Lon.) passim.
3. Capt. L. de Buscche. Letters on Ceylon, particularly relative to the Kingdom of Kandy. (1817. Lon.) pp 94-95.

progress of local enterprise unless foreign enterprise paved the way. Such an outlook coloured the recommendations of Colebrooke and Cameron[1] when they made radical alterations in the socio-economic structure in 1832-33; and through these decades Britons were supremely confident about the good that could be achieved by an infusion of the "Anglo-Saxon spirit".[2] It is with justification that the Colebrooke-Cameron reforms have been likened to the work of a demolition squad[3] and that they are held to mark a dividing point in Ceylonese history. Colebrooke consciously strove to establish suitable conditions for private enterprise whether European, Indian or indigenous. He seems to have believed that foreign enterprise would not only dabble in plantation crops but concentrate on rice culture.[4] In the event Indian enterprise was limited to trade and estate labour, and European enterprise resorted largely to coffee and sugar cultivation (from the mid-1830's). By the early 1840's sugar had largely failed and it was left to the coffee industry to pioneer the economic transformation of the island. But these developments must not be taken to indicate that the plantations grew up on the ashes of local enterprise or that the British turned their backs on rice culture. They were always anxious to provide what they considered to be the necessary incentives to the peasantry, as we shall see in the cases of land policy and the paddy tax; even if slow in doing so, they also took up the policy of aiding the peasant through irrigation works and this attempt to overcome the limitations posed by climatic factors is studied later.

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1. G.C. Mendis. [ed.]. The Colebrooke-Cameron Papers. (1956. Oxford) Vol.I. pp 61-68; also see Goderich - Horton. 14 Sept 1832. pp 251-52.
2. CO 54/25. "Colombo Observer". 24 Dec 1856. Article by the late Mr. Armitage.
   CO 55/91. Grey - Torrington. 305. 24 Oct 1848.
3. K.M. De Silva. "The Colebrooke-Cameron Reforms". Cey.Jour. of Hist. & Social Studies. Vol.2. (1959) p 246.
4. G.C. Mendis. [ed.] The Colebrooke-Cameron Papers. (1956. Oxford.) Vol.I. pp 66-67.

A clash between plantation and peasant culture was diminished by the fact that coffee could not be grown on the mudland which rice demanded. Both coffee and sugar failed in the lowlands of the Southern and Western Provinces and coffee took root largely in the less-peopled Central Highlands where it was grown on highland and not on the mudland in the valleys. Confrontation of the sort that occurred between Boers and African tribes in South Africa was avoided. This does not mean an absence of friction between the Kandyan occupants in the Central Highlands and the new plantations. Cattle trespass and the use and sale of waste lands were a constant source of trouble, and Government's effort to settle the waste lands question through legislation in 1840-41 is controversial enough to merit study. It is for these reasons - the Colebrooke-Cameron reforms, the beginnings of plantation enterprise and the waste lands legislation of 1840-41 - that we have taken the year 1840 as our starting point.

## II THE CEYLONESE BACKGROUND

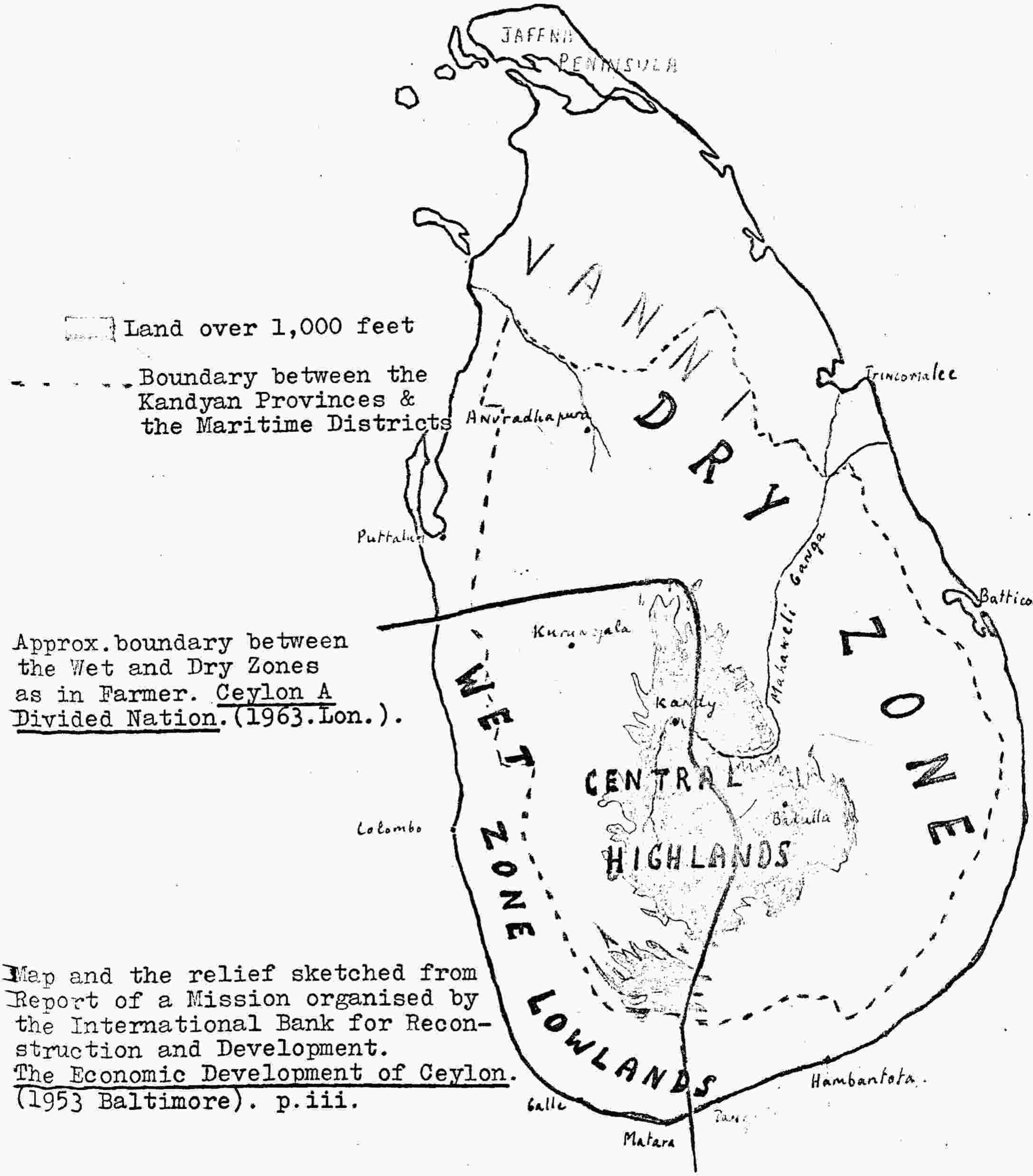
The story of development, transformation and impact was played out against a landscape that had a profound influence throughout. There is a Wet Zone in the South and West and a Dry Zone to the North and East with the 75 inch line of rainfall as a rough dividing line. Within the Wet Zone one can delineate the Wet Zone lowlands, a broad stretch of land below 1,000 feet which was the most populated part of the island in the British period; most of it lay within the political boundaries of the Maritime Districts but small portions were within the Kandyan Provinces in Dutch and early British times.[1] Colombo district in the Western Province, Galle and Matara districts in the Southern Province, to follow the administrative districts of the British, were part of the Wet Zone lowlands. Adjoining these lowlands in the south-central part of the island lay a

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1. See Map No.1 [infra. p.11b] and Map No.2 [in map case].

## MAP No.1.

## SKETCH MAP : GEOGRAPHICAL ZONES




Land over 1,000 feet

Boundary between the Kandyan Provinces & the Maritime Districts

Approx. boundary between the Wet and Dry Zones as in Farmer. Ceylon A Divided Nation. (1963. Lon.).

Map and the relief sketched from Report of a Mission organised by the International Bank for Reconstruction and Development. The Economic Development of Ceylon. (1953 Baltimore). p.iii.

belt of highlands ranging from 1,000 feet to over 8,000 feet; most of it lay within the Wet Zone, though portions on the northern and eastern fringes lay within the Dry Zone. While keeping this difference in mind, the whole area will be referred to as the Central Highlands or the Kandyan Highlands. These highlands lay within the Kandyan Provinces, but that term covers a larger entity, for not all the Kandyan districts were highlands - Bintenne, Tamankaduwa and Nuwarakalawiya districts and portions of Kurunegala (Seven Korales) and Kegalla (Four and Three Korales) districts being lowland. It so happens that much of our information pertains solely to the administrative division termed Central Provinces (Matale, Kandy, Badulla and Nuwara Eliya districts). This part of the Central Highlands was a Kandyan Province. But it is not synonymous with either the Kandyan Provinces or the Central Highlands - for the latter included portions of Sabaragamuwa and Kegalla which Colebrooke saw fit to include within the Western Province. The Dry Zone[1] included several Kandyan districts, but was peopled by both Sinhalese and Tamils in some districts and purely by Tamils in the Jaffna Peninsula, Mannar and Mullaitivu. The Tamil tenurial system, being freehold and non-service,[2] differed greatly from that of the Sinhalese. For this reason and because of the different geographical character of the Jaffna Peninsula, most of the Tamil areas are outside the scope of this study - except insofar as they provide evidence about the modes of collecting the paddy tax and the working of such measures as the Irrigation Ordinance. Batticoloa and Trincomalee (including Tamankaduwa) districts are treated as exceptions to this rule because they contained groups of Sinhalese and Moors and were favoured with the restoration of some irrigation works in the period under review.

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1. Within the Dry Zone the term Vanni can be held to cover the Mullaitivu, Mannar, Nuwarakalawiya, Tamankaduwa and Puttalum districts.

2. Colvin R. De Silva. Ceylon under the British Occupation 1795-1833. 1st ed. (1942. Obo.) Vol.II. pp 330-31.

It was into this setting that the advancing British tide of soldier, administrator, road-builder, missionary, trader, surveyor and planter entered - from 1796 into the Maritime Districts and from 1815 into the Kandyan Provinces. At the outset, inevitably, its touch was very light, especially in the interior. It grew, as roads, and soon, plantations spread into several parts of the island.[1] If the Colombo-Kandy road and other roads stimulated the growth of plantations, the latter in turn motivated and enabled the financing of more roads. Ceylon was being reformed, and one of the most vital of these changes was land policy. It was the basis on which both peasant and plantation agriculture existed, and it is for this reason that our detailed study begins with this aspect of British policy before proceeding into the other fields of policy and change which affected the condition of the peasant. Our study, therefore, relates not so much to the planters and their problems as to the peasants and theirs'-which included the impact of the plantations. Within this sphere, attention is largely on the material aspect; the impact of Western religion and education is avoided as being essentially a force bearing on a small minority, if with profound consequences for the future. Planters' problems, except that of land, and problems constitutional are avoided. Policy-makers, administrators and indigenous peoples hold the stage. But the plantations were one of the main agencies of change; the problems they faced held the attention of policy-makers and journalists more than any other aspect. Some of them must be sketched, even if lightly.

## Some obstacles confronting the planters

Apart from the land issue, planters faced three basic problems, which in turn raised questions of the extent of government aid in these spheres and brought the planters into relation with Government. There was the problem of raising capital.

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1. See Map No.2 [in map case].

This was left entirely to private enterprise, and Government participated only in providing the necessary banking, currency and company laws. Capital was provided from individual savings, and from loans from mercantile houses and banks, often for a mortgage of the crop. Even in the 1860's joint-stock companies were the exception and not the rule. Planters were usually small capitalists.[1]

Communications within the island presented a big problem. It involved four issues: the provision of harbour facilities and the controversy whether Galle, Colombo or Trincomalee should be the chief port; the construction and maintenance of roads and bridges; the supply of an adequate number of carts and cattle; the construction of railways, particularly one from Colombo to Kandy. While the supply of conveyances was left entirely to private enterprise, Government was alive to the needs of the planters in the other spheres. As in India, they saw that these needs could not be fulfilled by private enterprise alone, as customary in Europe. Roads were Government's responsibility from the start. Tolls were established on many of them, however, and part of the outlay regained. Under a system of "grants-in-aid" many roads were built in the planting districts with Government providing half the outlay if the planters concerned collected the other half.[2] This policy was so much a matter of course that planters demanded Government aid as of right. Though receiving the lion's share of expenditure,[3] they demanded more, and complained when expenditure was tightened or roads fell into disrepair. Not that Government aid solved all their problems.

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1. I.H. Vandendriesen. "Some aspects of the financing of commercial enterprise in nineteenth century Ceylon". Univ. of Cey. Review. Vol.XVIII. (July-Oct 1960.) pp 213-21, provides a useful description of this aspect.

2. The authorities were greatly attached to the principle of local responsibility and local rates for public works of purely localised benefits. [CO 54/321. Ward - Labouchere. 12. 28 Jan 1856; CO 54/314. MacCarthy - Grey. 28. 22 Feb 1855. Minute by Merivale. 7 April 1855.]

3. CO 54/346. Ward - Newcastle. 55. 16 Sept 1859.

Rinderpest could cause a shortage of cattle. The local supply of carts and cattle at times fell seriously short of the demand.[1] Transport costs fluctuated. It was to forestall this difficulty that the Colombo-Kandy railway was considered in 1845-46 and again in the years 1854-56 - and on the later occasion the commercial sector even agreed to the re-imposition of export duties to help finance such a project.[2] Government faced a choice between a Government project, construction by a contractor under a Government loan, or construction by a joint-stock Company with Ceylon's revenues as gusrantee. Ward considered the task was too big a responsibility for Government and both he and the authorities in London considered that a Company could offer greater security and certainty of success than a contractor.[3] The failure of a Government railway project in Canada seems to have influenced Labouchere.[4] The example of joint-stock railway enterprises in India must also have coloured Government views. Unanimous in demanding a Railway in 1855, the commercial sector had split into warring-groups by 1856 with one section for a Company project, another strongly anti-Company although they favoured a Railway, and a small group against a Railway altogether. Their inconsistencies drove Ward to petulance and despair.[5] Though some of the opposition stemmed from a distaste for the export duties,[6] basically, it arose from fears that costs would

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1. CO 54/315. Ward - Russell. 15. 8 June 1855. In this thesis the term "cattle" is taken to cover buffaloes as well, and "cattle trespass" will also pertain to trespass by buffaloes.
2. CO 54/321. Ward - Labouchere. Confid. 9 June 1856.
3. Ibid. Draft. Labouchere - Ward. 113. 9 June 1856. CO 54/316. Ward - Russell. 91. 16 June 1855; and Minute by Stanley. [Nov 1855.]
4. CO 59/25. "Colombo Observer". 11 Aug 1856. Capt. K. Jolly [in England] - The Secretary. Planter's Association. 19 May 1856.
5. CO 54/323. Ward - Labouchere. 143 and 153 of 15 and 30 Aug 1856.
   The Colonial Secretary, MacCarthy himself changed his views [CO 59/19. "The Examiner". 1 Sept 1856.] This was not the last occasion he was to reveal ultra-cautiousness where expenditure was involved.
6. CO 54/323. Ward - Labouchere. 153. 30 Aug 1856.

Vol.XXXV. (1962). pp 181 fn, 193fn.] This development must have been the work of Strachey. Certainly from the 1850's as far as Ceylon was concerned, he inspected all despatches which involved any expenditure and was the financial overlord. As such he exerted considerable influence on the military expenditure issue as well. Because of his Indian experience he was also consulted on many other matters.

rise and an unwillingness to enter into a binding alliance with a Company.[1] As the Examiner put it in a nutshell, "[the] Planters [wanted] a Rail but [shirked] the risk they [ran] in getting it".[2] The project was bound to be costly and it was only when a survey by a Government nominee, Moorsom, estimated the cost at £856,557 that the anti-Company group agreed to a Company undertaking (1857). No sooner did the Company engineer, Doyne, submit an outside estimate of £2,214,000 in 1859 than their opposition was revived with greater intensity. Disclosure of underhand dealings by the Company, in which even Ward was implicated for a while,[3] did not help matters. Ward was averse to halting a scheme which was already well under way. He considered the delay and the losses that would follow any abrogation the contract were not worth the savings from a lower estimate;[4] but he bowed to public opinion and the contract was annulled. The burning question in Ward's time, by 1859 the "Railway differences [had] soured the minds of many people"[5] and Ward's earlier popularity in commercial circles had waned. Ward himself developed a marked antipathy to William Strachey of the Colonial Office:[6]

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1. CO 54/331. Ward - Labouchere. 230. 14 Dec 1857.
   CO 59/25. "Colombo Observer". 24 March, 21 July 1856.
   CO 54/345. Ward - Newcastle. 34. 16 Aug 1859.
2. CO 59/18. "The Examiner". 25 Aug 1856.
3. CO 54/352. Ward - Newcastle. Confidential despatches of 6 April, and 8 May 1860. [Ward proved to London's satisfaction that he was not involved and that Fitzgibbon's (one of the engineers) charges were false. It is uncertain though doubtful if Doyne was party to them. As a Director of the Ceylon Railway Company, Anstruther (a former Colonial Secretary of Ceylon) almost certainly was.]
4. CO 54/346. Ward - Newcastle. 55. 16 Sept 1859.
5. Newcastle MSS. fol.10982. Ward - Newcastle. 15 Jan 1860.
6. Having served as a writer in the East India Company's service in India from 1838-43 [K.M. De Silva. Social Policy and Missionary Organizations in Ceylon 1840-1855 (1965. Lon.) p 109. fn.] Strachey joined the Colonial Office in 1848 as a Precis Writer. A Precis Writer had the task of gleaning the main points from any issue which involved a mass of papers and reducing the issue into a presentable form; and by the late 1860's had become a financial adviser. [B.A. Knox. "The Provision of Legal Advice and Colonial Office Reorganization, 1866-7." Bulletin of the Institute of Historical Research.

> [I] see that I have a very dangerous enemy in Mr. Strachey who combines the unscrupulousness of a partizan with a ready access to Your Grace, as official Director.

he wrote privately to the Duke of Newcastle.[1]

Through these decades the Colonial Office showed a willingness to follow Colombo in extending Government's responsibilities in several fields, agreeing that Government was better placed to undertake such tasks as irrigation works and port development and could see to them more economically.[2] So it was that Round admitted that

> when it [was] in the interest of the public that a monopoly should exist, it [was] on the whole expedient that Government should retain it in its own hands;

though he objected to Government control of warehouse facilities because he believed there was no necessity for any such monopoly:

> It does not appear desirable that Government should come to be looked upon as the only capitalist in the island and large schemes like the Colombo Harbour being beyond the limit of private enterprise, will present quite sufficient opportunity to spend its surplus revenues.[3]

In the third place planters faced the problem of a stable labour supply. Largely through an independence secured by their possession of land and partly because of other factors, both Kandyans and Low-country Sinhalese declined regular work on the estates, though fulfilling such essential tasks as forest clearing, transportation, weeding and holing.[4] Tamil immigrants from South India filled this vacuum, migrating for the seasonal crop picking and often returning after the season was over.

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1. Newcastle MSS. fol.10987. Ward - Newcastle. 12 April 1860.
2. CO 54/409. Grinlinton - Cardwell. 5 Aug 1865. Minute by Rogers n.d. [Aug 1865] and marginal comment by Cardwell. Infra. pp 97, 113.. re irrigation.
3. CO 54/474. Gregory - Kimberley. 44. 6 Feb 1872. Minute by Round. 13 July 1872. [Gregory was Governor from 1872-78.]
4. 1868 Admin. Reports. Sabaragamuwa. F.R. Saunders. A.G.A. n.d. [1869]. App.A. Extracts from letter. Saunders - G.A. Western Province. 411. 26 Aug 1868. p 25.
   CO 59/16. "The Examiner". 16 June 1853. "On Coffee Planting in Ceylon". C.R. Rigg. I am obliged to Dr. K.M.De Silva's thesis for leading me to this article.

At first a mere trickle, from around 1842 the influx grew to around 30 to 80 thousand per year at least.[1] But subject as they were to the vicissitudes of a terrible journey of 150 miles through the malarial jungles between Mannar and the hill country (the "North Road") and the ill-treatment, exploitation and non-payment of wages by the planters of the 1840's, it is no surprise that the supply fluctuated and that mortality among the immigrants of the 1840's was very heavy.[2] Thus arose the Immigrant Labour Problem[3] - a complex question which is best considered under three broad facets: first, the questions pertaining to the sources from which immigrants were drawn, on what terms, by what means and what route they came to the island; secondly, that of their welfare on the journey; thirdly, that of their welfare on the plantations, including within its fold that important aspect - the laws pertaining to master and servant.

The capricious nature of the immigrant supply induced planters, and even some officials, to suggest Government welfare measures on the North Road and Government-sponsored immigration through Colombo in order to bypass the difficulties of the North Road.[4] While taking some measures on the Mannar-Kurunegala-Kandy route, Colombo ignored the latter suggestion until 1847

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1. CO 59/16. "The Examiner", 16 June 1853. "On Coffee Planting in Ceylon". C.R. Rigg.

   A.M. Ferguson. The Ceylon Directory, Calendar and Compendium of Useful Information for 1866-68. (1868. Cbo.) Supplement. p 182, giving the immigration returns.

2. CO 54/463. Robinson - Kimberley. 60. 28 Feb 1871. Encl.1 Correspondence on the Condition of Malabar Coolies in Ceylon. No.8. Twynam [G.A. Northern Province] - Col.Sec. n.d. [1869-70.] p 15.

3. This topic has been covered by I.H. Vandendriesen. Some aspects of the History of the Coffee Industry in Ceylon with special reference to the period 1823-85. (1954. Lon.) Ph.D. Econ. History, and K.M. De Silva. "Indian immigration to Ceylon. The first phase, c.1840-1855." Cey.Jour. of Hist. & Social Studies. Vol.4 (July-Dec 1961).

4. K.M. De Silva. "Indian immigration to Ceylon. 1840-1855." ibid. p 109.
   CO 54/438. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse - Tennent [Col.Sec.] Confid. 6 March 1846.

when a concern for the coffee enterprise as well as humanitarian reasons led both Tennent and the Colonial Office to accept the principle of active Government measures on the North Road as well as supervision of conditions on the estates through Protectors of Immigrants.[1] Governed by laissez-faire inhibitions both Tennent and Grey drew the line at Government sponsored immigration.[2] In the event no Protectors were appointed as the Government found itself embroiled in the rebellion of 1848 and a general financial depression from 1847. The limited welfare measures on the North Road were barely extended in Anderson's time,[3] (1850-55). It was left to Ward to improve matters to some degree in the years 1855-1857.[4] At this stage the imminence of a Railway project raised fears among the planters and officials that wages would rise with competition for a limited supply of labour.[5] Bolstered by humanitarian as well as other considerations and a short supply of labour in 1857, this bogey was sufficient to convert Ward into an enthusiast for sponsored immigration through Agencies on the Indian Coast and a regular steamship service to Colombo administered by a semi-independent Commission with wide powers. He even had to pull the commercial sector into this project,[6] a project which was, in one sense, a combination among the four

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1. CO 54/235. Tennent [as Lieut.Governor] - Grey. 6. 21 April 1847.
   K.M. De Silva. op.cit. pp 122-24.
2. CO 54/235. Tennent - Grey. 7. 21 April 1847.
   CO 54/241. Elliott & Wood - Stephen. 27 July 1847. Draft. Grey - Torrington. 67. 7 Aug 1847. [The Emigration Commissioners were also against this step though it had been mooted by the Colonial Office Committee on the Finance and Commerce of Ceylon as well as agitators in Ceylon.]
3. K.M. De Silva. Social Policy and Missionary Organizations in Ceylon 1840-1855. (1965. Lon.) pp 265-67.
   C.G.A. "Colombo Observer". 28 May 1857. Remarks on [W.A. Swan's report on the state of the cooly route.] 17 April 1857 [by the editor].
4. Idem.
   CO 54/324. Ward - Labouchere. 235. 12 Dec 1856.
5. CO 59/10. "Ceylon Times". 20 March 1856.
   Governor's Addresses. Vol.I. Ward. 19 Nov 1857. pp 399-400.
6. CO 54/334. Ward - Stanley. 35. 27 Feb 1858.
   CO 54/337. Ward - Lytton. 131. 15 Nov 1858.

major employers of labour to keep wages down by stabilising the supply. Started in 1858 through an Immigration Ordinance, the scheme expected too much too soon and too cheaply. Bad luck with the steamer they purchased and the inability to bring more steamers into the line in time wrecked its chances. The planters quickly retreated. Reluctant as Lytton and Strachey had been in 1858 to accede to what they considered a novel and dubious scheme,[1] inclined to laissez-faire as the new Governor, Macarthy, was, the project was fated to end as it did in 1861. But Government did not withdraw into a non-interfering role. A regular ferry service was established on the normal crossing points between Mannar and India and conditions on the North Road were considerably improved by an improved patrol system and the digging of wells besides additions to the sheds and 'hospitals' already existing.[2] On official evidence and on the basis of a map of the Road(as in 1872) it appears that mortality had been reduced to the minimum possible.[3] One has to be more circumspect in accepting both the unofficial and official evidence in the 1860's to the effect that conditions on the estates were quite

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1. CO 54/356. Murdoch - Rogers. 31 May 1860. Minute by Strachey. 4 July 1860.

2. CO 54/370. MacCarthy - Newcastle. 172. 30 Aug 1862. 1863 Blue Book Reports. O'Brien - Cardwell. 197. 30 Aug 1864. Encl. [1863 Admin. Report. Northern Province and Jaffna District.] P. Dyke. 12 May 1864. p 138. [Roughly £4,000 a year was spent from 1862-64 inclusive and £24,945.14.7½. from 1865-69. (1867 Admin. Reports. Mannar. W.C. Twynam. A.G.A. 17 Jan 1868. App.F. p 93; 1869 Admin. Reports. Returns from the District of Mannar. p 116). This was by Government and was not charged to the planters.]

3. 1869 Admin. Reports. Nuwarakalawiya. L. Liesching. A.G.A. 2 April 1870. p 107.
1870 Admin. Reports. Mannar. P.A. Templar. A.G.A. n.d. p 102.
1872 Admin. Reports. Mannar. Allanson Bailey. A.G.A. 19 June 1873. p 126 and enclosed Map p 106.

satisfactory and ill-treatment rare.[1] Certainly immigrants were no worse off than Government labourers in wages or housing.[2] Legally relations were governed by Ordinance 5 of 1841 which was satisfactory in theory and was even an advance on the laws in Britain because it treated masters and servants as equal parties.[3] The rub was that the immigrants were too servile and ignorant to make use of the law.[4] Additions to the Ordinance in the 1860's were of relatively minor importance and the pleasure with which planters viewed the consolidating Ordinance No.11 of 1865[5] would suggest that both theory and practice was highly palatable to them. Gregory stated that the immigrant was

> perfectly aware that the law [would] protect him; and [that] the severe sentences passed by Magistrates in such cases [had] shewn that illegal acts [could] not be committed without immunity.6

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1. CO 54/425. Robinson - Carnarvon. 57. 6 March 1867. C.1202. "Ceylon Observer". 12 March 1869. "A Tamil's Account of the Coffee Districts of Ceylon". A. Joseph. CO 54/476. Private letter. Gregory - R.G.W. Herbert. 10 June 1872 enclosed in volume with despatch no.69. 7 June 1872.

2. CO 57/29. Executive Council Minutes. 27 Feb 1861. Minutes by the Col.Sec. [W.C. Gibson] and by [T. Skinner, the head of the Public Works Department].
S.P.I. of 1864. Report from a Sub-Committee of the Legislative Council appointed to report upon the Public Works Department. 5 July 1864. p 7.

3. CO 54/235. Tennent - Grey. 6. 21 April 1847; and Enclosures
A Collection of the Legislative Acts of the Ceylon Government from 1796. (1854. Obo.) Vol.II. pp 122-24.
H. Pelling. A History of Trade Unionism. (1963. Lon.) pp 57-8.

4. CO 54/235. Tennent - Grey. 6. 21 April 1847.

5. A.M. Ferguson, op.cit. App. "The Labour Laws of Ceylon". [by Ferguson] pp 41-2.
Ibid. "Superintendents' vs. Mr Wall." by "A Degenerated Superintendent". p 89.

6. CO 54/477. Gregory - Kimberley. 99. 9 July 1872.

But the laws fell short of the legislation in the sugar colonies.[1] Neither was there any machinery to inspect and supervise conditions on the estates. This broad field had been left entirely to the individual caprice of planters. It was only in the early 1870's that Government moved to establish organised medical aid in lieu of the rough and ready private treatment. This was largely the result of Colonial Office pressure. Partly from erroneous conclusions drawn from hospital death-rates in the Central Province,[2] London showed a greater inclination to interfere in immigrant matters and arrived at the conclusion that Ceylonese planters got their labour much cheaper than other colonies.[3] A more positive outlook was common to this time and it is significant that London accepted Government intervention and assistance in immigration schemes far more readily in the 1860's and 1870's[4] than Lytton and Strachey had done in 1858.

With so much at stake the planters were bound to constitute an important pressure group. Largely associated with the coffee interest, the merchants were usually in league with them. The Colombo Chamber of Commerce may be taken as representative of the Colombo mercantile viewpoint. From 1854 the Planter's

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1. CO 54/356. Murdoch v Rogers - Morivale. 22 March 1860.
2. Vandendriesen. History of the Coffee Industry (1823-85). (1954. Lon.) Ph.D. Econ. History. pp.267-88.
3. CO 54/463. Robinson - Kimberley. 60. 28 Feb 1871. Memo by Fairfield. 28 Feb 1871; Minute by Herbert. 2 May 1871.
4. CO 55/120. Kimberley - Gregory. 38. 15 Feb 1872.
   CO 54/396. Walcott - T.F. Elliot. 8 Sept 1864; and Minute by Elliott. 17 Sept 1864; and Minute by Cardwell. 21 Sept 1864; and draft (by Cox with additions by Rogers) [Colonial Office] - [The Treasury] 29 Sept 1864.

Association purported to be the organ of planter opinion; at that stage there were 295 plantations as against roughly 250 in the mid-1840's;[1] by 1859 there were 404, and by 1870 914 estates were actually being worked.[2] The number of European planters, that is to say of both proprietary-managers and mere managers of estates, was somewhat smaller than the number of properties. Non-cultivating proprietors, whether resident in Ceylon or England, added considerably to their vocal strength. Only a minority were actual members of the Planter's Association[3] and this body cannot always be held to represent the consensus of opinion. If planters were motivated by self-interest, they sometimes differed as to what this self-interest was and the whole picture is clouded by numerous personal animosities and controversies. As Merivale noted "their object [seemed] invariably to be 'economy' except in the items of expenditure which tell for their own immediate purposes".[4] They regarded Government

> as an unsympathetic and ignorant, dogmatic master incapable alike of understanding the planting interests or the people, with whom the planters were in constant touch.5

In the words of one of their firebrands, Government was "a dull ass that [did] not mend with the beating; only it [wanted] the stick to be constantly applied".[6] They drove Ward to the

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1. CO 54/303. Anderson - Newcastle. 191. 23 Dec 1853. W. Austin. "General views on the commencement and progress of coffee planting in Ceylon", in Lee's edition of Ribeyro's History of Ceylon (1847. Cey.) p 226.
2. A.M. Ferguson. Ceylon. Summary of useful information and Plantation Gazetteer. (1859. Cbo.) p 111. W. Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870. Lon.) pp 210-11.
3. C.1202. "Ceylon Observer". 30 Jan & 3 Feb 1868.
4. CO 54/314. Anderson - Grey. 15. 13 Jan 1855. Minute by Merivale. 26 Feb 1855.
5. F. Lewis. Sixty Four Years in Ceylon. (1926. Cbo.) pp 6-7. As he says, they were "little kings within their own limited kingdoms", and never tired of repeating the fact that Ceylon's economic progress was due to them.
6. [P.W. Jenkins]. Ceylon in the Fifties and Eighties (1886. Cbo.) p x.

exasperated comment: "I do not recollect having ever seen so much misrepresentation, or such singular inconsistency."[1]

The "Colonial logrollers",[2] as MacCarthy called them, were not a pleasant pressure group. They were not unique. A similar picture emerges of planters and settlers in Fiji and Mauritius[3] and, if anything, those in Mauritius were even more obnoxious.

Much the same remarks apply to the writing of the journalists of the time. For the most part the three English newspapers, The Examiner, The Colombo Observer and The Ceylon Times, represented or played up to the coffee interest. From 1859, however, The Examiner was run by a syndicate of lawyers including C.A. Lorenz, J.A. Dunuville and James De Alwis. With Lorenz as its editor, it represented Burgher opinion, was often "anti-British" in tone, and prone to attack "everything British".[4] For most of the period the Observer was owned and run by Dr. Christopher Elliott. Co-editor from 1845, A.M. Ferguson became its proprietor in 1859. Virtually a walking encyclopaedia on planting matters, Ferguson has been aptly described as

> a man of considerable ability ..., a self-made man ..., a Scotch platform of politics, gentleman, very rabid against establishments, temporalities, principalities and powers.5

Both in the 1840's and 1850's the Times and the Examiner were in the hands of British merchants or lawyers; from 1858 the Times was under John Capper. Largely the spokesmen for the coffee interest, these three newspapers added their personal touches

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1. CO 54/323. Ward - Labouchere. 153. 30 Aug 1856.
2. Newcastle MSS. Fol.11,001. MacCarthy - Newcastle. 10 July 1860.
3. J.K. Chapman. The Career of Arthur Hamilton Gordon. First Lord Stanmore. (1964. Toronto) pp 106, 119-23.
   Legge. Britain in Fiji 1858-1880 (1958. Lon.) pp 247-50.
4. C.1202. "Colombo Observer". 11 Feb & 10 March 1864. [Termed "Ceylon Observer" from late 1867.]
   C.1210. "The Examiner". 1 Aug 1863. Letter to editor from "Sugar Candy".
5. CO 54/441. W.W. Cairns - Frederic Rogers. 29 Sept 1868.

on many points. They were also governed by intense personal rivalry which sometimes led one or the other to range itself on Government's side for a while. Continuous personal sniping at each other was as common to the time as was inconsistency and expediency in argument and viewpoint.

For all these bickerings betwixt planters and newspapers, these were essentially tensions within the same world. This world was often at one in pressing Government for more aid to the coffee interest. Anti-Government agitation reached highest pitch in the times of Anderson and MacCarthy, when Government was enforcing economy in road-building, and in the years 1864-68 during the disquiet arising from the demand for a higher military contribution. It often assumed the form of constitutional agitation. It was logical that the coffee interest should seek to have a majority of unofficials in the Legislative Council in order to mould legislation and expenditure to their own ends, though, naturally, they did not see it in this light. Aided by the Burghers, the Examiner and some of the leading unofficials such as de Alwis and Coomaraswamy, they demanded this as of right, and protested against the hollow sham "that was the Legislative Council and against the evil despotism of Government".[1] Occasionally London showed a disposition to allow an unofficial majority,[2] but for the most part both London and Colombo - particularly Colombo - resisted this demand. Having instituted a Council largely to sound out opinion,[3] they were not inclined to let it out of their hands on the wise dictum that an irresponsible and

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1. C.1202. "Ceylon Observer". 15 Aug 1867; and 16 March 1868. Letter to editor from George Wall.
   CO 59/19. "The Examiner". 22 Oct 1856.
2. CO 55/98. Labouchere - Ward. Confid. 23 Feb 1856. Even here it was subject to the qualification that Ceylon, like India, should finance its own military defences.
3. C.C. Mendis [ed.] The Colebrooke-Cameron Papers (1956. Oxford) Vol.I. pp 51-56.
   C.B. Adderley. Review of "The Colonial Policy of Lord John Russell's Administration" by Earl Grey, 1853, and of subsequent Colonial History. (1869. Lon.) p 326.

selfish minority could not be trusted with such power.[1] The constitutional history of Ceylon is not the concern of this thesis, but periods of crisis must be kept in mind as an important background to events in their time. The crisis of the mid-1860's and the peak periods of agitation - late 1865, and early 1868 - under the Ceylon League are of particular relevance, not the least because the coffee interest was split on this issue, partly through the personal battle between George Wall and H.M. Leake (the Secretary of the Planter's Association).

Other factors bearing on policy.

If planter agitation was provoked by Government economy, the latter arose from the financial situation. This was inevitable given the short term outlook of budgetting according to the yearly revenues. The financial fortunes, in turn, hinged on the state of the chief moneyspinner, the coffee industry, which was partly governed by conditions in the European market. The depression of 1847-48 which followed the period of "coffee mania" in Ceylon of the mid-1840's was of immense significance. Numerous estates were abandoned or changed hands. A decline in revenue forced Government to curtail its expenditure. It was not until 1852-53 that coffee rose to its feet again and, except for a minor depression in 1867-68, basked in prosperity for the rest of the period under review. The years when revenue exceeded expenditure are a rough index to periods when Government could spread itself better: 1843-45, 1853-71.[2]

Theory and practice, forces of change and change also hinged on the human factor - particularly so in a Crown colony where the

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1. E. Dowden [ed.] Correspondence of Sir Henry Taylor (1888, Lon.)
   Taylor - Earl Grey. 6 May 1852.
   CO 54/228. Campbell - Grey. 60. 4 Nov 1846. Minute by Stephen. 14 Jan 1847.
   CO 54/412. Robinson - Cardwell. 78. 23 April 1866.

2. See App.B. infra. p 417.

ability and outlook of a Governor meant so much. While policy advanced on a certain line a new man at the top could cause major deviations in policy. The ability and the corpus of experience possessed by the Civil Service also counted for much.

Unfortunately little could be said in favour of either the knowledge or ability of the Ceylon Civil Service in the 1830's and 1840's. There were no men of the calibre of the Munro's and Elphinstone's of India. Colebrooke had been forced to retrench as well as reform and the combination was unfortunate. The abolition of pensions and reduction of salaries, together with the traditional practice of promotion by seniority, served to undermine the efficiency of the Service.[1] By the early 1840's many officials, Governor Stewart Mackenzie (1837-41) included, had purchased plantations and this accentuated the shortcomings in the Service.[2] Neither Mackenzie nor Campbell (1841-47) were able men and the Colonial Office had low opinions of their capability.[3] It is said that Anstruther, the Colonial Secretary, wrote most of Campbell's despatches.[4] The information they supplied was often so meagre as to exasperate Stephen.[5] Tennent was Colonial Secretary from 1845-1850, but administered the colony for a short period in 1847. Able in many ways, his knowledge of the island was limited, his ideas airy. Torrington

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1. L.A. Mills. Ceylon Under British Rule (1933. Lon.). pp 68, 79.
CO 54/209. Anstruther - Under-Sec. of State [Stephen]. 23 Nov 1840.

2. See App.A. infra. pp 415-16.
B.P.P. Reports from Committees. Vol.VIII. (1851). Third Report from the Select Committee on Ceylon. Anstruther's evidence. 5 July 1850. paras. 8864-70. [Most of the officials did not know the vernacular. ibid. Tennent's evidence. paras. 3493-96.]

3. CO 54/203. Campbell - Stanley. 34. 16 Feb 1843. Minute by Stephen. 1 May 1843.
K.M. De Silva. Social Policy and Missionary Organizations in Ceylon (1965. Lon.) p 21.
CO 54/160. Mackenzie - Glenelg. (private letter) 12 Feb 1838. Minute by Stephen. 8 May 1838.

4. CO 54/250. Torrington - Grey. 148. 15 Aug 1848. Encl. Memo by Wodehouse. 14 Aug 1848.

5. CO 54/203. Campbell - Stanley. 34. 16 Feb 1843. Minute by Stephen. 1 May and 11 May 1843.

(1847-50) proved to be a weak man but had much good intention and some imagination in his ideas. Unfortunately he carried his imagination too far and his ideas were not only larger than his ability but not grounded on Ceylonese soil. Like the others before him, he did not venture beyond the main arteries in the island so as to acquire an adequate knowledge of the island and its people.

This period was marked by an optimistic, progressive-minded and innovationist approach to many problems with a curious mixture of the doctrinaire and the expedient in argument. The Benthamism that was a feature of the Colebrooke-Cameron reforms may not have been sustained by the officials in Ceylon,[1] but they revealed a dangerous tendency to disregard local prejudices and a carelessness both in policy and method. Many local customs were attacked.[2] Under the influence of a "militant Christianity", they "poured scorn on alien cultures, religions, and traditions".[3] Even temple lands were not sacrosanct. Devious methods and rationale were evolved to justify the taking over of these lands - the use of their revenues for the extension of education being the most popular argument.[4] Involved in coffee-planting as they were, officials rightly considered that plantations would serve the island's economic future as well, but tended to brush aside hindrances posed by what they considered to be valueless forms of shifting cultivation.[5] The shortcomings of policy-makers

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1. K.M. De Silva. Social Policy and Missionary Organisations in Ceylon, 1840-1855 (1965. Lon.) pp 20-21.
2. CO 54/185. Anstruther - [Stephen]. 23 Nov 1840. Encl. Reports on the present condition of Ceylon [by Anstruther]. Ibid. Colebrooke - Russell. 31 Dec 1840.
3. K.M. De Silva. op.cit. p 67.
4. CO 54/217. Campbell - Stanley. 120. 8 May 1845. Encl. Minute by Anstruther. 30 April 1845. Reports on the Finance and Commerce of the Island of Ceylon and Correspondence relative thereto. (1848. Lon.) - hereafter cited as R.F.C. - Campbell - Grey. 60. 4 Nov 1846. Encl. 1. Report of Sir J. Emerson Tennent on the Finance and Commerce of the Island of Ceylon (hereafter cited as Tennent's Report) 22 Oct 1846. pp 97-8.
5. Braybrooke Memo. App.G. Turnour [G.A. Central Province] - Col. Sec. no number. 28 Nov 1837. Infra. p 197-201.

were increased by the impracticability of many of their measures and their lack of factual knowledge on many points. The Proclamation of 8 August 1844 is a case in point. Indigenous landowners, with certificates of possession but no title to lands granted to them, were asked to deposit the purchase money and survey fees in order to receive proper title plans and deeds,[1] though the Survey Department did not possess the staff to deal with the demands made on it at this time. Deposits amounting to £8,000 had been made by local people, largely in the Western Province,[2] but no titles had been provided by 1855; leading Ward to speak of a "breach of faith" by Government and of the "singular injustice of the case".[3] The acme of this approach was reached in 1846-48 with a scheme, largely inspired by Tennent, which envisaged the reformation of the fiscal structure. Several of the conceptions were visionary. Rejecting the application of European concepts to tropical lands as doctrinaire, Grey was equally rigid in his conviction that direct taxation was necessary and beneficial in "Asiatic communities".[4] A land-tax was to be the basis of the new scheme of things.[5]

If the Colonial Office rather than Colombo suggested caution over plans in the economic sphere,[6] it was the other way round in

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1. CO 54/316. Ward - Russell. 85. 14 Aug 1855. Encl. Report by Captain Sim. 12 June 1855.
2. S.P. III of 1860. Report with Statistical Returns of the Survey Dept. Capt. Sim. 30 Oct 1860. pp 27-8. [This pertained to roughly 16,000 acres - A.M. Ferguson. The Ceylon Directory for 1866-68. (1868. Obo.) p 254.]
3. 1855 Blue Book Reports. Ward - Labouchere. 94. 9 June 1856. p 326.
   Governor's Addresses. Vol.I. Ward. 4 July 1855. pp 290-1.
4. CO 55/91. Grey - Torrington. 305. 24 Oct 1848.
5. Chapter Six. infra. pp 346-50.
6. CO 54/252. Torrington - Grey. 202. 13 Nov 1848. Rough Draft of reply.
   The term Colombo is a useful shorthand to cover the central authorities in Ceylon and the term London to denote those concerned in England, i.e. the Colonial Office, the Emigration Commissioner's (Park Street) and the Treasury. The term Downing Street will refer to the Colonial Office as distinct from its branch, the Emigration Commission.

religious policy at this time. Grey's and Stephen's enthusiasm were such as to force Colombo's cautioning hand and Government moved to disassociate itself from its connection with Buddhism, insufficiently attentive to the difficulties it would create over the priests' titles to temple land.[1] Religious policy, new taxes established under Torrington, and the approach we have characterised, combined to provoke rebellion.[2] An ill-organised insurrectionary attempt confined to a few Kandyan districts which coincided with unruly protests against the taxes in Colombo, this rebellion occasioned martial law and brought an aftermath of heated controversy.

It was of greater consequence than the actual threat it posed to the British. More immediately, it created deep rifts in European circles in Ceylon - between those who supported Torrington's methods of suppressing the rebellion and those who opposed them, with numerous cross-currents which cut across this broad cleavage. It resulted in a protracted investigation of Ceylonese affairs by a British parliamentary commission, and intensified the personal animosity between Tennent and Wodehouse (a leading official), and led to the recall of both of them as well as Torrington. As these events happened to coincide with the depression in the coffee industry, one sees the virtual stoppage of any important legislation. Many plans were pigeon-holed or buried during the period 1847-50.

Since the financial situation enforced economy and since the next governor was the lethargic Anderson, this meant that many matters lay dormant until 1855. While it is true that the Colonial Office enjoined strict economy, Anderson was excessively inactive. He was subject to severe and continuous criticism from European circles largely because of the state of disrepair of the roads. If this was a selfish viewpoint, there can be

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1. K.M. De Silva. op.cit. Chapters II & III.
2. K.M. De Silva. "The 'rebellion' of 1848 in Ceylon". Cey. Jour. of Hist. & Social Studies. Vol.7 (July-Dec 1964) pp 144-70.
Infra, pp

little doubt that Elliot was right in believing that Anderson was not "very perspicuous".[1] Ward found the administration of the Southern and Eastern Provinces in a supine and utterly neglected state.[2] On many occasions he felt the earlier retrenchments to have been a "false economy" which had bred greater expense in the end.[3] Anderson even lacked the force to repair Queen's House efficiently or economically.[4] Much of the trouble stemmed from his failure to make tours of inspection - a failure partly occasioned by ill-health.[5] He never got on with MacCarthy, his Colonial Secretary.[6] He was too weak to control his subordinates:

> I see especially nearly throughout, in all Departments, forming the frame of a Colonial administrative system, a spirit insubordinate to authority. I find a Society almost rent to its foundation.7

It was because he lacked the support of his Executive Council that he felt "powerless" in the Legislative Council and that his parting gesture was to suggest an elected representative body

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1. CO 54/320. Skinner - Secretary of State. 5 May 1855. Minute by F. Elliot . 5 May 1855.
   Others in Downing Street thought little of Anderson. CO 54/320. Fairholme - Grey. 6 March 1855. Minute by Merivale. 9 March 1855; CO 54/321. Ward - Labouchere. 20 7 Feb 1856. Minute by Blackwood. 25 March 1856.
2. CO 54/334. Ward - Labouchere. 48. 20 & 26 March 1858.
   CO 54/324. Ward - Labouchere. Confid. 10 Nov 1856.
3. 1856 Blue Book Reports. ... Encl. Minute on the North-Western Province. 30 Jan 1857. pp 305-9; and Encl. Minute on the Matande Canal. 15 July 1855. p 287.
4. C.C.A. Lot 4/59. Molesworth - Ward. 9. 19 Aug 1855. Minute by Ward. [9 Oct 1855? ].
5. CO 54/315. MacCarthy - Herbert. 9. 7 April 1855.
6. A. Wright [ed.]. Twentieth Century Impressions of Ceylon (1901. Lon.) E.W. Perera. Ceylon under British Rule. p 73.
7. CO 54/179. Anderson - Grey. 85. 10 June 1851. He seems to have tried to create a clique of his own and apparently favoured the anti-Torrington party. This naturally brought charges of favouritism.
   [CO 54/312. Petition to the Duke of Newcastle from 2506 inhabitants of Ceylon. 12 Jan 1854.]

for the island.[1] It was in his time that a Secretary of State wrote:

> [This] case partakes of the invariable Ceylon characteristics - inefficiency of public officers - personal differences and want of power on the part of the Governor to control and rectify what is amiss.[2]

1848 was of wider significance because of the jolt that it gave to the officials. In early 1847 Strachey had had the sagacity to point out that

> [Tennent's] Report neither rightly [estimated] the force of usage in Ceylon nor the extent of innovation it [proposed] to introduce, [and that usage] must be held to have more of the force of law in an Asiatic than an European country and, [in matters of taxation], more under a despotic than a representative Government.[3]

During the inquiry into the rebellion, the nature of the questions put to Tennent as well as his answers make it clear that the imposition of alien ideas and institutions was considered a cause of the outbreak.[4] The lesson had been learnt. If thereafter individualism remained the basis of development, Government policy became far more circumspect and somewhat more concerned for "native" welfare. This can be seen in the repeated suggestions that more reliance should be placed on the chiefs and headmen,[5] contrasting as it does with the avowed policy of reducing their power in the preceding decades. It can be seen during Anderson's dormant administration when Government took a step backwards in the State-Buddhist connection issue, partly

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1. CO 54/314. Anderson - Grey. 15. 12 Jan 1855. [As Merivale wryly noted, this "[seemed] rather bold for an Indian civil servant". Ibid. Minute by Merivale. 26 Feb 1855.] See also CO 54/344. Ward - Lytton. Confid. 7 June 1859.

2. CO 54/301. Anderson - Newcastle. 136. 12 Sept 1853. Minute by Newcastle. 25 May 1854.

3. CO 882/1. No.I. Memo on the Land Revenue of Ceylon. E. Strachey. pp 7-8. See also pp 13, 51-2.

4. B.P.P. Reports from Committees. Vol.VIII. (1851). Third Report. Tennent's evidence. 25 March 1850. pp 163-4.

5. Ibid. Vol.XII. (1850). Second Report from the Select Committee on Ceylon. Rodehouse's evidence. 21 June 1849. pp 140-1. C.G.A. Lot 6/2320. H.C. Selby [Queen's Advocate] - Col.Sec. 81. 18 May 1855.

because of Anderson's and MacCarthy's moderate views.[1] It was reflected strongly in 1866 in Downing Street's reaction to two Ordinances pertaining to fraudulent deeds and encroachment - one was permitted only as the lesser of two evils and the need to respect local prejudices when legislating over an "uninformed people" was stressed.[2] It was even more prominent during the local discussions on the Gansabha Ordinance in 1872.[3]

Such characteristics were particularly marked under Ward's régime and they were stamped by a new vigour and zeal which Ward imparted to the whole administration. He might have earned his sobriquet "Dead and Alive Ward" in the Ionian Isles,[4] but in Ceylon he displayed a sensitivity and insight uncommon at the time[5] and injected a healthy dose of respect for local customs and prejudices into the whole official approach. This was reflected in the conciliatory and fair manner in which the temple lands settlement seems to have been carried out[6] and in the popularity he earned among the indigenous people.[7] Much of this

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1. K.M. De Silva. Social Policy and Missionary Organizations in Ceylon 1840-1855. (1965. Lon.) Chap.III.
2. CO 54/416. Robinson - Cardwell. 245. 30 Oct 1866. Minute by Rogers. n.d.; and draft Carnarvon - Robinson. 2. 1 Jan 1867.
   Ibid. Robinson - Cardwell. 250. 30 Oct 1866. Minutes by Rogers and Carnarvon, both 7 Dec 1866.
3. 1871 Hansard [i.e. Proceedings of the Legislative Council of Ceylon] 10 Nov 1871. pp 21-3, 52.
   CO 54/474. [Acting-Governor] Irving - Kimberley. 38. 4 Feb 1872.
4. A.M. Ferguson. Ceylon in 1847-60. (1887. Cbo.) pp 19-20.
5. For e.g.: 1857 Blue Book Reports. Ward - Lytton. 3. 5 July 1858. pp 245-6.
6. S.V. Balasingham. The Administration of Sir H.G. Ward - Governor of Ceylon. 1855-1860. (1954. Lon.) M.A. History. pp 228-9.
   S.P.I. of 1863. Report of the Temple Lands Commissioners for 1860. 17 March 1862. p 7.
7. CO 54/333. Ward - Labouchere. 17. 25 Jan 1858. Encl. Address [from the people of Bintenne] n.d.
   V.S.M. Ward. Passim. for addresses from the people of various districts.

insight was the fruit of his itinerant habits. An outdoor man, he enjoyed his arduous journeys to all parts of the island, visits made to a chorus of joy and praise from European and "native" alike.[1] Impetuous, sincere and zealous, farseeing and forthright,[2] "a man of decided calibre",[3] he impressed the Colonial Office as a man of ability.[4] "[He] is a Governor who is much more likely to err on the side of too much than of too little activity," wrote Elliot.[5] Lorenz found him to have a "sanguine and hopeful temperament which always augured success",[6] but at the same time his despatches reveal that he had a practical cast of mind in the Dalhousie mould, and contemporary opinions confirm this view.[7] Grasping issues well, he stamped his individuality on most of his undertakings[8] while inspiring his subordinates in implementing policy. It was with reason that officials and unofficials of the 1860's and later harked back

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1. Carlingford MSS. CP. 3/14. Ward - Fortescue. 14 Dec 1857.
   CO 54/321. Ward - Labouchere. 55. 23 April 1856.
   C.G.A. "Colombo Observer". 23 Feb & 9 March 1857.
   CO 54/333. Ward - Labouchere. 17. 25 Jan 1858. Encl. Address [from the people of Bintenne] n.d.
2. William Digby. Forty Years of Official and Unofficial Life in an Oriental Crown Colony being the Life of Sir Richard F. Morgan. (1879. Madras.) Vol.II. "The Reminiscences ... of a Peripatetic Contributor". [Morgan] p 294.
   CO 54/351. Ward - Newcastle. 52. 12 March 1860. Encl. [Newspaper cutting reporting speeches made at the opening of Katuganota bridge. Braybrooke's speech.]
3. CO 59/9. "Ceylon Times". 14 Aug 1955. Reprint of article on Ward from Francis' "Orators of the Age".
4. CO 54/321. Ward - Labouchere. 20. 7 Feb 1856. Minute by Blackwood [a senior clerk] 25 March 1856.
   CO 54/327. Ward - Labouchere. 6. 10 Jan 1857. Minute by J. Ball. 7 March 1857.
   CO 54/333. Ward - Labouchere. Confd. 6 Feb 1858. Minute by Merivale. 27 April 1858.
5. CO 54/318. Ward - Russell. 23 July 1855. Minute by Elliot.
6. C.1210. "The Examiner". 16 Oct 1867.
7. CO 59/10. "Ceylon Times". 18 July 1856.
   "Speculum" [George Wall]. Ceylon: Her Present Condition: Revenues, Taxes and Expenditure. (1868. Cbo.) p 72.
8. CO 59/9. "Ceylon Times". 14 Aug 1855. Reprint of article on Ward from Francis' "Orators of the Age".

to his governorship as a text-book for enlightened policy.[1] As such some of his views and policies are worth some detailed study.

For all his ability, Ward was distinctly lucky in his financial resources. He readily acknowledged his debt to Anderson for the legacy of a £76,726 surplus,[2] and the years that followed also produced favourable balances. Unlike Anderson, he believed that "a wise liberality [would] be found the best economy in the end".[3] His financial policy was shaped by this principle. He used every possible occasion to demonstrate how such liberal expenditure encouraged general progress and an expanding revenue.[4] He assured the Duke of Newcastle that

> with the exception of Establishments [his items of expenditure had] all been of a reproductive character; - and even Establishments [might] be termed 'reproductive' in one sense, for whatever [gave] security and [facilitated] the transaction of business, [promoted] Trade and [led] to the investment of additional capital in Planting and other pursuits which [brought] grist to the Government Mill eventually.5

Nevertheless some of the authorities in London began to feel that he was "spending his money too freely".[6] These fears must have been increased when the Colonial Secretary, MacCarthy, arrived home on leave; ever cautious, MacCarthy was alarmed

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1. For e.g. J. Ferguson [ed.] Pioneers of the Planting Enterprise (1894. Cbo.) Vol.I. "George Wall". p 79. W. Skeen. The Knuckles and other poems. (1868. Cbo.) pp. 136-40.
2. 1855 Blue Book Reports. Ward - Labouchere. 94. 23 July 1856. p 329.
3. Ibid. p 325.
4. 1858 Blue Book Reports .... Encl. Address on opening the Legislative Council. pp 98-9.
   CO 54/353. Ward - Newcastle. 131. 25 June 1860.
   [Major-General O'Brien was convinced that Ward's expenditure had been beneficial. CO 54/392. O'Brien - Cardwell. Separate (b). 30 Aug 1864.]
5. Newcastle MSS. Fol.10,988. Ward - Newcastle. 16 April 1860.
6. CO 54/343. Private letter. Ward - Lytton. 11 March 1859. Minute by Blackwood. 16 Aug 1859.
   Also see CO 54/406. Robinson - Cardwell. 207. 4 Dec 1866. Minute by Rogers. n.d.

"at the quantity of money thrown away on the roads" and on departmental expenditure.[1] These views speak much for their ultra-caution, for Ward was far from being a spendthrift.

> I can conceive nothing more ... imprudent than to squander the resources upon which the future progress of the colony depends in hasty or ill-conceived attempts at improvement. What is done must be well weighed and its utility generally admitted. It must, moreover, not go beyond the means of execution,

wrote Ward in 1856.[2] With £69,984 remaining as surplus funds on 1st January 1859, he stated that "it [would] be advisable to husband carefully the balance ... in hand as a resource against unforeseen contingencies;[3] and "mortifying" as he found it, he "set aside" several "useful works" in the year 1860 because of the uncertainty about immediate prospects in the revenue.[4]

Like Anderson he opposed the unofficial demand for reductions in the Civil Service salaries, and even effected an improvement in the salary scales.[5] If partly from a desire to maintain their status <u>vis-à-vis</u> the position of non-official Europeans[6] this was largely on the traditional dictum that "good work" and "good men"

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1. Digby. <u>Life of Morgan</u>. (1879. Madras.) Vol.I. p 242. Letter from MacCarthy - Morgan. 29 Sept 1858.
2. CO 54/321. Ward - Labouchere. 70. 15 May 1860. See also <u>Governor's Addresses</u>. Vol.2. Ward. 30 July 1856. p 320.
3. <u>1858 Blue Book Reports</u>. Ward - Lytton. 135. 4 July 1858. p 99.
4. CO 54/314. Ward - Newcastle. 12. 17 Jan 1860.
5. CO 54/314. Anderson - Grey. 15. 13 Jan 1855.
   S.V. Balasingham. <u>The Administration of Sir H.G. Ward - Governor of Ceylon, 1855-1860</u>. (1954. Lon.) M.A. History. pp 190-91, 197, 213-4.
   [These salaries had been increased in the late 1830's and in 1845 in particular.]
6. CO 54/330. Ward - Labouchere. 167. 15 Sept 1857.

could only be secured by good conditions of service.[1] Placing little reliance on the "Native Agency",[2] Ward appreciated all the more the crucial role played by Government Agents and Assistant Agents in Government policy. He felt that Government "[could] not impress upon them, too strongly, that their utility [depended] upon their identifying themselves with the Population entrusted to their care".[3] He found most of the older Civil Servants deficient in energy and in "sufficient freshness to throw a proper spirit into their work", though "amongst the Junior branches of the Service there [was] a great deal of vigour and promise".[4] He held more to "firmness of character, active habits, experience of Agency business and knowledge of native languages" than to seniority in making promotions.[5] But his greatest achievement was the tremendous filip he gave to the service by his own example and enthusiasm. One can sense the quickening of its pulse. Contemporaries were convinced that "new life" had been "infused into every branch of the service".[6]

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1. Governor's Addresses. Vol.I. Ward. 9 Dec 1856. pp 338-9.
2. CO 54/329. Ward - Labouchere. 64. 9 April 1857.
3. V.S.M. Ward. Minute on Bintenne. The Batticoloa Irrigation Works & Ouvah [sic] . Ward. n.d. pp 259-60.
4. CO 54/335. Ward - Lytton. 17. 21 July 1858.
   CO 54/321. Ward - Labouchere. 21. 10 Feb 1856.
5. Balasingham. The Administration of Sir H.G. Ward - Governor of Ceylon. 1855-1860. (1954. Lon.) M.A. History. pp 210-11. [Ward's use of patronage was not always wise. He did not take as active measures as MacCarthy to ensure a knowledge of the vernacular].
6. CO 54/337. Ward - Lytton. 115. 29 Oct 1858. Encl. Memorial of certain inhabitants of Ceylon. 20 Oct 1858.
   C.1202. "Colombo Observer". Supplement. 15 Sept 1864. Report of a General Meeting of the Planters Association. 10 Sept 1864.

As we have seen, he was willing to extend Government's responsibilities where useful. "A Government speaks by its acts" was one of his opening lines.[1] The "acts" required of Government were to be that of clearing the path for private enterprise.

> I have said plainly that Government cannot feed everybody, or employ everybody, or drain everybody's field or repair everybody's tank where there is no public or general interest to be promoted by its intervention. But I have said also that it can, and ought to remove all obstacles that stand in the way of individual efforts: to give the widest scope to the operations of trade; and to distribute impartially the funds at its command, after providing for the exigencies of the State in the works most conducive to the general interest.2

To "open up the Island and to give a stimulus to its various Interests"[3] he conceived Government's principal tasks lay in improving communications and "facilitating the acquisition of proprietory rights".[4] He embarked on road and bridge construction with vigour on the principle of " [keeping] pace with the immense development of [the island's] producing powers".[5] His achievements in this field can be rated a great success.[6] Communications were obviously of value in extending land sales and increasing land values, but the role of the Survey Department was more crucial in encouraging land buying and providing security of tenure. Like other Governors before him, Ward perceived this patent fact, but

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1. Governor's Addresses. Vol.I. Ward. 4 July 1855. p 283.
2. 1856 Blue Book Reports .... Encl. Minute on the Northern Province. n.d. p 294.
3. CO 54/321. Ward - Labouchere. 70. 15 May 1856.
4. 1859 Blue Book Reports. Ward - Newcastle. 20. 15 June 1860. p 137.
5. Governor's Addresses. Vol.I. Ward. 4 July 1855. p 293.
6. C.1202. "Colombo Observer". 3 April 1865.

he surpassed the others in the continuous emphasis he laid on the value of this department. He surpassed them too in seeing its usefulness in many other connections: as essential to the registration of temple lands, as useful in preventing frauds against Government during grain tax assessments,[1] as useful in the construction of roads and railways, in preventing "the systematic encroachments upon Crown lands" which were "rendered all the more daring, every year, by impunity", and in lessening litigation.[2] He considered it "indispensable with reference to law, order, and Public morality" and bound to bring "Financial advantages" in the form of increased revenue.[3] The Survey Department was considered a vital log; surveys and the easy acquisition of land a "first condition of progress".[4] The Department was augmented. Ward assured London that

> in urging upon its attention the necessity of increased expenditure in the Survey Department, in roads, bridges and irrigation works, [he was] but supplying links in the chain that [would] unite all classes ... most firmly to the Crown by ties of common interests rightly understood.5

This policy not only entailed difficulties in "[defining] the precise limits of public and private responsibility"[6] but meant problems in sharing out the funds available. Ward regularly stressed the need for "an impartial distribution" of the resources: "All contribute to the Revenue; all should benefit by its application";[7] "in dealing with a million and a half of people ... I think

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1. 1856 Blue Book Reports. Ward - Labouchere. 135. 25 July 1857. p 278.
   CO 54/329. Ward - Labouchere. 76. 5 May 1857.
2. Idem.
   1855 Blue Book Reports. Ward - Labouchere. 94. 8 June 1856. p 327.
3. CO 54/321. Ward - Labouchere. 70. 15 May 1856.
   Governor's Addresses. Vol.I. Ward. 30 July 1856. p 325.
4. 1858 Blue Book Reports. Ward - Lytton. 135. 4 July 1859. p 102.
5. 1857 Blue Book Reports. Ward - Lytton. 3. 5 July 1858. p 246.
6. 1856 Blue Book Reports. ... Encl. Second Minute on the Eastern Province. [Ward. n.d. 1857.] p 330.
7. V.A.M. Ward. Ward's Reply to the address of the Inhabitants of the Seven Korales. [1858] p 370.
   Governor's Addresses. Vol.I. Ward. 4 July 1855. pp 290-303; Ward. 28 July 1858. p 418.

we should do wisely to avoid even the appearance of neglect".[1] Ward was convinced that "the Planting Interest" was responsible for "most of the progress in Ceylon[2] but was not above telling them that Government could only spare "that portion of the general revenue which could equitably be appropriated to their wants".[3] Not only had all classes to be helped, but impartiality had to apply to conflicting demands from different districts too. In practice, however, it was "impossible for the Government to place all upon precisely the same level".[4] Resources had to be "distributed with a due regard to population and capital" and little could be suggested for such districts as Trincomalee.[5] Inevitably the coffee interest received the lion's share of attention. As Ferguson sums up Ward's achievements:

> [Ward] gave up the idea of crowding the work of generations into a few brief years - devoting himself instead to the really useful tasks within his reach, ... [he] attended first to what he believed to be the most important districts, and the most pressing works.6

Throughout, his emphasis was largely on the material aspect: "[it] is with material improvement that all other improvement begins" was his answer to the criticism that was being levelled at him on this score.[7] As such he symbolises the dominant spheres of interest in our study.

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1. Governor's Addresses. Vol.I. Ward. 4 July 1855. pp 290-303.
2. CO 54/321. Ward - Labouchere. 12. 28 Jan 1856.
3. CO 59/9. "Ceylon Times". 6 July 1855. Col.Sec. - The Secretary, Planter's Association. 4 June 1855.
4. 1856 Blue Book Reports .... Encl. Minute on the Badulla Road Question. [Ward. n.d.] pp 288-91.
5. Ibid. Encl. Second Minute on the Eastern Province. [Ward. n.d.] p 335.
   CO 54/344. Ward - Lytton. 101. 23 May 1859. Encl. 2. James Swan [for Col.Sec.] - Lt.Col. Tranchell and memorialists. 23 May 1859.
6. A.M. Ferguson. Ceylon in 1847-60. (1887. Cbo.) pp 25-28.
7. Governor's Addresses. Vol.I. Ward. 19 June 1860. p 511.

His successor, MacCarthy, contrasts very unfavourably. "[An] able and amiable man" he was also "placable and conciliatory";[1] "polished" as he was, MacCarthy was "averse to travel or hard work",[2] "inert" and lacking in earnestness.[3] His policy was commonly summed up in the phrase: "quieta non movere".[4] He was wiser than Ward in considering that the "interests, opinions and prejudices" of the planters were "often not in accordance with those of the majority".[5] He emphasised more strongly the need to avoid class legislation in the planters' favour and he professed to be a protector of the "native interests",[6] but hardly matched his professions with striking attainments. Unlike Ward too he was markedly hostile to "the species 'Planter' of the genus 'Homo'".[7] In this antipathy he was joined by his Colonial Secretary, W.C. Gibson, a man who "[in] his self-chosen isolation" remained impervious to all criticism[8] and was "generally known" to be "opposed to the Planter Interest",[9] a man whom Ward found

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1. C.1202. "Colombo Observer". 12 Sept 1864.
2. Tropical Agriculturist. Vol. 18 (1898-99.) "Pioneers of the Planting Enterprise: J. Capper." p 821.
   J. Ferguson [ed.] Pioneers of the Planting Enterprise of Ceylon. (1894. Cbo.) Vol.I. "G. Wall". p 81.
3. Idem.
   CO 59/19. "The Examiner". 31 Jan 1856.
4. Digby. Life of Morgan. (1879. Madras.) Vol.I. p 263; Vol.II. "The Reminiscences ... of a Peripatetic Contributor" [Morgan] p 294.
5. CO 54/367. MacCarthy - Newcastle. 44. 27 Feb 1862.
6. Governor's Addresses. Vol.II. MacCarthy. 29 Dec 1862. p 23.
   C.1202. "Colombo Observer". 8 Oct 1866. Report on Proceedings of the Legislative Council. 6 Oct 1866. [Coomaraswamy's Speech].
7. Newcastle MSS. Fol.10,998. MacCarthy - Newcastle. 16 May 1863.
8. C.1210. "The Examiner". 14 April 1869.
9. C.1204. "Ceylon Times". 12 June 1863. Letter to editor from "A Planter". 9 June 1863.
   Also see CO 59/9. "Ceylon Times". 31 July 1855.

"able" but lacking in "boldness",[1] and whom contemporaries found boorish and "red-tapish", "narrow-minded" and far too sympathetic to the status quo.[2]

These aspects of policy and outlook and the neglected state of the hill-country roads which they produced brought on MacCarthy's Government the wrath of the coffee interest in all its force. He was charged with leading a "parsimonious policy" and "culpably neglecting" public works.[3] These were the complaints of men who expected too much of Government. MacCarthy's private letter of late 1860 reveal him fully alive to the need for public works "to open up the country and keep pace with the development of ... Coffee cultivation".[4] As much money was voted for road construction in his time as in Ward's.[5] Nevertheless there was some truth in the planters' criticisms. His temporary successor, O'Brien (1863-1865), found the roads in a dismal state.[6] The fact was that MacCarthy failed to keep pace with expanding needs and showed extreme shortsightedness in reducing his establishments. Robinson felt that

> it [would]... take a length of time to raise the [Public Works] Department from the extreme condition to which it [had] been reduced by a system of supposed economy too long and persistently followed.7

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1. Newcastle MSS. Fol.10,992a. Ward - Newcastle. 8 June 1860.
2. CO 59/9. "Ceylon Times". 3 Aug 1855. quoting extracts from the "Colombo Observer".
   C.1202. "Colombo Observer". 21 April 1864.
   Digby. op.cit. Vol.II. "The Reminiscences ... of a Peripatetic Contributor". [Morgan.] p 294.
3. CO 54/377. MacCarthy - Newcastle. 123. 31 July 1863. Encl.1 Memorial from the Planter's Association. 4 July 1863.
4. Newcastle MSS. Fol.10,994. MacCarthy - Newcastle. 29 Dec. 1860. Later he stated that "it won't do to put on the screw too tightly" on expenditure on roads.
   Ibid. Fol.11,001. 10 July 1860.
5. CO 54/377. MacCarthy - Newcastle. 123. 31 July 1863.
6. S.P. VI of 1864. Notes on Tours of Inspection in Ceylon by His Honor Major-General O'Brien. n.d.
7. CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865.

Contemporaries were right to criticise him for reducing the strength of the Survey Department for this was an act of blindness - all the more so because it was in opposition to the Surveyor-General.[1]

As Robinson put it,

> during 1863 and 1864 the administrative machinery of Government [could] be described as having been completely out of gear and the result was universal and ... well-founded dissatisfaction.2

This disatisfaction extended to some of the Civil Servants as well, for MacCarthy's policy served to damp the enthusiasm of those who were zealous.[3] Not only was economy overstressed. "Concurrently," as Edward Elliott wrote, "the mot d'ordre was directed to increasing the collection of revenue."[4]

Unofficials laid most of the blame for this policy on Gibson rather than MacCarthy. Considered the "mainspring" of the cheeseparing policy, Gibson was the bête noire of the articulate public of the time[5] - a time when party feeling between Government and planters was intense. Given MacCarthy's placable nature and his illness at a later stage, reference to Gibson as the "strong man of the Government"[6] suggests that he was largely given a free hand. But this stemmed from a compatibility in approach rather than weakness on MacCarthy's part. We have seen that MacCarthy was cautious by nature. In 1860 he wrote:

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1. C.1204. "Ceylon Times". 23 June 1863.
   Ibid. Extraordinary. 22 Aug 1864. Report on Proceedings of the Legislative Council. [Speeches by G. Wall & Captain Sim, Surveyor-General.]
2. CO 54/446. Robinson - Granville. 61. 3 Sept 1869.
   Also ibid. Robinson - Granville. 57. 2 Sept 1869.
3. C.1202. "Colombo Observer". 12 Sept 1864. Report on a General Meeting of the Planter's Association. 10 Sept 1864. [Harrison's speech.]
   Tropical Agriculturist. Vol.37 (Dec 1911) E. Elliott. "Paddy cultivation in Ceylon during the nineteenth century". p 505 and fn.
4. Idem.
5. C.1202. "Colombo Observer". 10 Nov 1864; and 31 April 1865.
   T. Skinner. Fifty Years in Ceylon. (1891. Lon.) p 244.
6. Tropical Agriculturist. Vol.37. (Dec 1911). E.Elliott. "Paddy cultivation in Ceylon during the nineteenth century". p 506.

> the very large expenditure of the last few years, treading, as it has done, closely on the heels of the Revenue, may necessitate a very careful husbanding of our resources for some time to come,[1]

and the financing of the renewed Railway project made him all the more careful. This was exactly the outlook of the Colonial Office,[2] strengthened as it was by the desire to apply to Ceylon the principle adopted in the House of Commons that colonies should be made to bear the costs of their defence. When on leave in England, MacCarthy had shown a singular unanimity with Strachey on financial matters,[3] and so it was "that [he] was sent out with instructions of a somewhat opposite character [to Ward's policy]".[4] In Rogers' words:

> [The] reasons for the change of policy were ... 1. that doubts were entertained whether Sir H.W's speculations had in all instances answered at least as a matter of Revenue. 2. that it was desirable so to contract the public expenditure as to render the public Revenue visibly adequate to the then intended military contribution.5

The Colonial Office was as responsible as MacCarthy and Gibson for the retrenchments of the early 1860's.

MacCarthy economised so well that in the Colonial Office he was rated an excellent Governor.[6] From the financial point of view his savings enabled Government to reduce the Railway Debt but it might have been wiser to spread the load over a greater

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1. CO 54/355. MacCarthy - Newcastle. 42. 15 Dec 1860.
2. CO 54/351. Ward - Newcastle. 12. 17 Jan 1859. Minute by Strachey. 21 April 1860.
3. CO 54/347. Ward - Newcastle. 123. 8 Dec 1859. Minute by Strachey. [Jan 1860.]
   CO 54/344. Ward - Lytton. 135. 4 July 1859. Minute by Strachey. 24 Nov 1859.
4. CO 54/406. Robinson - Cardwell. 207. 4 Dec 1866. Minute by Rogers. n.d.
5. Idem.
   See also CO 54/347. Ward - Newcastle. 127. 8 Dec 1859. Draft. Newcastle - MacCarthy. 40. 2 Nov 1860.
6. CO 54/363. MacCarthy - Newcastle. 232. 26 Nov 1861. Minute by Strachey. 31 Jan 1862.
   CO 54/381. MacCarthy - Newcastle. 198. 14 Nov 1863. Minute by Newcastle. 30 Dec 1863.

length of time. As it was Robinson considered the failure to invest the cash balances that lay in the Treasury an unenlightened policy.[1] On one occasion Rogers minuted:

> [This] suggests a suspicion that Sir C. MacCarthy has been over-economical. But it must be remembered that he had to secure the [military contribution].2

With this contribution secured, London was ready to give Colombo considerable freedom. Even Strachey unbent a little[3] but not sufficiently to suit Rogers, who questioned Strachey's tight control on several occasions. Rogers was inclined to impose more trust and freedom in Robinson and felt that stringent economy would only breed greater expense in the long run.[4] He wrote:

> there is always a temptation in this country when we are puzzled or at a loss ... [to] ask for more [information], forgetting the cost which our thirst for unattainable evidence is imposing on the Colony in the shape of delay in completing works of immediate practical importance.5

Robinson therefore had much more room for financial manoeuvre. But he was never opposed to expansion as MacCarthy had been:

> unless the growing progress and prosperity of the Island is to be arrested, a liberal policy and outlay as regards Railway extension - roads - bridges - and irrigation and other reproductive works is indispensable. The Colony is now in a state that it cannot stand still - it must advance or retrograde,

he said;[6] and even made the point in Shakespearian style:

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1. CO 54/40. Robinson - Cardwell. 207. 4 Dec 1865. Governor's Addresses. Vol.II. Robinson. 29 Dec 1871. pp 239-40.
2. CO 54/402. Robinson - Cardwell. 62. 15 June 1865. Minute by Rogers. 31 July 1865.
3. Ibid. Minute by Strachey. 28 July 1865.
4. CO 54/402. Robinson - Cardwell. 49. 4 June 1865. Minute by Rogers. n.d. [1865].
5. CO 54/424. Robinson - Carnarvon. 45. 18 Feb 1867. Minute by Rogers. 11 April 1867.
6. Carnarvon MSS. PRO 30/6/154. Fol.1621. Robinson - Carnarvon. 16 Nov 1866.

> On such a full sea are we now afloat
> And we must take the current when it serves
> Or lose our ventures.[1]

In voyaging forwards thus, Robinson "never [showed] himself to be an imprudent financier"[2] and most of his projects were undertaken only if "feasible and safe".[3] He went further than Ward in his spheres of activity, and with the support and pressure of the Colonial Office behind him,[4] embarked on much larger expenditure on 'unreproductive' welfare services such as improved jails, hospitals, educational facilities and the like - all of which he felt "[had] been far too long neglected and overlooked".[5] As part and parcel of this liberal policy, he was quick to increase his establishment where necessary. While keen on providing "new outlets" for the outlying coffee districts,[6] he followed his two predecessors in emphasising the need for impartial legislation which struck a balance in its assistance to the different interests,[7] revealed a concern for peasant welfare[8] and was not above a scathing definition of the planters when resisting their constitutional demands. To this expansive policy he applied

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1. Digby. Life of Morgan. (1879. Madras.) Vol.II. p 33. Morgan's Diary. 11 Jan 1868 quoting from Robinson's speech in the Legislative Council.
2. CO 54/402. Robinson - Cardwell. 49. 15 June 1865. Minute by Rogers. n.d. [1865].
3. CO 54/458. Robinson - Kimberley. 239. 15 Oct 1870.
4. CO 54/440. Hodgson - Granville. 110. 12 June 1869. Draft. Granville - Robinson. 134. 30 July 1869.
5. CO 54/446. Robinson - Granville. 62. 3 Sept 1869. Governor's Addresses. Vol.II. Robinson. 5 Oct 1866. pp. 103-06.
6. C.O.A. Lot 4/89. Cardwell- Robinson. 312. 26 Dec 1865. Minute by Robinson. n.d.
7. Governor's Addresses. Vol.II. Robinson. 2 Oct 1867. p 123; and Robinson's reply to the Council. n.d. pp 138-39. C.1202. "Colombo Observer". 23 May 1865. Letter to editor from "Civis Romanus". 10 May 1865.
8. CO 54/460. Sir J.D. Elphinstone - R.G.W. Herbert. 4 May 1870.

"a [keen] intellect [and] balanced judgment" and a "most painstaking" approach.[1] Highly prudent, he was more cautious and less ebullient than Ward. Like Ward he was independently-minded and ready to challenge London's opinions on many issues,[2] and, on the whole, was more successful in winning their approval than Ward had been. Gibson was kept in his place[3] and his Queen's Advocate moved to comment:

> the Governor is so bent in carrying out his own views and so clever in advocating them, that I feel completely silenced for the moment by what he says.[4]

Considering the colonial society rather below his dignity, Robinson's "personal hauteur" and "his frigid uncompromising temperament"[5] hardly endeared him to the articulate public, but he earned their respect and praise from his ability and his achievements. The Colonial Office always held a high opinion of him: "Sir H. Robinson has cut out plenty of work for himself but he is capable of doing it", wrote a senior clerk.[6] Rogers approved of his policy in the vital sphere of finance - "There is a tendency to recur to the openhanded policy of Sir H. Ward in which I am a great believer"[7] - though later he was "rather

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1. J. Ferguson. Taxation in Ceylon. (1890. Cbo.) Letter from Ferguson. [1890] p 22.
   T. Skinner. Fifty Years in Ceylon. (1891. Lon.) pp 247-48. "not a brilliant man but ... anxious to do what is right" - said the "Colombo Observer" (C.1202) 18 Sept 1865.]
2. J. Ferguson. Taxation in Ceylon. (1890. Cbo.) p 22.
   CO 54/409. Orinlinton - Cardwell. 5 Aug 1865. Minute by Rogers [Aug 1865.]
3. C.1202. "Ceylon Observer". Supplement. 19 Oct 1868.
4. Digby. op.cit. Vol.II. p 95. [from Morgan's Diary].
5. C.1202. "Ceylon Observer". Supplement. 19 Oct 1868.
   C.1204. "Ceylon Times". 21 April 1868.
   Digby. op.cit. Vol.I. p 309. Morgan's Diary. 21 April 1866.
6. CO 54/405. Robinson - Cardwell. 145. 30 Sept 1865. Minute by Cox. 6 Nov 1865.
7. Ibid. Minute by Rogers. 7 Nov 1865. He continued: "Only, the colony should spend its own money not ours - It now does spend its own money."

alarmed ... at the style in [which] [Robinson seemed] to be making the money fly".[1]

The picturesque words with which Robinson ended his service in Ceylon are revealing:

> What has been done only shews how much still remains to be accomplished. As labourers in a vast forest, the space we have cleared but serves to reveal the expanse which remains to be dealt with around. A great social revolution is taking place in the thoughts and habits of the people of the country.2

It is within the limits of the outlook and the conditions depicted in this chapter that we can turn to aspects of development in Ceylon and the gradual evolution of what Robinson chose to call a "great social revolution".

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1. Carnarvon MSS. PRO 30/6/154. Rogers - Carnarvon. 15 Dec 1866.
   Also see CO 54/446. Robinson - Granville. 57. 2 Sept 1869. Minute by Cox. 15 Oct 1869 - "Sir H.R. spends his money very well, but he likes spending it"; and Minute by Sandford. 15 Dec 1869.

2. Governor's Addresses. Vol.II. Robinson. 4 Oct 1871. p 224.

## Chapter Two

### OBSTACLE TO DEVELOPMENT: CUSTOMARY LAND TENURES; A SKETCH OF LAND POLICY

One facet of the "Legal Tangle" was the "Land Problem" - basic to any understanding of the impact of Western rule on colonial peoples. As Pares puts it

> [capitalist] imperialism is often charged with destroying communal land tenure for its own purposes; and there is no doubt that in many it had resulted in, or been accompanied by, a revolution in the native land-holding system.1

Here too lay dangers of grafting European concepts on unsuitable soil.

For convenience sake the Land Problem can be considered under two aspects: the "Waste Lands Tangle" involving the question of who owned them, Crown or tribe; secondly the "Tenurial Tangle" arising from the complex land tenures and often involving the question of proprietorship - the state, zemindar, taluqdar, chakladar or ryot. In New Zealand, the first aspect is the more basic; in India, the second. In Ceylon both are important.

The waste lands[2] question usually arose from the indigenous peoples' conviction that the soil belonged to them. In Ceylon the question was one of importance and will be subject to detailed scrutiny in chapters that follow. Suffice it to say that the Kandyans had had certain usufructuary rights in unsequestered forest in pre-British times, that the boundaries of their chena

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1. R. Pares. "The Economic Factors in the History of the Empire". Economic History Review. 1st series. Vol.VII. (1937). p 141.

2. Waste Lands: Re Ceylon, in widest sense denoting Forest, Chena, Patena (grassland) and any waste land.

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Colvin R. De Silva. Ceylon under the British Occupation, 1795-1833. 1st ed. (1942. Cbo.) Vol.II. pp 320-331.
S.B.D. De Silva. Investment and Economic Growth in Ceylon. (1962. Lon.) Ph.D. Economics. Chap.1. This contains an admirable summary of the social structure as well as a fine analysis of the contributory factors.
C. Dickman. The Ceylon Civil Service Manual. (1883 ed. Cbo.) Cleghorn's minute. pp 282-3.
G.C. Mendis [ed.] The Colebrooke Cameron Papers. (1956. Oxford.) Vol.I. pp 26-27.
John D'Oyly. A Sketch of the Constitution of the Kendyan Kingdom. (1929. Cbo.) pp 44-45, 60-66, 87-89.
Robert Knox. An Historical Relation of Ceylon. [ed. J. Ryan] (1911. Glasgow.) pp 68-69, 77.
No attempt is made at a comparison with the fendal and medieval tenures in Europe.

lands[1] were ill-defined, that in the Kandyan provinces the question of who owned unsequestered forest was indeterminate, that the villagers throughout Ceylon grew used to encroaching on Crown forests during the lax administration of the first few decades and continued to do so theresfter despite the land legislation of the 1840's.[2] As in New Zealand, though in its own particular form, the question of waste lands presented an obstacle to the British capitalists and a problem to the Government.

As for "the Tenurial Tangle" and British land policy in general, it would be best to prepare the canvas by sketching some of the salient aspects in the land tenure system that prevailed in the Sinhalese areas, noting that the paddy field was usually the main economic unit and that the life of the peasants revolved round mudland cultivation.[3] In a society governed

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1. Chena Lands: Also known as Hen and Hena. Chene cultivation is a form of shifting cultivation akin to ladang cultivation in Indonesia. It describes a rotation of the land instead of the crops. The virgin forest or old chena was slashed, and burnt for manure and then cultivated; each plot was cultivated once in five to twenty years, the cycle being dependent on soil and the custom in each locality. Thus each village, or each individual in the case of privately-owned chenas, would need five to twenty times the amount of land needed annually. Chena cultivation did not mean a nomadic existence. Each rice field usually had an extent of chena - usually thrice the amount - as appurtenance. Even in the Dry Zone where it was most relied on the peasants had settled villages.
   The chenaing was usually on the highlands and hill slopes - Chena Paddy, cotton, chillies or fine grain could be grown. There was no irrigation, except for rain supplies. Thus chena cultivation is distinct from mudland and garden cultivation.

2. Braybrooke Memo. passim.
   Bailey 1859 Memo. passim.

3. Except where specified the description that follows in the next two paragraphs are points culled from the following sources:
   H.W. Codrington. Ancient Land Tenure and Revenue in Ceylon. (1938. Cey.) passim.
   A. Bertolacci. A View of the Agricultural, Commercial and Financial Interests of Ceylon. (1817. Lon.) pp 295-96.
   Ralph Pieris. Sinhalese Social Organization: The Kandyan Period. (1956. Cbo.) passim.
   L.J.B. Turner. "Some Aspects of the Economics of the Maritime Provinces of Ceylon. 1798-1805". Cey. Antiquary & Literary Register. Vol.IV. (April 1919).

largely by "gemeinschaft" social relations[1] it is to be expected that tenurial conditions should have been closely concatenated to the other social institutions and been dominated by personal relationships rather than the law of contract. So it was under Sinhalese land tenure. The system was girded and threaded by the caste system while the laws of inheritance had sociocentric features - the absence of primogeniture being of particular significance in creating such salient characteristics as an excessive subdivision and fragmentation[2] of the land as well as land held in undivided proprietorship. Following a recent dissertation one can say that

> [despite] its organisation on an occupational basis the caste system ... contributed very little towards economic specialization [for nearly] everyone regardless of caste held some land ... - the occupational differences being confined to their subsidiary pursuits.3

"Middlemen and the practice of sub-infendation typical of feudal economics elsewhere were absent in Ceylon" and "there were, basically, only two parties to the land", the king and the subjects.[4] Most tenures were held on the basis of performing service to the king (rajakariya) - or of a contribution in lieu of service. These service tenures were on an individualistic basis. While some were tenants-at-will, many held their land as paraveny (hereditary) tenants. While evidence emanating largely from the Maritime Provinces has led a modern scholar

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1. Ralph Pieris. "Society and Ideology in Ceylon during a 'Time of Troubles', 1795-1850(2)". Univ. of Cey. Review. Vol.IX. No.4 (Oct 1951.) p 266.
2. Sub-division: "diseconomies of scale arising from the cultivating unit being too small" i.e. "uneconomic size". [S.B.D. De Silva. Investment and Economic Growth in Ceylon. (1962. Lon.) Ph.D. Economics. p 157.]
   Fragmentation: "the spatial diffusion of holdings under a single ownership or management" i.e. "inconvenient location". [Idem.]
   In the nineteenth century, however, the term "fragmentation" was used to connote sub-division as well, and several modern writers have pursued this practice.
3. Ibid. p 29.
4. Ibid. pp 25-26.

to the view that "[in] every case service lands were indivisible; could not be sold, mortgaged or willed away by the holders; nor ... be seized for debts",[1] one feels justified in following other evidence which points to the fact that land could be alienated or transferred on the condition that the new occupants performed the attached service.[2] Such transfers were within the limits set by caste and by the tendency towards veiled mortgage rather than sale; and were probably rare.[3] It would seem that while such

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1. Colvin R. De Silva. Ceylon under the British Occupation 1795-1833. 1st ed. (1942. Obo.) pp 328-9 based on Bertolacci, de Meuron's Report, and Boyd's summary of the information supplied to Colebrooke and Cameron, and following a similar view by L.J.B. Turner ["Some Aspects of the Economics of the Maritime Provinces of Ceylon 1798-1805". Cey. Antiquary and Literary Register. Vol.IV. (April 1919.) p 191.] It gains support from the interpretation of ancient practice in Regulation 8 of 1809 [infra. p. 58.] and in CO 59/1. "Colombo Journal". 15 Dec 1832. p 595. "On the different tenures of lands and modes of inheritance in Ceylon".]

2. Lawrie MSS. Vol.III. Lands and Land Tenures. [no pagination]. Ralph Pieris. Letter to me, 10 Nov 1963, for which I am much indebted.
Also implicit in Knox: "If they sell or Alienate their Inheritances the King's accustomed Duties must not be diminished". [Robert Knox. An Historical Relation of Ceylon. (1911. Glasgow.) p 77.] Significantly an official of the 1870's inquiring into tenures on temple lands found that the paraveny tenants could alienate their lands. But felt that their ability to do it "to the extent that [was] possible [was] practically a creation of [the British instituted] Courts" [1872 Admin. Reports. Report of the Service Tenure Commissioner [Dickson]. App.B.6. Letter from [him] ... No.9. 11 March 1872. pp 460-61.]

3. Lawrie MSS. Vol.III. Lands and Land Tenures.
S.B.D. De Silva. op.cit. p 28. [Regarding highlands, however, a witness from Yatinuwara stated that they were always sold and never mortgaged - Lawrie MSS. Vol.I. Mortgages and Contracts.]

lands could, in the last resort, be seized for debt, this did not occur often.[1]

The Kandyan Kings had also granted tracts of Crown land and even whole villages to their chiefs (nindagam) or to the temples (viharegam and dewalegam) and in these places the peasants performed services for these overlords. In the Maritime Provinces in particular there was a species of tenure best depicted as non-service tenures which was paraveny, could be alienated or encumbered and differed in that it was subject to an annual grain tithe rather than service. Such species of tenure, however, appear to have been non-existent or hardly prevalent in the Kandyan provinces.[2]

Thus while the Sinhalese tenurial system had several socio-centric aspects, in contrast to those in most African countries, it reveals several characteristics of individualism: non-service tenures; the individualistic forms of holding panguvas (shares); concepts of hereditary occupancy on an individualistic basis. Individualism was becoming more pronounced in late Kandyan times and was reflected in the increased and intensified litigation of the time.[3] It would seem that the highly specialised classification of lands had disintegrated in most provinces and that

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1. Lawrie MSS. Vol.I. Mortgages and Contracts.
   R. Pieris. Letter to me, 10 Nov 1963.
   Again contradictory to Colvin R. De Silva and L.J.B. Turner.

2. Ralph Pieris during conversation with me in the summer of 1964.
   Lawrie MSS. Vol.III. Lands and Land Tenure: "All lands in the Kandyan country being subject to service".

3. Ralph Pieris. Title to Land in Kandyan Law. p 2. [Proof in pamphlet form which he was kind enough to present me with - this essay appears as an article in the Sir Paul Pieris Felicitation Volume. (1956. Cbo.]
   John Davy. An Account of the Interior of Ceylon and of its Inhabitants. (1821. Lon.) p 183.

in possession and lent to me by Mr. [C.D. Siebel?]: Notes on Sir John D'Oyly's exposition of the Law of Deeds and Transfers. S. Sawers.]

5. Ralph Pieris. Title to Land in Kandyan Law. [1956. Cbo.] pp 4-11.

'parallel with this development [there was a] growing sense of individual rights in land and the gradual diminution of communal feeling".[1] As for the Maritime Provinces where the Sinhalese tenurial system had been followed "in its essentials" by the Dutch,[2] there seems to have been a tendency towards the increase of non-service tenures, while the influence of Roman-Dutch law and a more commercialized (if mercantalist) ethos seems to have fostered a greater degree of individualism.[3]

Therefore we have a new factor of some significance: concepts of ownership relating both to mudland, garden and chena. These concepts, however, were not necessarily akin to notions of freehold rights in the European sense. They were modified by the fact that services attached in the land and were obligatory on the transferee. They must be studied in association with the fact that in the Kandyan Provinces at least most sales of land were redeemable unless the vendor specified the transfer to be irrevocable. Thus sales appear to have been veiled mortgages. Gifts of land themselves were revocable unless specified otherwise.[4] "The inordinate attachment of the Kandyans to their praveni land was reflected in the unwillingness of the law to concede that a gift or a sale could be unconditional and absolute."[5] Conditions as a whole were influenced by the

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1. H.W. Codrington. Ancient Land Tenure and Revenue in Ceylon. (1938. Cey.) p 60. Also see p 5. Also see Ralph Pieris. Title to Land in Kandyan Law. [1956. Cbo.] p 2, where he excludes Nuwarakalawiya and Tamankaduwa - provinces in the Dry Zone and dependent more on chena cultivation and with more pronounced communal activity - from these developments.
2. R. Pieris. Letter to me, 10 Nov 1963.
3. Colvin R. De Silva. op.cit. p 320.
   C. Dickman. op.cit. Cleghorn's minute. p 282.
4. Ralph Pieris. Title to Land in Kandyan Law. [1956. Cbo.] pp 4-6, 9-11. There is some doubt whether sales were revocable. Dawer's notes indicate that transfers, donations and bequests of land were "revocable at pleasure during the lifetime of the person who alienates the same but the assessors unanimously deny that a definite sale of land was revocable in the lifetime of the seller at his pleasure. The Chiefs say it was not without precedent for bargains of this kind to be broken .... even years after [the sale] but it was not done as a matter of course, justified by law or custom". [Lawrie MSS. Vol.IV. Extracts from a copy of Sir John D'Oyly's notes

socio-centric features of the existing fabric; by the barter economy; by the virtual absence of any mobility of labour; and perhaps, above all, by the prevailing ethos. There could have been little trafficking in land.

Unlike most African countries, there was no concept of the land in general belonging to the community, though each village distinguished and guarded its chena and common land from the incursions of other villages. In Ceylon, if we follow one student in looking at this question from a legal and political standpoint, the Kandyan Kingdom was a feudal state where all rights - including land rights - emanated from the King.[1] This is supported by the fact that all abandoned land reverted to the King.[2] As another student observes,

> [the] combination of rights in land with duties to the king made many landholders tenants of the king .... Though the tenants holding praveni lands had rights of proprietorship, these rights were inferior to the rights of the King, who could eject them if they failed to perform the required services.3

The important point, then, is that service was attached to the land and was obligatory to any transferee. In this tenurial system based on services in return for use,

> as a whole, the King was the receiver of services and all the landholders givers. The status differences between the King and the landholders [made] this a master-servant relationship .... The contractual type of relation between the proprietor and cultivator in sharecropping could be contrasted with [this relationship. The former not the latter was the ideal].4

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1. S.B.W. Wickremasekera. The Social and Political Organisation of the Kandyan Kingdom. (1961. Lon.) M.A. Anthropology. pp 5, 129-30, 146. [See also Pridham. An Historical, Political and Statistical Account of Ceylon and its dependencies. (1849. Lon.) Col.II. p 786, which is a plagiarised account from Bertolacci.]

2. Ralph Pieris. Sinhalese Social Organization. (1956. Lon.) p 73.

3. U.A. Gunasekara. Land Tenure in the Kandyan Provinces of Ceylon. (1959. Oxford.) B.Litt. Social Anthropology. pp 96-7. The service tenants could give up their lands and service if they wished: "as there [was] a multitude do". [Robert Knox. op.cit. p 68.]

4. Gunasekara. op.cit. pp 152-3.

On the other hand, the King was not expected to eject paraveny tenants if they performed the rajakaria (the king's service or corvee) attached to the land, excepting cases of treason. Instances when the king compensated landholders when he had to acquire their lands would seem to confirm this point. Thus by granting paraveny lands "the King, in fact, restricted his own rights". But as against these the individual's right against the King could not be effective because there were no sanctions he could use against the King.[1] Thus one might perhaps state that theoretically the rights could be re-appropriated by the King at any time.[2] The system presented striking similarities to that in pre-British Malaya where rights of hereditary transferable proprietorship existed but were "subject to definite limitations".[3] In Leake's words,

> [as] long as the cultivator fulfilled his liabilities in the matter of continuous cultivation, payment of tithe and forced service, his tenure was permanent though falling short of full proprietary possession.[4]

Thus in answer to the question "was the King the owner of the soil", one would have to say, with Codrington and Moreland,

> ..... that under this system the question of ownership does not arise; the system is in fact antecedent to that process of disentangling the conception of private rights from political allegiance, which has made so much progress during the last century. Nor was the occupation of land necessarily a right in the juridical sense of the word: ..... The Indian point of view differed from

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1. Gunasekara. op.cit. pp 152-4 for all the points above.
2. S.B.W. Wickremasekara. op.cit. p.146. [Note that the king often claimed the best fruit trees, and not even the owner could touch the fruits thus claimed. Knox. op.cit. p 20; while in 1870 the Queen's Advocate wrote with reference to service paraveny tenants in service villages in Kandyan times: "Whether or not the king had legally the right to dispossess the holder is not clear but he seems, at times, to have exercised that right." CO 54/454. Robinson - Granville. 65. March 1870. Encl.5. Memo on the Service Tenures Ordinance. Morgan [Queen's Advocate] 2 Feb 1870.]
3. H.M. Leake. "Studies in Tropical Land Tenure". Tropical Agriculture. Vol.IX. No.10 (Sept 1932) pp 320-21.
4. Idem.

> the European in looking at authority over land rather than of the soil itself and early grants by the King were of revenue and rights and not of land.1

The land, therefore, "was only a medium for these rights".[2] "Different 'social persons' could simultaneously hold various rights over the same land."[3]

This sketch features the land tenure system stripped of all its elaborations and variations. In the field and in the early nineteenth century, it was far different: the system presented itself to the British administrator in a far more complex form. The inherent complexities were worse confounded by the regional variations in customs pertaining to tenure.[4] Complexity and diversity were further confounded by the fact that many usages were indeterminate. One can understand how Europeans bred in the individualistic liberalism of Britain and with hazy - and possibly misconceived - notions of the feudal tenures, could not comprehend the intricacies of tenure in the forest of custom. Given paravany rights, the fact of the King's overlordship and certain superficial similarities to practices in feudal Europe, what more natural than that they should square local usages and terminology with those of feudal England; that they should apply the concept of ownership; that they would endeavour to have the rights cut and dried and classified. Anthropological acquirements and a sociological approach could hardly be expected of the Civil Servants of this time; Utilitarianism and Whiggism could.

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1. H.W. Codrington. op.cit. p 6. quoting Moreland (India at the Death of Akbar. pp 96-7). See also S.B. D. De Silva. Investment and Economic Growth in Ceylon. (1962. Lon.) Ph.D. Economics. p 27. "The beneficial interest in arable land though capable of descending to the heirs of the tenant ad infinitum stopped short of absolute ownership."
2. Gunasekara. op.cit. pp 155-6.
3. S.B.W. Wickremasekera. op.cit. p 147.
4. A. Bertolacci. A View of the Agricultural, Commercial and Financial Interests of Ceylon. (1817. Lon.) p 295.

Their outlook, as we have seen, was such as to lead them to depend on European enterprise and not purely on indigenous enterprise in developing the island. But their policy in this field will be set in better relief if one sees what alternatives were available and what they did not do. If a colonial power adhered to the patient course of encouraging local enterprise and perhaps limiting foreign ventures at the same time, they could have employed one of several methods. A). They could recognise the rights of ownership of the indigenous peoples, dropping all claims to state overproprietorship of the land. Just though this method may have appeared, often in practice, it did not prevent the alienation of tribal or private lands to Europeans or to "native" capitalists by the local peoples themselves[1] - unless alienation of "native" land was prohibited in conjunction with it. An outstanding example of the alienation of "native" lands in this manner occurred in the Southern Territories of the Gold Coast where "many of the chiefs assumed a position of landlords rather than trustees".[2] B). With the intention of protecting the "native" from his own improvidence, they could proclaim "native" lands to be inalienable and leave the definition of these lands to the judiciary.[3] C). With the same intention they could proclaim the legal theory of state overproprietorship and yet apply the doctrine of inalienability or limit alienation by requiring executive consent, as the Dutch did in Indonesia and the 'late Victorians' in Nigeria; or, on a variation of this method, follow Gordon's course in Fiji of codifying local custom and imprinting the principle of inalienability into statutory law, and thereby prevent Government as well from selling indigenous land.[4]

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1. W.K. Hancock. Surveys of British Commonwealth Affairs. (1940. Lon.) Vol.II. part two. pp 177-9.
2. C.K. Meek. Land Law & Custom in the Colonies. 2nd ed. (1949. Lon.) pp 291-2.
3. J.D. Legge. Britain in Fiji 1858-1880. (1958. Lon.) p 172. e.g.: Gold Coast.
4. Ibid. pp 174-81, 194-9.

where there was executive control, clearly there was likely to be more positive protection, given good intentions, than under the courts "whose criteria of judgment" could be both different and inadequate.[1] But what emerges more clearly is that the principle of inalienability was the key to the protection of customary tenures.

Far from thinking on these lines, in Ceylon the first Governor, North, sought to provide incentives for agricultural improvement by creating freehold rights; sanguinely abolished the system of service-tenures (1802) in the Maritime Provinces and converted them - in theory - to rights of absolute ownership.[2] A premature step, its practical difficulties necessitated a partial reversion to the old state of things and Maitland proclaimed Regulation No.8 of 1809 which declared that tenures held on service could not be alienated in any way or be charged or encumbered with debt, or subject to foreclosure.[3] If one is to be guided by the Preamble this regulation was aimed against "abuses" which prejudiced "the rights of Government" and led to the "impoverishment" of service tenants.[4] This, then, was a reiteration of the traditional customs as interpreted at that time in the Maritime Provinces and containing within them the principal of inalienability. But the fact remains that the whole drift and tenor of British rule from the outset was towards the contrary principle of freehold rights,[5] and by the 1840's this had been stamped and 'institutionalized' into the social fabric. Though Regulation 8 of 1809 was only repealed formally in 1852.[6]

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1. J.D. Legge. Britain in Fiji 1858-1880. (1958. Lon.) pp 172-3
2. L.J.B. Turner. "Some Aspects of the Economics of the Maritime Provinces of Ceylon". Cey. Antiquary and Literary Register. pp 192-3.
   Colvin R. De Silva. op.cit. Vol.II. pp 264, 340-41, 364-6.
3. Ibid. pp 350-60. Grain taxes were substituted for services.
4. A Collection of the Legislative Acts of the Government of Ceylon. (1854. Cbo.) Vol.I. p 123.
5. Thus the Kandyan practice of enabling a seller to redeem his land at any time was done away with by a Proclamation of 19 July 1821. Even if the right was stipulated in the sale redemption had to be within three years. [Ibid. p 271.]
6. Ibid. (1862. Cbo.) Vol.III. p 2.

the abolition of service tenures by the Order in Council of 12 April 1832[1] had, in effect, undermined it.

Colombo's failure to think in terms of inalienability is understandable. Such a principle was an economic restraint and totally contrary to the principle of economic freedom which was such a basic article of faith in British colonial policy of the time. In the second place, the principle of non-alienability was not consciously stressed or 'immortalized' in local tenurial 'ideology'; in fact, the local tenurial system presented numerous nascent aspects of proprietorship and individualism. In the third place, it was only after hard experience in several tropical colonies that the climate of Victorian official thought came to realise the need to protect the indigenous social structures, to modify innovationism and to seek methods of doing so - one being the principle of non-alienation. At this stage the emphasis was on "Progress", and at the outset in particular they were not as disinclined to tamper with local custom as they were later.

Thus in Ceylon the free transfer of land in absolute ownership, whether public or private, was a principle they consciously sought to achieve.

> The real property counterpart [to laissez-faire ideas involved this principle of] unrestricted alienation in fee simple. And ancient custom gave its support to the economist to establish in this country the right of free and outright sales.2

A contemporary journalist was in keeping with the times in writing that "[in] a colony such as Ceylon [they could] conceive nothing so inimical to its progress as insecurity of its fixed property".[3]

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1. CO 55/72. Goderich - Horton. 3 May 1832.

2. L.J. deS. Seneviratne. "Land Tenure in the Kandyan Provinces". Cey. Economic Journal. IX (1937.) p 54. As Ian Vandendriesen emphasises, prior to the British, land alienation fell
> more properly into the category of 'land grants' than into that of 'land sales' ... [But with the British period and the plantations in particular, land] began to take on a new meaning. It came increasingly to be not merely the basis of socio-economic function but a factor of production demanded by investors.

I.H. Vandendriesen. "Plantation Agriculture and Land Sales Policy in Ceylon. The First Phase. 1836-86. Part I". Univ. of Cey. Review. Vol.XIV. (Jan-April 1956.) p 6.

3. C.1204. "Ceylon Times". 18 Aug 1863.

Nor is it surprising to find a Governor postulating that

> the very great influx of British settlers will make it absolutely necessary to assimilate the law of the Colony to that of the Parent State as far as regards the disposition of their landed property, which will become ultimately very extensive.1

Such a policy was natural to the Laissez-Faire era with its belief that agricultural progress was best achieved through individual ownership of the land, bolstered as it was, in tropical colonies, by the conception that a peasant with a plot of land was a stable element in society unlike those who indulged in shifting cultivation.[2]

This emphasis in effect meant that provision for transferability of land and for security of tenure - whether for planter, local capitalist or peasant - was a basic aim of the British in Ceylon. This was so in India too,[3] and was a commonplace in British colonial policy, though a very casual regard was paid to security of title in the West Indies till the late nineteenth century.[4] One is therefore faced with a picture of Government fostering change; of Government altering the tenurial system and modifying the socio-economic structure in Ceylon. The comparisons are numerous. In India the Liberals used law as a revolutionary agent to establish private property rights in land, to try and alter the intricacies of Indian land-tenures to a simple landlord-tenant relationship, "in a word, to the simplified economic

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1. Governor's Addresses. Vol.I. S. Mackenzie. 17 Nov 1840. p 145.
2. C.1202. "Colombo Observer". 12 Oct 1866. Report on Proceedings of the Legislative Council. 10 Nov 1866. [Gibson's speech.] 1864 Blue Book Reports. Robinson - Cardwell. 134. 16 Sept 1865. Encl. in Encl.7. [1864 Admin. Report. Saberegamuve. J.P.M. Birch.] A.C.A. 30 March 1865. p 139.
3. Eric Stokes. The English Utilitarians and India. (1959. Oxford.) pp 41-2.
   Regarding Ceylon the importance of this principle is aptly described in I.H. Vandendriesen. "Land Sales Policy and Some Aspects of the Problems of Tenure - 1836-86: Part II." Univ. of Cey. Review. Vol.XV. (1957.) pp 36, 51-2.
4. H.M. Leake. "Studies in Tropical Land Tenure." Tropical Agriculture. Vol.IX. (Sept 1932.) pp 273-5.

structure of England".[1] In Indonesia both the Dutchman, Van Hogendorp, and the Britisher, Raffles, aimed not only at direct western administration but also at converting the communal tenures to individual ownership in order to alter the economic structure, while the Dutch liberals followed a similar policy in the late nineteenth century.[2]

Legislation was one of the principal instruments of change. The abolition of the system of rajakariya by 1832 was one such crucial process of legislation, not only paving the way for mobility of labour but also for individual rights in land. It must be kept in mind, however, that nindagam and temple lands in the Kandyan provinces were permitted the privilege of service tenures. Thus these categories of lands covering as they did over 450,000 acres[3] and some 1,886 villages out of roughly 6,000 in the Kandyan Provinces[4] continued to be 'enclaves' within some of the processes of change occurring at this time, though not uninfluenced by these developments. These lands therefore are largely excluded from our study of changes and impact, and neither is it proposed to deal with the Service Tenure Ordinance of 1871 which set in process the commutation of these services. In effect, a field in which relations between tenants and landed aristocracy are crucial falls outside the scope of this study.

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1. Stokes. The English Utilitarians and India. (1959. Oxford.) pp 40-42, 236.
2. John Bastin. The Native Policies of Sir Stamford Raffles in Java and Sumatra. (1957. Lon.) pp 29, 44-5, 139. Furnivall. Netherlands India. (1939. Cambridge.) pp 58, 69, 179-80.
3. Temple lands surveyed to the end of 1869 amounted to 379,413 acres [1869 Admin. Reports. Report of the Survey Department. Capt. A.E. Fyers. n.c. App.F. p 159.], and as a straight guess I have extended the total to "over 450,000 acres" to cover lands to be surveyed, and the nindagam. The total could well be even 600,000 acres.
4. 1871 Admin. Reports. Service Tenures Commission. J.F. Dickson. 22 March 1871. p 367. According to the 1881 Census there were 7,432 villages if one counts the whole of the present North-Central and North-Western Provinces, but 1,432 has been excluded to cover the non-Kandyan areas within these Provinces.

> Legislation apart, as in most colonies,
>
> [the] decisions of British Courts, the influence of English legal procedure, and English conceptions of real property, coupled with the use, in many areas of English forms of conveyancing all [tended] to modify the character of the native law of the land.1

Cognisance was taken of Kandyan law, and in the Maritime Provinces of Roman-Dutch law, but the system of judicial administrative and the forms of procedure were largely on English lines. The structure set up in 1832 following Cameron's recommendations reflects many Utilitarian methods and ideas though garnished here and there with some modifications.[2] As in the Gold Coast this judicial structure not only influenced changes in the traditional tenurial concepts but also accentuated the litigious tendency already rife in Ceylon. In circumstances where many rights were indeterminate and where land usage was becoming more intensive and profitable, the cumbrous and more intangible system thus instituted could, in conjunction with increasing individualism, only cause a disastrously excessive amount of litigation.[3] But looking at matters from another angle, one could claim with a

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1. C.K. Meek. Land Law and Custom in the Colonies. 2nd ed. (1949. Lon.) p 290. Also see Ibid. Introduction by Lord Hailey. p xvi.
2. G.C. Mendis [ed.] The Colebrooke-Cameron Papers. (1956. Oxford) Vol.I. Report of Charles H. Cameron Esq. upon the Judicial Establishments and Procedure in Ceylon. 31 Jan 1932. Passim. K.M. De Silva. "The Colebrooke-Cameron Reforms". Cey. Jour. of Hist. and Social Studies. Vol.2. No.2. (July 1959.) pp. 250-53.
   To be fair to Cameron. not all his modifications were carried out.
3. Governor's Addresses. Vol.II. Robinson. 4 Oct 1871. p 218. C.G.A. "Colombo Observer". 13 April 1857. Letter to editor from "Argus II".
   Cf. Gold Coast. [Meek. op.cit. p 174.] and similar results in several British colonies [Furnivall. Colonial Policy. op.cit. pp 295-7]. By the 1850's many in Ceylon were highly critical of the English forms of procedure as a result of their experiences; they considered them doubtful blessings. [e.g. See CO 54/315. Ward - Russell. 7. 23 May 1855.]

contemporary Judge that despite these faults, "the system of law" being evolved was one "which [would] expand instead of one which [cramped] civilisation".[1]

Another factor of consequence in most colonies was the institution of procedures for public registration of conveyance and maintenance of a record of titles. Such a system of registration had numerous advantages. In particular it could conduce towards the reduction of litigation. Given the premise and foundation of individual rights and settings where permanent crops existed, registration and settlement of titles was essential. Nevertheless premature registration could erode the indigenous tenurial system,[2] while an improper and half-baked one could defeat its very object of assisting the principle of secure titles. In Ceylon Crown lands were granted and registered in the English manner: but the attempt to establish a comprehensive scheme of registering deeds and titles to land only came to fruit in the statute-books in 1863 with the rather sanguinely conceived Ordinance 8. It consisted of two parts - a system of "interim registration" of all existing and of future deeds by a newly created department; and a prospective plan that hinged on a task

> of almost gigantic magnitude, no less than that of effecting a cadastral survey of all Ceylon with a settlement of all titles and a scrutiny of all disputed titles in the Colony.3

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1. 1868 Admin. Reports. Part II. Reports of the District Judge, Kandy. Thomas Berwick. 16 July 1869. pp 44-6.
2. Meek. op.cit. p 272.
3. CO 54/383. Murdoch - Rogers. 21 Dec 1863. Memo by Rogers. n.d. -[London was apprehensive that it might cause a flood of litigation, while, earlier, the authorities in Colombo had seen the obvious difficulties
   ... [registration], though much desired ... is a question that may take a very long time to settle, not only from the complicated ancient laws of inheritance and the existence of two systems of landed property ... but also from difficulties of survey.
   CO 54/343. Ward - Lytton. 80. 23 April 1859. Encl. Queen's Advocate - Ward. 11 April 1859.]

Its sanguineness not only flows from the nature of the task undertaken but from the fact that MacCarthy spoke of this Ordinance in high terms[1] while making retrenchments in the Survey Department at the same time.[2] In the event, while the registration of deeds was brought into operation by 1865, the larger and more important scheme was not because of the "question of expense" and "because it was not desirable to attempt more than [they] could reasonably hope to achieve";[3] making one wonder why it was passed at all.

Re-enacted by Gregory in 1877, with alterations including that of compulsory registration,[4] the scheme continued dependent on a comprehensive survey; and there was, it appears, no cadastral survey existing even in 1936;[5] while in the few places that Gregory's scheme was tried, it "proved both expensive and laborious".[6] The difficulties were, clearly, great. Thus in Ceylon only registration of deeds existed and that only from 1865. It was said to have "answered very satisfactorily"[7] as far as the object of preventing frauds went, but the machinery of registration had to be overhauled in the mid-1870's and, if we are to rely on Meek, registration was neither satisfactory nor was uncertainty of title obviated.[8]

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1. CO 54/380. MacCarthy - Newcastle. 185. 23 Oct 1963.
2. 1864 Blue Book Reports. Encl. in Encl.7 [1864 Admin. Report. Sabaragamuwa. J.W.W. Birch.] A.C.A. 30 March 1865. A.M. Ferguson. The Ceylon Directory for 1866-68. (1868. Cbo.) pp 248-9.
3. CO 54/464. Robinson - Kimberley. 94. 13 April 1871. Encl. Morgan [Queen's Advocate] - Col.Sec. 89. 21 March 1871. Governor's Addresses. Vol.II. Gregory. 13 Sept 1876. pp 443-4.
4. Idem.
5. S.P. VI. of 1936. [Report of the Judicial Commission.] para. 122.
6. E.L. Brohier. Land Maps and Surveys. (1950. Cey.) Vol.I. p 26.
7. B. Sastiampillai. The Governorship of Sir William Henry Gregory in Ceylon. (1963. Lon.) M.A. History. pp 156-7.
8. Meek. op.cit. pp 278-9.

In Ceylon another factor accelerating the transformation towards freehold rights in land was the introduction of cash crops like coffee and coconut in conjunction with an increased use of money. Cinnamon had been grown before the Coffee Period, but it was a government monopoly and not on the scale of the coffee enterprise. One can say with Vandendriesen that the

> plantation served as the agent which did most to introduce capitalist concepts, and it was equally so the vehicle through which these ideas continued to expand during the nineteenth century.1

The peasants too began to grow "native coffee" and coconuts on a much larger scale.[2] Land increased in value.[3] Whereas in former times, paddy land being held on condition of service rested with one or two individuals and "chena land [was] of so little value and in such great abundance that it was not worth squabbling for", in the Coffee Period "each co-heir stoutly [clung] to his rights [and the sequel was] infinitesimal partition".[4] Not only did the increasing value of land accentuate subdivision of the land and litigation, but it hammered in individualistic concepts of land-holding.

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1. I.H. Vandendriesen. "Plantation Agriculture and Land Sales Policy in Ceylon. The First Phase 1836-86. Part I". Univ. of Cey. Review. Vol.XIV. (1956.) p 6. Contrast Rhodesia where the farming settlers "did not introduce any economic transformation of the interior" and where this transformation was brought about rather by the mines and railways in interaction. L.H. Gann. The Birth of a Plural Society. (1958. Manchester.) pp 116-7, 126.

2. C.G.A. "Colombo Observer". 5 Feb 1857. 1857 Blue Book Reports. Ward - Lytton. 3. 5 July 1858. p 243.

3. 1858 Blue Book Reports. Ward - Lytton. 135. 4 July 1859. Similarly in the Southern territories of the Gold Coast and in Malaya plantation crops - i.e. new methods of agriculture and marketing - influenced the growth of individual ownership. Meek. op.cit. pp 289, 292, 307.

4. Bailey 1859 Memo. pp 128-30.

In turning from 'the factors of change' to a closer scrutiny of land policy in the period under review, it is worth noting that the British inherited the tenurial rights and power of the Kandyan Kings and of the Dutch - in the former case being bound by the terms of the Convention of 1815 and the Proclamation of 1818. In effect they inherited many rights of overproprietorship. Such rights they consciously sought to enforce towards the paddy lands belonging to the Crown as well as to waste lands. This did not involve retention of these lands in the hands of the Crown. On the contrary, they were eager to sell them on a freehold basis whether to foreign capitalist or "native". But they did mean to enforce their right to a revenue from such land, whether by sale, lease or licensed cultivation.

It was from Kandyan and Dutch heritage that they argued, and applied, a concept of state-overproprietorship - a concept proclaimed *vis-à-vis* the waste lands by the ill-famed Ordinance 12 of 1840. The Ordinance recognised private ownership of waste lands but the onus of proving this was, in effect, thrown on the peasant.[1] It underlines some of the major problems faced by the British throughout this period as well as the basic aims and principles of land policy in Ceylon. By defining what land was Crown and what private, the Ordinance aimed (a) at protecting Crown land from the claims to ownership and the encroachments made by the villagers, and (b) at providing security of tenure for all landholders. These aims, in turn, were towards the ulterior object of laying the basis for agricultural improvement, with the sale of plantations particularly in mind[2] - for secure titles were considered an essential incentive for agricultural production for a market. If the recognition of *paraveny* rights in this manner

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1. See App. D. *infra*. pp 421-23.
2. CO 54/178. Mackenzie - Russell. 31. 10 Feb 1840. Braybrooke Memo. App. A. Turnour - Col.Sec. 279. 15 Oct 1836.
   This subject is studied in detail in Chapter Four.

as well as the abolition of tenurial services appears very generous, it should be noted that such steps were economically beneficial as well as expedient. According to British conceptions absolute ownership was an essential preliminary and an incentive to the improvement of lands,[1] and in keeping with the needs of private entrepreneurship. Moreover, the Government derived a not unsubstantial revenue from the grain taxes - though much less than in India.

While the State was viewed as the landlord over some lands, private rights of ownership by indigenous inhabitants were recognised. The paraveny tenants of old were given absolute ownership of lands they held under Government, absolved from all services to the State but subject to grain taxes. The very existence of such taxes was part and parcel of a theory of state overproprietorship:

> a land-tax is but the realization of a principle with which the Singhalese are universally familiar - that the soil is the undisputed property of the Crown and that the Government is entitled to a share of its profits or some return for its use.2

The mosaic of problems and objectives of the British in Ceylon is strikingly revealed in a scheme for the survey and settlement of titles broached by Torrington in 1848.[3] The scheme represents an ambitious, unique and comprehensive effort to tackle the land problem in its entirety. Whatever his other failures, Torrington revealed some insight in emphasising the necessity of such a settlement - considering it as "perhaps the most important of all the measures [he had] contemplated for the general improvement of the Colony".[4] Sparked by the moves since 1846, both in

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1. S.P. III of 1860. Report with Statistical Returns of the operations of the Survey Department - Captain Sim. 30 June 1860. p 27.
   In Java Raffles had similar ideas. Wertheim. Indonesian Society in transition. (1960. The Hague.) p 91.
2. R.P.C. Tennent's Report. 22 Oct 1846. p 82; see also pp.98, 99.
3. CO 54/247. Torrington - Grey. 57. 16 March 1848.
4. CO 54/261. Torrington - Grey. 162. 15 Nov 1849.

Colombo and Downing Street, to impose a general land tax, this scheme was considered a precursor to that tax. It was also concerned with security of titles and aimed at diminishing sources of litigation as well as scope for encroachments:

> It must be obvious that as the Colony advances in improvement, the embarrassment arising out of these disputes must increase while the solution of them must become more difficult. The Crown cannot permit a general scramble for the usurpation of its rights.1

And so too did Merivale in England view it as

> not merely for the purpose of equitably applying a land tax, ... but for the more general end of quieting disputes and establishing the security of landed property throughout the island.2

Since "[the] difficulties of Settlement [would] ... turn upon questions of proprietory rights, of actual possession and of legal tenure or of the conditions of possession", the scheme envisaged an Ordinance to define the principles of Settlement including a rule regarding the nature and length of possession to constitute title; a three-man Board with large powers to operate these principles, adjudicating all disputes except for "strictly legal questions", and seeing to all matters concerning land; the inclusion of the Surveyor-General in the Board and the subordination of his department to the Board; the exclusion of legal practitioners; divesting the Board of a legal character as far as possible; a finality of decision.[3] Significantly this plan of Torrington's was to cover all lands, including temple-lands and chena lands, both of which were considered separately in Ward's time. The scheme anticipated the method used in the late 1850's to settle the temple-lands as well as that breached as a solution to the chena problem. In addition to all this Torrington wanted

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1. CO 54/247. Torrington - Grey. 57. 16 March 1848.
2. CO 54/253. Murdoch and Wood - Merivale. 12 July 1848. Draft by Merivale.
   Grey - Torrington. 264. 31 July 1848.
3. CO 54/247. Torrington - Grey. 57. 16 March 1848.

the Ordinance to extend Ordinance 21 of 1844 and to compel the partition of all lands held on undivided proprietorship. He also wished to stipulate a minimum limit beyond which subdivision of property was null and void - thus revealing other motives: that of obviating litigation; and that of creating better economic units as a basis for agricultural improvement.[1]

While some of the aims and the principles were reasonable, others were not. In tilting at undivided proprietorship and sub-division of the land, Torrington and his aides (Wodehouse had much to do with this scheme) displayed dangerous innovationism of a root and branch nature. In tackling so many fields of land policy at the same time, they can be accused of biting off more than they could have possibly chewed. A mere outline though it was, the plan was also vague and impracticable in some particulars of organisation. Aware though they were of the difficulties and of the time involved in this task, its authors were guilty of a degree of underestimation of the costs and difficulties in the way.[2] Nevertheless one can agree with the view that "the question of expense [was] not to be put in comparison with the advantages of success".[3]

For their part, both the Land Board and the Colonial Office heartily endorsed the aims and the general strategy, but raised objections and suggested improvements regarding the particulars.[4] Among other points, the Land Board raised the typically Whig objection against uniting an executive department (the Survey Department) in a quasi-judicial tribunal adjudicating on matters

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1. CO 54/247. Torrington - Grey. 57. 16 March 1848.
2. Further reconnaissance brought Torrington to realise that the "difficulties of a general Survey and Settlement of Ceylon [were] far greater than ... anticipated" and the whole idea of a Land Tax was dropped. CO 54/252. Torrington - Grey. 221. 11 Dec 1848.
3. CO 54/247. Torrington - Grey. 57. 16 March 1848.
4. CO 54/253. Murdoch and Wood - Merivale. 12 July 1848, as well as Minutes by CO officials and Draft (by Merivale). Grey - Torrington. 264. 31 July 1848.

to which the very department was party. They pinpointed one weakness in the tactical plan - the fact that no Ordinance could lay down the principles of settlement satisfactorily - and suggested that wider discretionary powers had better be reposed in the Board. Merivale, in his turn, revealed remarkable insight in his approach - among other matters spotlighting the impossibility of demarcating what was "strictly legal" and what was not, and concluding that, therefore, the Board should have larger powers.[1] Thus London opted for the un-Whiggish principle of a body with considerable executive and judicial power - both being averse to legal formalities as well though inclining to suggest a highly limited right of appeal. Significantly, in contrast to their healthy circumspection in this sphere in the 1850's and 1860's, they did not protest against the frontal attack on undivided proprietorship or sub-division, though the Land Board did have doubts on the former, considering such a step "arbitrary".[2] The path, therefore, was open for Colombo to fill in their framework and to go ahead with this scheme. In the event they were engulfed in the 1848 rebellion and its aftermath and this ambitious project was stillborn. The question whether finances would have permitted it was never put to the test.

The importance attached to the principle of security of tenure and the many problems in this regard are illustrated in many of the Government measures at that time, Torrington's plan apart. The improvement of the Survey Department, repeatedly pressed for by Governor Ward, was primarily to meet the demand for land with proper title deeds and plans. This alone was considered insufficient. A general scheme of registration was

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1. CO 54/253. Murdoch and Wood - Merivale. 12 July 1848. Minute by Merivale. 20 July [1848] as well as Grey - Torrington. 264. 31 July 1848.

2. CO 54/253. Murdoch and Wood - Merivale. 12 July 1848.

urged.[1] A Land Registration Ordinance, the Ordinance No.8 of 1863 described earlier, was the result. Born after much delay, this Ordinance had for its objectsnot merely security of titles, but also security of mortgages - being intended as a "check" on "the frauds arising from secret conveyancing of property and from secondary and tertiary mortgages thereof, by which capital has been rendered insecure".[2] But as we saw earlier, the survey essential to the scheme was never carried out and this provides another example of how the jacket of economy deterred Government from transforming design into practice.

There was yet more. Ordinance 13 of 1862 for the Registration of Births and Deaths, Ordinance 13 of 1863 for the Registration of Marriages were viewed as corollaries to Ordinance 8, having similar ends in view, and as steps "[conferring] great benefit on private individuals by providing them with an easy and certain mode of proof of facts bearing on family inheritance and succession of property".[3]

Government's battle against the encroachments so prevalent at this time was partly in order to secure the end of greater certainty of tenure. Ward's tenacity in defence of security of tenure is revealed in 1858 when the military authorities revived claims to old military reserves, many of which had been granted to private individuals. He resisted the military authorities' efforts to eject such individuals. He argued that the claims were "a serious embarrassment to the Government", that to give way to them would "[shake] the confidence of the Natives in every Title ... existing", and that it was a bar to progress in the towns involved.[4]

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1. CO 54/333. Ward - Labouchere. 3. 6 Jan 1858. Encl. Report of a Select Committee of the Legislative Council appointed to report upon [an Ordinance on the Fixed Establishment]. 21 Dec 1857. p 21.

2. Governor's Addresses. Vol.II. MacCarthy. 11 Aug 1863. p 26. CO 54/380. MacCarthy - Newcastle. 171. 30 Sept 1863. Encl. "The Examiner". 29 Aug 1863.

3. 1862 Blue Book Reports. MacCarthy - Newcastle. 141. 20 Aug 1863. p 144. It was only brought into operation in 1867 - Governor's Addresses. Vol.II. Robinson. 5 Oct 1866. p 95.

4. CO 54/335. Ward - Stanley. 63. 29 June 1858.

But the most interesting example is that of the Kandyan Marriage Ordinance. There were other motives behind this piece of legislation - for the abolition of polyandry, polygamy and pre-marital cohabitation was regarded by the British as a worthy social reform - but it was also regarded as a move to end the complications in the law of inheritance which such customs entailed. Strange to say, some of the Kandyan chiefs and headmen regarded the measure in the latter light.[1] The Ordinance was originated at their request and therefore was not a measure imposed from above but coming, so to speak, from the middle. These chiefs were motivated by a desire to secure property rights and to end a cause of much litigation.[2] However much modern sociologists may doubt the connection between laws of inheritance and fragmentation of the land,[3] the Kandyan chiefs and the British administrators were convinced that Kandyan marriage practices increased land disputes. Believing so, they were so guided.

This unusual step, incidentally, is a measure of the success with which the British had drummed the alien principles of secure titles and legal land rights into some, at least, of the local people. At the same time, it reflects the extent to which the Kandyan chiefs and headmen were investing in new land and probably in "native coffee" cultivation. This would supply a reason for such a revolutionary request.

These varied examples illustrate the fact that obstacles in the path of secure titles and transferable rights were far greater in Eastern civilizations than in "newer" countires such as Australia or U.S.A. Security of tenure in turn, as we have seen, was

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1. CO 54/338. Ward - Lytton. 163. 8 Dec 1858. "Indeed [the deputation] stated distinctly that it was a question of property not of Religion ..."
   See also Ibid. Encl. [The Petition of the Chiefs, Priests and Inhabitants] n.d. and Newcastle MSS. Pol.10,988. Ward - Newcastle. 26 April 1860.
2. CO 54/338. Ward - Lytton. 163. 9 Dec 1858.
3. Pieris. Sinhalese Social Organisation. (1956. Cbo.) p 20. U.A. Gunasekara. Land Tenure in the Kandyan Provinces of Ceylon. (1959. Oxford.) B. Litt. Social Anthropology. p 170.

considered a prerequisite for European capitalist enterprise as well as a stimulant to the "natives" to improve their lands;[1] and secondly it was believed that it would lessen the litigation which beset both people and administration.

The struggle against the excessive litigation bedevilling people and administration in Ceylon was also associated with British land policy.[2] It was not only an administrative problem, it drew people away from agricultural activity, while the majority of the litigation was over land. Thus many of the measures aimed at facilitating certainty of tenure were also seen in the light of checks on litigation: Ordinance 8 of 1863 for example.[3] In this regard, an inherent aspect of the social structure - undivided proprietorship - was considered an obstacle to secure titles as well as a "practice [that led] to incessant quarrels and litigation [preventing] the joint owners ... from laying themselves out to the best advantage for the cultivation of their property".[4] Another legacy, minute sub-division of the soil, was abhorred on similar grounds.[5] In 1800 itself North had ambitiously and fruitlessly sought to end undivided proprietorship (permissively) because he considered it a bar to agricultural improvement.[6] In the

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1. They also encouraged "natives" holding land on ande tenure (akin to metayage) to become proprietors of these lands. 1863 Blue Book Reports. O'Brien - Cardwell. 197. Encl. [1863 Admin. Report. Colombo District and Western Province.] G.A. Cbo. [C.P. Layard] 22 Aug 1864. p 119.
2. For e.g. see Bailey 1857 Memo. passim.
3. CO 54/380. MacCarthy - Newcastle. 185. 23 Oct 1863.
4. CO 54/291. Anderson - Pakington. 23 Oct 1853. Encl.6. Selby's [Queen's Advocate's] speech in the Legislative Council. Aug 1852.
   CO 54/381. MacCarthy - Newcastle. 209. 27 Nov 1863.
5. Idem.
6. A. Bertolacci. A View of the Agricultural, Commercial and Financial Interests of Ceylon. (1817. Lon.) p 291.

Coffee Period one saw similar moves in the form of Partition Ordinances. Ordinance 21 of 1844 sought to reduce its extent by allowing the majority of heirs, on the death of an owner, to opt for the sale of the land or to force a partition and by allowing individuals to bequeath their property as they wished.[1] This was a very limited step. The plan of a more direct and comprehensive attack on these aspects as broached under Torrington in 1848, as we have seen, never reached the Statute books. Ordinance 21 of 1844 itself was found to be hard on many individuals and so unworkable that it was repealed in 1852.[2] The second attempt was Ordinance 10 of 1863. Of similar aim, this measure, unlike Torrington's scheme, reveals the administrators' caution and their disinclination to tamper with local prejudices. They did not impose a law of primogeniture though some individuals in unofficial circles pressed for it.[3] Such a law was considered too alien a concept and "unacceptable" to the people.[4] Nor did they prohibit common ownership and compel partitioning in categorical terms. They sought to discourage both undivided proprietorship and extreme sub-division by "giving every inducement to landowners to seek a division, or if the extent [was] small and the number of proprietors great, a sale of lands so held",[5] while details were discussed with much attention to custom, a desire to prevent any hardship to poorer co-partners and much good intention.[6] The Ordinance also demonstrates the desire to provide

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1. A Collection of the Legislative Acts of Ceylon. (1854. Cbo.) Vol.II. pp 245-6.
2. CO 54/296. John Owen - Pakington. 20 July 1852. Encl. "Remarks on Ceylon Land Affairs as they at present exist particularly in the Southern Province". [Owen].
   CO 54/291. Anderson - Pakington. 95. 14 Sept 1852. [Only aspects pertaining to the partition and sale of lands were repealed.]
3. C.1202. "Colombo Observer". 25 July 1867. Letter to editor from "Colonienais" n.d.
   [The "Examiner" was strongly for compulsory partitioning, the "Observer" against.]
4. Digby. Life of Morgan. (1879. Madras.) Vol.I. pp.298-9; Vol. II. pp 155-6.
5. Governor's Addresses. Vol.II. MacCarthy. 12 Aug 1863. p 46.
6. CO 54/381. MacCarthy - Newcastle. 209. 27 Nov 1863. Encl. Morgan [Queen's Advocate] - Col.Sec. 24 July 1863.
   S.P. VIII of 1863. Report of a Sub-Committee of the Legislative Council on [Ordinance 10 of 1863] 21 Oct 1863.

conditions which would stimulate agricultural development.

> The Ordinance is intended to provide a remedy for the evils arising from [undivided proprietorship and from subdivision of the land.] By the former the motive to individual exertion is weakened ...; by the latter an estate which might be a source of advantage in the hands of one is [so divided] as to become almost valueless, and the necessary result of both is to increase litigation.[1]

said MacCarthy.

This Ordinance had within it the seeds of its own failure. As far as larger landholdings went, one could end undivided proprietorship largely by perpetuating the other evil of subdivision. But the greatest weakness was the permissive principle. Laudable though their efforts to moderate innovationism in this manner were, they were not only posponing the achievement of their objects to an indefinite future, but were merely brushing the surface of the problem:

> [the Ordinance] affords little or no remedy for state of things ...; landowners almost never apply for a sale of their property held in common, however minute their shares may be, but only for a division of it; [nor are decrees to sell the property implemented].[2]

Another District Judge characterised all past legislative attempts in this sphere as "crude" and "abortive".[3] On the other hand, the radical remedies to this problem were quite objectionable and one can argue that legislation on a compulsory basis could not well exterminate ingrained practices: "'Ephraim is wedded to his idols:' - shall we let him alone?"[4] Since its authors intended the Ordinance to have gradual effect, it would perhaps be unfair to pass judgment on the success of the Partition Ordinance within a decade of the passage. If we are to rely on

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1. CO 54/381. MacCarthy - Newcastle. 209. 27 Nov 1863.
2. 1870 Admin. Reports. Judicial Report of the District Judge, Galle. H.W. Gillman. 21 July 1871.
3. 1871 Admin. Reports. Part III. Report of the District Judge, Colombo. T. Berwick. 30 July 1872. pp 290-1.
4. Ibid. p 291.

secondary authorities however, "[it's] elaborate and highly developed rules [were not] much resorted to by the people on account of the expenses and the tedious process they [had] to go through";[1]

> [the] cost proved excessive in relation to the value of the land, and the sub-divided parcels of land were often found to be too small to be capable of economic cultivation. It came therefore to be generally admitted that the partition system was unsatisfactory and caused many hardships particularly to the small land-owner.2

The administrative aspect of the fight for the reduction of petty litigation is also of interest. In the Sinhalese Kingdoms the gansabha (village council) had been a very useful instrument for the arbitration of disputes. Even under the Dutch in the Maritime Provinces and under the British in the first three - four decades of the nineteenth century, they continued to function - revealing a "dormant vitality" - despite the existence of regular courts which technically superceded them. The British Administrations gave them semi-official recognition and the Courts referred cases to the gansabhas.[3] But there was nothing to prevent a party dissatisfied with a decision of a gansabha from taking the matter to the District Court. The abolition of rajakariya in 1832 and the creation of the Court of Requests and Police Courts in 1843 further reduced the status of the gansabha.[4] Alarmed at the amount of petty - and often false - litigation, some officials of the late 1860's awoke to the potentialities of the gansabha as a means of settling petty disputes in a speedy manner. This awakening undoubtedly sprang from its successful operation in settling disputes under the Irrigation Ordinances. Thus the moves to give village councils and headmen wider administrative and judicial powers were considered as part of the battle to reduce

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1. A. Dissanaike. "Land Tenure and the Sinhalese Villager". Cey. National Review. Vol.II. No.7 (Aug 1908) pp 288-90.
2. P.L. Brohier. Land Maps and Surveys. (1950. Cbo.) Vol.I pp 27-8.
3. B.K.W. Goonesekere. "The eclipse of the village court". Cey. Jour. of Hist. and Social Studies. Vol.I. No.2 (July 1958.) pp 139-41.
4. Ibid. pp 142-3.

litigation and to by-pass the delays and expenses of the normal processes of law;[1] though another and equally important motivation was that of creating units of local administration to "elevate" the villager by giving him a training in local self-government.

This move culminated in the Gansabha Ordinance of 1871, Ordinance no.26. The Ordinance represents an attempt to go to to the root of the problem - diminishing the most common source of litigation, that over land, by setting up summary, tangible, and inexpensive tribunals versed in the local context.[2] Of similar aim to, and the logical conclusion of the Irrigation Ordinances, this new piece of legislation transformed the ganasabha into a standing body and extended its scope and functions. It reflects an attempt to adapt ancient institutions to modern needs.[3] In effect, it brought about an alteration of the village structure that had existed in the post-Colebrooke era, and forms a convenient point to halt our study, the larger question of its impact and influence being left as beyond our range.

We have already seen that the British used the principle of state overproprietorship of undeveloped land as a method of achieving a variety of ends. Farmer alludes to two other principles of British land policy in conjunction with it.

> The second principle was that initiative in the alienation of Crown land must come from the individual wanting the land

and

> was held inviolate throughout the period .... The third principle, that Crown land must be paid for, did not apply in the earliest days of British rule when free grants of lands were made on conditions actually more favourable to Ceylonese than to Europeans.[4]

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1. Governor's Addresses. Vol.II. Robinson. 5 Oct 1866. p 98. Strange to say one of the advocates of the Irrigation Ordinance in 1856 staunchly resisted this move in 1871 on the ground that it would give the headmen and the chiefs too much power. [CO 54/471. John Bailey - Lord Blachford [Frederic Rogers]. 19 Dec 1871.]
2. Governor's Addresses. Vol.II. Robinson. 4 Oct 1871. pp 218-21.
3. It silhouettes a principle similar to that suggested by the West African Lands Committee of 1912 with a similar end - that of settling land disputes at the executive level and of executive control rather than judicial. [Meek. op.cit. pp 186-7.]
4. B.H. Farmer. Pioneer Peasant Colonization in Ceylon. (1957. Lon.) pp 109-111.

These features, one could hold, were of comparatively less significance than the first and also of less importance than the basic aims alluded to earlier. They were commonplace methods in British colonial policy. The second feature was the more natural corollary of an age of laissez-faire and when "Wakefield schemes" were not applicable to a tropical colony. The third reflects the Government's desire to derive a revenue from land sales as well as a wish to discourage capitalists of insufficient means.

It is true, however, that both features were more disadvantageous to peasant than to planter. To a peasant characteristically lacking capital the upset price was of some significance. The price was only five shillings from 1833 to 1844 but was raised to twenty shillings at this stage primarily to discourage speculators in coffee land;[1] a price fixed "without reference to any particular value attaching to individual lands".[2] A feature of the next decade was the efforts of succeeding Administrations in Colombo to get this price reduced as far as other descriptions of land - "inferior lands" as they were sometimes referred to - were concerned. This was partly because they agreed with the arguments of the commercial sector that it was not fair to the planters to let them pay the same price for the liberal doses of bad coffee land that were found in the lots purchased, and that the price retarded the purchase of grasslands and rice land by potential capitalist farmers.[3] Campbell and Torrington sought freedom

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1. CO 54/250. Torrington - Grey. 148. 15 Aug 1848. Encl. Memo by Wodehouse [G.A. Western Province] 14 Aug 1848.
   CO 54/199. Campbell - Stanley. 212. 22 Dec 1842.
   I.H. Vandendriesen: "Plantation Agriculture and Land Sales Policy in Ceylon - The First Phase. 1836-86; Part I". Univ. of Cey. Review. Vol.XIV. (Jan-April 1956.) This article provides a more detailed study of land-sale methods and of the system of surveying in the early and late 1840's.
2. CO 54/312. Murdoch and Wood - Merivale. 10 July 1854.
3. CO 54/226. Campbell - Grey. 36. 10 Oct 1846. Encl. Memorial of the principal Merchants and Planters.

to sell different descriptions of land at different prices chiefly because they were anxious to aid local and European capitalists in such ventures as stock-rearing, garden-produce, coconut and rice culture, and the yet unsuccessful sugar cultivation.[1] Thus at this stage Government policy was thinking more in terms of the capitalist than the peasant, though not unanxious to extend peasant small-holdings. The authorities in London, however, at first strongly opposed any such alterations because uniformity and permanence were considered essential to any scheme of land disposal and on several other arguments:[2]

> the undue encouragement which a low price gives to speculations in land - The inordinate quantity which thereby becomes vested in private lands - The want of capital in the purchasers to bring it into cultivation - And the consequent obstruction which it causes to the progress of the Colony - The loss to the Revenue when Land is sold below its intrinsic value and the injury done by a reduction to those who have purchased at a higher price.

In the 1850's, however, Colombo showed more concern for the indigenous proprietors in this regard and also brought an additional argument into play. They felt that the high upset price tended to multiply encroachments on Crown lands by "natives" who would otherwise buy such land and that these encroachments in turn "[operated] like every other uncertainty of Title as a discouragement to the investment of Capital in Land".[3] This latter argument

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1. CO 54/226. Campbell - Gladstone. 97. 6 July 1846.
   CO 54/244. Memo by Lord Torrington. No.10. Ceylon, entitled "Minimum Upset Price of Land". 13 Jan 1848.
   CO 54/260. Torrington - Grey. 116. 8 Sept 1849.

2. CO 54/312. Murdoch and Wood - Merivale. 10 July 1854. summarizing the considerations that they themselves and the Colonial Office were governed by in 1849. [See CO 54/260. Torrington - Grey. 124. 4 Sept 1849. Minute by Grey. 11 Nov 1849 and draft Grey - Torrington. 473. 19 Dec 1849.]

3. CO 54/312. Murdoch and Wood - Merivale. 10 July 1854.

and the fact that "the principle of a high and universal upset price" had already been dropped in the Australasian Colonies induced London, rather reluctantly, to authorise a reduction in the price of inferior descriptions of land.[1] But this was not carried out in Ceylon.[2] Thus the opportunity of increasing his holding was virtually denied to the ordinary cultivator though not to the small-time local capitalist as evidenced by the increased "native" land purchases from the late 1850's.[3] Ward was the first to take a step in a more liberal direction, allowing the people of Batticoloa irrigation districts to pay the purchase money in four equal instalments in four years.[4] Aided by the Agent, Birch's policy in the field this step definitely aided the extension of cultivation in this area.[5] It is not surprising that the conditions were extended in 1868 to all newly asweddumized[6] land as well as lands sold for paddy cultivation in connection with irrigation works, with the avowed object of

> [encouraging] the extension of paddy cultivation and [offering] facilities for the permanent acquisition of asweddumised lands by the actual cultivators who under the [existing] system, [were] often unable to give as much as [was] offered by wealthy speculators.[7]

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1. CO 54/312. Murdoch and Wood - Merivale. 10 July 1854. and draft Grey - Anderson. 17. 18 July 1854. See also H. Merivale: Lectures on Colonization and Colonies. (1861. Lon.) p 423, for the principles prevailing in the 1840's and how "the sudden embarrassment in which the affairs of South Australia fell threw [sic] a discredit on principles which were then rapidly becoming popular".
2. A.M. Ferguson. Ceylon. Summary of useful information and Plantation Gazetteer. (1859. Obo.) p 31. "Rules for the Sale of Crown Lands".
3. 1858 Blue Book Reports. Ward - Lytton. 135. 4 July 1859. p 103. Of the £72,811 obtained from land-sales in 1863, £48,000 was from land sold to "natives" - 1863 Blue Book Reports. O'Brien - Cardwell. 197. 30 Aug 1864. p 113. This comprised 27,990 acres.
4. CO 54/328. Ward - Labouchere. 31. 27 Feb 1857. and Encl. Minute by Ward on Land Sales. 27 Feb 1857. The lands were exempt from the paddy tax for these four years.
5. Tropical Agriculturist. Vol.39. (Sept 1912.) S. Elliott. "Paddy Cultivation in Ceylon during the 19th century". p 237. Birch allowed them to asweddumize the land on license before putting it up for sale.
6. Asweddumize: To bring forest or waste land under permanent cultivation, whether paddy on mudland or garden produce.
7. CO 54/435. Robinson- Buckingham and Chandos. 140. 13 June 1868. See also Encl. Minute of 21 May 1868. [by Robinson].

Nevertheless the peasant's difficulties were not altogether obviated. "To the poorer class of agriculturists ... destitute of ready money" even the first instalment was beyond their means[1] and asweddumizable land was simply

> not brought under cultivation because the villagers [had] no funds to purchases them and to lay out the necessary expenses for asweddumizing, draining and irrigating them.2

Even Elliott, though arguing that the new regulations did aid the extension of rice culture, considered that Government was far too eager to seek a "direct and early return" and that Government did not have a policy of aiding the settlers and patiently awaiting results.[3] Clearly, Government could have stepped forth more liberally in its terms for the sale of rice lands. It is also argued by Farmer that "the complications of the system [of land sales] were usually beyond [the peasants'] ken and unrelated to traditional notions".[4] One suspects this is an exaggerated view. There was an increasing demand for land from the indigenous peoples in the late 1850's and 1860's, while the annual leasing of Crown land (on license) was a practice they were long accustomed to.[5]

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1. S.P. XVI. of 1877. Report of the Commissioners appointed to inquire into the Taxes on Home-Grown Grain and the Customs Duties on Imported Grain. App. I. 23. Answers from A.S. King. A.G.A. Hambantota. 4 April 1877. p xlii.

2. Ibid. App.I. No.18. Answers from Atapattu Mudaliyar. Galle. N.D. De Silva. n.d. p xxix.

3. Tropical Agriculturist. Vol.41. (Oct 1913.) E. Elliott. op.cit. pp 286-7.

4. Farmer. op.cit. pp 109-11. Farmer's whole approach, it should be remembered, is in the light of the possibilities of peasant colonization in the twentieth century.

5. CO 54/333. Ward - Labouchere. 22. 6 Feb 1858. Encl. Regulations for the cultivation of chena land. [Batticoloa] 11 Feb 1858.
CO 54/402. Robinson - Cardwell. 56. 13 July 1865. Encl.3. G.A. Western Province - A.G.A. Ratnapura. 380. 25 March 1863.

Anderson once threw out the opinion that "it would be better not to sell ... lands except to very large European Proprietors but to grant moderate increasing rent so as to form a continuous land revenue"[1] but this was mere individual opinion and never a policy. On the contrary, the distinct and advisedly taken policy was to have freehold tenure rather than leasehold - a policy originating in London and not in Colombo. The authorities in Colombo often sought to establish leaseholds [in addition to freeholds] as a means of encouraging capitalists in less established fields as stockrearing and sugar cultivation.[2] Such efforts were firmly quashed in London. They were convinced that

> the lease of such lands tends to discourage purchase - that it creates a body of Land Holders who have neither capital nor science to turn their holdings to the best account - that the rents get into arrear and the expense and odium of collecting them or ejecting the tenants is too serious to be encountered - and that in this way the tenants become virtual possessors of the property by which loss is caused to the public revenue and confusion introduced into the management of the Waste Lands.

That is more, they saw that in Ceylon it would probably introduce a new complication in regard to titles "in that it would facilitate encroachments" and make it more difficult than ever to vindicate the Crown's right".[3] In contrast with the policy of encouraging leaseholds that was followed in several African colonies in the twentieth century,[4] it was in accordance with the general practice of the 1850's.[5] The reasons were sound and as far as

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1. CO 54/282. Anderson - Grey. 175. 8 Nov 1851.
2. CO 54/234. Campbell- Grey. 44. 6 March 1847.
   CO 54/289. Anderson - Pakington. 15. 8 May 1852.
3. CO 54/304. Murdoch and Wood - Merivale. 16 May 1853.
4. Meek. op.cit. pp 246-7.
5. CO 54/289. Anderson - Pakington. 15. 8 May 1852. Draft of reply. Pakington - Anderson. 63. 3 Aug 1852. "The system of letting Government land on lease has been discontinued generally in the Colonies ...."

Ceylon was concerned, contrasts London's insight against the short-sightedness of some of their 'men' in Colombo.

Thus while the indigenous population could take out annual licenses for the cultivation of Crown land, long-term leases were denied both to them and to foreign capitalists. Crown land could only be outrightly purchased at auctions subject to the minimum upset price of twenty shillings.

Formidable obstacles to the ordinary cultivator, these terms were less so to the more affluent of the local peoples. But every local claimant for land came up against the slowness - and often the inability - of the Survey Department in dealing with applications for land. From the late 1830's to the late 1850's the Survey Department was woefully understaffed,[1] though several Governors did seek to augment it. Seeing its vital role in all its implications it was left to the more enlightened Ward to press successfully for more surveyors.[2] But until the years 1857-58 this meant that the planters' demands for land always received preference to what was called the "native demand"[3] - a policy that was quite understandable in that the local claims were for scattered small lots, far more laborious to survey and far less remunerative than the blocks sold to planters. Ward's persistence led to a bigger, better Department, and from then on fairly satisfactory attention was paid to the local claimants, though there were yet times and places when the pressure of the demand forced the Department to prefer planter-

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1. L.A. Mills. Ceylon under British Rule, 1795-1932. (1933. Lon.) p 232.
   CO 54/316. Ward - Russell. 85. 14 Aug 1855. Encl. Report by Captain Sim. [Acting Surveyor-General] 12 June 1855.
2. CO 54/329. Ward - Labouchere. 76. 5 May 1857.
   A.M. Ferguson. Ceylon in 1847-60. (1887. Cbo.) p 26.
3. 1855 Blue Book Reports. Ward - Labouchere. 94. 9 June 1856. pp 326-7.
   CO 54/333. Ward - Labouchere. 32. 27 Feb 1858.

applications to that of "natives".[1] Nevertheless one can challenge Ward's view, in 1859, that the Department was adequately staffed,[2] for there were new commutation settlements to be made and so much expansion all around that further augmentation would have been a positive boon. MacCarthy, his successor, unfortunately was parsimonious and reduced the number of surveyors.[3] Robinson and Gregory had to add to the department considerably[4] but perhaps even they did not go far enough. The whole colony could have done with a cadastral survey however long and expensive it might have been. As an Agent said:

> [There] has been no greater discouragement to the improvement of lands than the doubtful titles under which they are generally held and nothing can be better calculated than the progress, though slow, of the survey of the country, to put an end to this state of uncertainty and to promote a wider agricultural development.5

From Ward's time they certainly had the cash to start one, though admittedly, the task was "gigantic" enough to make the most resolute quail. One of the most fundamental aims in British policy was therefore retarded greatly by lack of vision, resolution and money on the one hand, and the very nature of the obstacles on the other.

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1. 1871 Admin. Reports. Nuwara Eliya. Acting A.G.C. F.C. Fisher 8 June 1872. p 60. [But under Gregory there was no priority given to the planters. See Governor's Addresses. Vol.II. Gregory. 30 July 1873. pp 311-2.]
2. 1859 Blue Book Reports. Ward - Newcastle. 20. 15 June 1860. p 136.
3. 1864 Blue Book Reports. Robinson - Cardwell. 134. 16 Sept 1865. Encl. in Encl.7 [1864 Admin. Report. Sabaragamuwa.] J.W.W. Birch. pp 137, 138.
4. Governor's Addresses. Vol.II. Gregory. 13 Sept 1876. p 459. 1865 Blue Book Reports. Robinson - Carnarvon. 232. 16 Oct 1866. p 86.
5. 1868 Admin. Reports. [Colombo District and Western Province.] C.P. Layard. G.A. 31 July 1869. p 6.
   Note Birth's cry "Give me more Surveyors". 1869 Admin. Reports. [Eastern Province and Batticoloa district.] J.W.W. Birch. G.A. n.d. p 124.

After ranging over the features - broad, small and associate - of land and agricultural policy, it is not inappropriate to survey other aspects of British colonial policy which are loosely related to these features and pertain to the subject of development. The trouble with some of these policies is that they were not always "policies" but resemble, rather, vague trends of thought and activity; for alternatives were not always thought out, policy was not clearly formulated, minds were confused and views contradictory. One has to speculate whether the opinions of a district official or two, or even of a Governor, constituted "policy"; and in Ceylon of the 1840's one is faced with a bedlam of half-baked ideas and voices. In these fields, then, one has to thread one's way carefully and tentatively.

Once plantation enterprise entered on its role of rejuvenating the island, there was the broad question of its relationship with peasant enterprise and questions arising from the need for local labour. Regarded as a means of shaking the people out of a lethargic and uncapitalistic milieu into an industrious one and as cutting the road to civilization as the plantations were, one would naturally like to know what Government desired peasants in their vicinity to be. Did they want them to become the wage-earning coolies so sorely needed by the plantations? It was greatly to the chagrin of all the planters and many an official that the local peasantry refused to become regular coolies on the estates. In the 1870's one finds one or two officials - partly because they were disenchanted with the prospect of elevating the peasants of some areas purely through rice cultivation - wishing that the "natives" would labour on the estates.[1] Does

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1. 1870 Admin. Reports. Kegalla. L.F. Lee. Acting A.G.A. 29 May 1871. p 34.
Ibid. Nuwarakalawiya. L. Liesching. A.G.A. 6 Feb 1871. p 95. Earlier in his report Lee rejoiced that there were "signs" in Kegalla of a "surplus population who [could] not derive subsistence from its own lands" and were perforce driven to work now and then on the plantations. [p 30].

this point to a policy of driving the peasants from the soil on to the plantation?[1] The answer is to the contrary, but unfortunately this is a general impression gathered from one's research and is difficult to document. Even the planting-officials of the early 1840's never spoke in such terms. Officials would have liked to see more Kandyans committing themselves to the plantations but would probably have been appalled at the thought of a wholesale exodus into the wage-earning status. The prospect never arose; the implications of their desires were never faced by the officials; and so today, one is left without concrete citations. But the importance of the grain revenue, their policy of increasing the production of rice and the concept of a peasant as a stable, moral element, were too obviously incompatible with any active policy of driving the Kandyan peasants on to the plantations. As Ward argued:

> It is the fashion to accuse the native population of apathy and sloth, because they are slow to embark in branches of industry foreign to their habits ... But take them upon their own ground, encourage them to do what their forefathers did when Ceylon was the granary of the East; consult their ancient customs ... and you will find these apathetic men full of intelligence, capable of the most persevering efforts and grateful for the smallest assistance.2

So too did a Queen's Advocate resist the introduction of any law of primogeniture on the ground that it would wean the people from the soil.[3] A student of British policy at the turn of the twentieth century found that,

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1. As suggested by some present day writers. For a summary of these, see L. Jayawardena. The Supply of Sinhalese Labour to Ceylon Plantations. A Study of Imperial Policy in a Peasant Society. (1963. Cambridge.) Ph.D. Economics. Ch.I.

2. 1857 Blue Book Reports. Ward - Lytton. 3. 5 July 1858. pp 245-6.

3. Digby. Life of Morgan. (1879. Madras.) Vol.I. pp 298-9. Morgan's diary. 24 Jan 1866.

> as exemplified by the attitude of the Government Agents, they wanted the native to remain a peasant [and to maintain the peasants as] "equal strangers to opulence and poverty".1

The fact is that there was a "basic dichotomy" in British policy:[2] between the policy of stimulating local industry and improving the peasant's lot by having foreign capitalists, plantations and so forth in his vicinity, and that of consolidating the peasants in their holdings.

Finally, one can consider a choice in policy that confronted the British in Ceylon, as it did many a colonial ruler, within the indigenous sector itself. Were they to pursue indigenous agricultural expansion through the larger landholders - the local 'souirearchy' of chieftains - or through masses of smaller proprietors. In India this question was tied up with the problem of social identification, i.e. with whom the State should make the land revenue settlements. If initially the zamindars were favoured, it would seem that at the policy level the ryotwari system was more popular in most parts of India (e.g. Bombay and Madras) through most of the first half of the nineteenth century.[3] In Ceylon this question of social identification did not exist. Where there were nindagam the chief paid the paddy tax. Elsewhere the tax was collected from the peasant. The question then is, what class did they depend on more to extend agriculture? Colebrooke's report can be interpreted to suggest that he felt a local élite would grow up to help the local peoples to improve their lot and give up their "prejudices" but this was more with regard to the educational and administrative fields.[4] In the

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1. L. Jayawardena. op.cit. p 145 (the latter phrase being a quotation from a Government Agent).
2. Idem.
3. Eric Stokes. The English Utilitarians and India. (1959. Oxford.) pp 9, 86, 108, 127, 148.
4. C.C. Mendis. [ed.] The Colebrooke-Cameron Reforms. (1956. Oxford.) Vol.I. pp 69, 215-6.
   In all colonies the Victorian administrators felt that a "collaborating class", and élite, was necessary and inevitable. [Robinson, Gallagher and others. Africa and the Victorians. (1961. Lon.) p 4.]

agricultural field it is extremely dubious whether they had considered this question - and the two alternatives - at the top level. Turnour did seem to incline to encourage service tenures because he felt it was through the large proprietors that agricultural improvement could be effected.[1] But one can conjecture that Government would not, in these decades, have pursued any measures in favour of the Kandyan chiefs and headmen. Perforce subject to relying on them in administrative matters, it was avowed that:

> [the] policy of Government has always been to curtail the power of the Chiefs and to destroy that paramount influence which under a despotic Government they naturally possessed.2

This was particularly so up to the mid-1840's; even thereafter one sees many signs of distrust but the 1848 rebellion and the political peace and economic boom from Ward's time, seem to have had some effect, for officials cease to stress the 'anti-Chief line' and several espoused a contrary policy of building up their influence.[3] In 1870 J.F. Dickson stated that

> in the Kandyan Provinces it [was] to the chiefs and other large land-owners that [they] must look, for years to come, for any hope of bringing about an improved system of agriculture

and spoke of them as "the only intelligent class in the country".[4] This is accounted for by the disenchantment and realism regarding the extent to which peasants could, and would, attempt to produce surplus crops, which had come to the administrators of the 1860's. It must be looked on as opinion rather than Government policy.

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1. 1872 Admin. Reports. Services-Tenures Commission. App.C. Extract from Mr. Turnour's Report on the District of Sabaragamuwa. 18 June 1824. p 466.
2. CO 54/471. Bailey - Lord Blachford. [Rogers]. 19 Dec 1871.
3. Supra. p 32.
4. 1870 Admin. Reports. Service-Tenures Commission. J.F. Dickson. 29 April 1871. pp 283, 284.

It is of some significance that the Observer challenged the suggestions so strenuously advocated by some Burghers for the compulsory institution of a law of primogeniture so as to create a consolidation of property. Its editors felt that "an attempt to create a landed aristocracy" would suffer the same fate as the Cornwallis settlement in India which had not only "failed", but had even "reduced the poor ryot to utter destitution".[1] In the 1850's certainly policy was more in favour of the peasants and there is little to show any change in thinking at the top by 1870. To quote Anderson in 1851:

> to me it appears essentially an object to encourage the establishment of ... small Proprietors. If we can induce persons to spread through the country, owners of small holdings to live in extensive villages with lands attached and so secure a better and far more extensive cultivation, I am satisfied that the result would be a vast improvement in the prosperity and happiness of the people .... It is not large holdings, large tracts that [will bring back the ancient state of prosperity]. It is a teeming population all engaged in the cultivation of their own fields.2

Ward spoke of Government's

> desire ... to facilitate the acquisition of Crown land in small Holdings whenever a sufficient number of persons, native or European, shall have made known ... their readiness to become purchasers of land in particular Districts.3

Views expressed by the Burgher Queen's Advocate in 1866 reflect a significant strand of thought:

> [what] he desired to see was an industrious and honest peasantry delighting in the cultivation of the soil and revelling in the sense of honest independence which belonged eminently to him who laboured in the field and who felt that his own hands administered to his necessities.4

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1. C.1202. "Ceylon Observer". 30 April 1866. Review of L. Ludovici's book. "Rice Cultivation".
2. CO 54/282. Anderson - Grey. 175. 8 Nov 1851.
3. CO 54/328. Ward - Labouchere. 11. 20 Jan 1857.
4. C.1202. "Colombo Observer". 12 Nov 1866. Report on Proceedings of the Legislative Council. 10 Nov 1866.

This orientation towards a 'yeomanry' rather than a 'squirearchy' was entirely in keeping with policy in Burma where the British aimed at "encourag[ing] smallholders" and "conserving a peasant proprietary".[1]

Thus oriented, Ward conceived of Government's duties towards the indigenous enterprise in positive path-clearing terms. But he expected them to meet Government half way and underlined the role of individual initiative:

> [all] that Government can do will be done when the means of cultivating their lands are placed at their own disposal, a supply of water secured - a title given on fair terms to land and new markets opened by ... easy communication .... The results are in their own hands.2

It is to Government's efforts to secure a stable supply of water that we now turn, but the preceding pages make it clear that this task was being fulfilled in a new setting. In Ceylon, in pre-British times, the non-service tenures and the <u>paraveny</u> rights that existed were part and parcel of a semi-feudal structure based on caste and tenurial services. But in British times freehold rights created a radical change in society because its influence was in conjunction with several other factors: the abolition of <u>rajakariya</u>; English methods of registration and conveyancing; the Anglicized judicial institutions enforcing the laws; plantation crops and a gradual extension of a money economy in lieu of payments in kind; the gradual evolution of a new ethos. In many African countries tenurial practices in their purer form were far more corporate than that which prevailed in either the Kandyan Provinces or the more sophisticated Maritime Districts. This enabled these societies, aided as they were at the turn of the century by a body of wiser and more experienced

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1. Furnivall. <u>Colonial Policy and Practice</u>. (1956. New York.) pp 85, 87, 93.
2. CO 54/333. Ward - Labouchere. 17. 25 Jan 1857. Encl. [Ward's reply to the address of the people of Bintenne.]

British officials, to profer a greater resistence to the penetration of European propretary concepts and other attendant forces. However, where non-alienation to "non-natives" was not stipulated, and where commercialisation began in one form or another - as in the southern regions of the Gold Coast and Buganda[1] - the "native" was not protected from himself; English legal ideas tended to act "as a solvent to the native law of land"; litigation increased; indebtedness grew; and "it would seem that the small peasant cultivators [were] losing their independence to the wealthy few".[2] A similar landscape presents itself in Burma and in India, where land alienation and landlessness were highly pronounced.[3] So too in Java under Raffles the principle of freehold tenure and the payment of revenue in cash forced many a peasant into the hands of the Chinese moneylenders.[4] The stage would seem to be set to depict extensive litigation, indebtedness and landlessness in Ceylon too, but our findings reveal that, in several ways, the detonations were far more muffled. But to speak thus is to anticipate. The subject is reviewed in the chapters that follow.

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1. Meek. op.cit. pp 171-9, 291, 308.
2. Ibid. p 176.
3. B.M. Bhatia. Famines in India. A Study in Some Aspects of the Economic History of India. 1860-1945. (1963. New Delhi.) pp 16, 18-21.
   Furnivall. Colonial Policy and Practice. (1956. New York.) pp 86-9, 110-11, 286, 294.
4. Furnivall. Netherlands India. (1939. Cambridge.) pp 72-4.
   J. Bastin. The Native Policies of Sir Stamford Raffles in Java and Sumatra. (1957. Lon.) p 57.

# Chapter Three

## OBSTACLE TO DEVELOPMENT : THE NEED FOR IRRIGATION WORKS

### I. Conditions, Motives, Obstacles.

While the foreign investors, concentrating on the far more profitable fields of cash crops rather than food crops, were bedevilled by the problem of adequate labour, most of the peasants were beset by a bad distribution of rainfall and water. Neither did they, hardly governed by any ethos of thrift or profit-making as they were, have the capital or the inclination to produce surplus crops. The early British Administrations, moreover, had failed to make a concentrated effort to boost the cultivation of rice. Rice culture remained in as static a state as before.

While the popular milieu was detrimental to agriculture throughout the island, the decline of the irrigation works from the thirteenth century onwards had disastrously affected the Dry Zone in particular. Lying in the North and East of Ceylon and having most of it's 25-70" of rain in one season, the Dry one had to withstand a long drought. Grey was not far wrong in considering irrigation works and rice cultivation as virtually synonymous.[1]

None have grown lyrical on the skill of the ancient Sinhalese in constructing tanks and irrigation channels. Certainly the hill-countrymen of the nineteenth century revealed great

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1. CO 54/252. Torrington - Grey.202. 13 Nov 1848. Draft(by Strachey & Grey). Grey - Torrington.345. 24 Jan 1849.

ingenuity in devising their irrigation channels[1] but as a rule the local peoples revealed a lamentable lack of skill in conceiving what was crucial to their existence - the village tank as distinct from the large-scale reservoir. Without much exception these tanks lacked sluices or spill-weirs, the people cut the bunds each year to feed their fields, while supervision and repair of the tanks was inefficient.[2] The decline of the tanks forced a greater reliance on chenaing. Felling forest for chena crops merely increased the tentacles of drought. Drought in turn spelt out more chenaing.[3] These vicious circles affected health, caused a decline in population, and in turn generated a further decline in the state of the tanks. Be these causes as they may, by the nineteenth century the Dry Zone lowlands were very sparsely peopled, ridden with fever and covered with jungle. The existing population continued a hand to mouth existence depending on the small village tanks, stoically repairing them when breached, stoically battling against drought and flood.

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1. V.S.M.Ward. [Bailey's Report on Irrigation.] 19 Dec 1855. p9[illegible]
[John Bailey was A.G.A.Badulla.]

2. S.P.IV of 1867. Report of the Committee appointed by the Legislative Council to inquire into and report on IRRIGATION WORKS AND RICE CULTIVATION in the island of Ceylon. 18 Sept 1867. App.Part 1. Notes on Irrigation. Captain Pyers, R.E. (Surveyor-General).
CO 54/432. Robinson - Duke of Buckingham and Chandos.10. 14 Jan 1868. Encl.4. "Irrigation and Rice Cultivation in Ceylon" Printed extract of debates in the Legislative Council as reported in the "Ceylon Observer". Dec 1867. [Morgan, the Queen's Advocate's speech.] p 41.
S.D.W.Wickremasekera. The Social and Political Organisation of the Kandyan Kingdom. (1961.Lon.) M.A. Social Anthropology. pp 75-76, basing himself on E.R.Leach.

3. Governor's Addresses.Vol.11. Gregory. 7 May 1877. pp 525-26.

against depradations of wild animals[1] and against disease affecting man and dreught animals. Disease affected health. Malnutrition was probably endemic and universal. Bad health affected strength. The vicious circles remained.[2] The inhabitants were languishing in a state of apathy and even in the nineteenth century the population continued to dwindle.[3]

Agriculture was a sphere in which both Sinhalese and Dutch governments had traditionally leant a hand to the peasant. This would seem to have been recognised by the British when North and Maitland made some efforts to boost agriculture and took some interest in the tanks.[4] But this early promise was not fulfilled. Political concerns, preoccupation with road building, a shortage of finances, laissez-faire notions as well as ignorance on the subject - heightened as they were by poor communications and jungly terrain - combined to achieve one result: the failure of British administrations of the first half of the century to aid native agriculture by maintaining and restoring irrigation works.[5]

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1. Tropical Agriculturist. Vol.37. (Dec 1911.) E.Elliott. "Paddy Cultivation in Ceylon during the 19th century." p 503.

2. My own views but confirmed by S.P.XLII of 1863. Report of the Depopulation of the Vanni District, Northern Province. J.Loos. 26 Aug 1868.

3. Idem.
V.S.M.Ward. [Bailey's Report on Irrigation.] 19 Dec 1865. p98

4. Colvin R.De Silva. Ceylon under British Occupation 1795-1833. 1st ed. (1942.Cbo.) Vol.1. pp 357-59, 362.
[North was Governor till 1805 and Maitland from 1805-1812.]

5. CO 54/328.Ward - Labouchere.31. 27 Feb 1857. [Cf. Some areas in Lower Burma where, following British annexation, village cooperation and the state of the "village irrigation systems" declined. J.S.Furnivall. Colonial Policy and Practice. (1956. New York.) p 136.]

Nor did the reforms of 1833 aid the peasant in this respect. On the contrary, the paternalist-minded Colebrooke, hoping for increased rice cultivation by foreigners as well as natives,[1] cut some of the ground under his own hopes. The abolition of rajakariya tilted at the local village councils' ability to settle agricultural disputes and maintain the village irrigation facilities. On top of this an English judicial system, decisions of judges unaware of the complexities of local tenurial and agricultural practices, and the penchant of the local peoples for the game of litigation, had a ruinous effect on irrigation works and agriculture in general.[2] Much has been said on this point and more need not be.

If the Government had failed and if the forces against which co-operative areas had to contend with were overwhelming, the people too seem to have had their shortcomings. Despite an upbringing in a co-operative ethos, once the compulsive fist of Government waned, they failed to maintain some essential aspects of their co-operation. The penchant for litigation over land was certainly not a British product.[3] If their cooperative activity was voluntary in origin, in point of time, it failed to be self-propelling. Thus "they [needed the protection of Government] from each other. Since in every case want of unanimity in their village communities [was] the great cause of all their works of irrigation falling into decay".[4]

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1. H.C.Hendis [ed.]. The Colebrooke - Cameron Papers. (1956. Oxford) Vol 1. pp 62,63,81.

2. V.S.I.Ward.[Dulley's Report on Irrigation.] 15 Dec 1855. pp 99-102.
CO 54/329. Ward - Labouchere.31. 27 Feb 1857.

3. J.A.Gunasekera. Land Tenure in the Kandyan Provinces of Ceylon. (1956 Oxford.) B.Litt. Anthropology. p 12.

4. CO 54/328. Ward - Labouchere.31. 27 Feb 1857. Encl.1.Report by J.W.W.Birch.[Acting A.G.A.Batticolon] 15 Dec 1856.pp 67-68.

These then being some of the factors bearing on the decline of irrigation works, what of Government policy in this sphere in the period under consideration? The idea of tank restoration fired the imagination of the Colonial Secretary, James Emerson-Tennent, in 1847 as indeed it kindled many hopes among others in England as well as Ceylon.[1] Their motives, being of similar strain to those guiding the actual architects of irriguous activity in the succeeding decades, need not hold our attention here. But one or two unusual points of emphasis are worth mentioning. Tennent himself initiated the idea partly with the object of settling Indian immigrants in the Dry Zone - immigrants who were to remedy the problem of a labour supply for the planters in mind.[2] At the same time it is clear that the general gamut of considerations also prevailed in his mind.[3] Among these he laid uncommon store in his belief that the extension of cultivation resulting from restorations would generate notions of self-help and industry among a people he considered shamefully indolent.[4] In Tennent's time Torrington's Government had big plans afoot for extending irrigation facilities but while considering these (never implemented) they added an irrigation clause to the Road Ordinance of 1848 purely in order to make it more palatable to the population.[5] Grey vetoed this proposal

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1. CO 54/235.Tennent - Grey.6. 21 April 1847. He was acting as Governor at this stage.
   C.F.C.Report of the Committee appointed for the Review and Consideration of the Colonial Reports on the Finance and Commerce of the Island of Ceylon. 13 April 1847. pp 26-28. [hereafter cited as C.O.Committee Report].

2. CO 54/235.Tennent - Grey.6. 21 April 1847. See K.M.De Silva. "Some aspects of the development of social policy in Ceylon 1840-55, with special emphasis on the influence of missionary organizations" (1961 Lon.)Ph.D.History.pp 490-99, for a fuller description of this aspect.
3. CO 54/252.Torrington - Grey.202. 13 Nov 1848. Encl.2."Colombo Observer" 10 Nov 1848. Report on Legislative Council Proceedings. 6 Nov 1848.
4. Idem.
5. Idem.

re an impracticable combination of dissimilar projects but he

> fully conceiv[d] the object [was] one of sufficient public importance to warrant the particular interference of Government to promote it. [It was justifiable for Government] to combine and direct the efforts [of the people where they were not able to do so ...]. It would in addition be perfectly warrantable for the Government [to contribute money] from the general revenue. For, the share of the produce of all rice lands [except temple lands] makes the Government a party interested in the improvement of such lands. ... [He] would deprecate, in this instance, too strict a compliance with the maxim, in general undoubtedly sound, that Government should abstain from undertakings of a commercial character.[1]

ney even went on to detail the principles on which such ventures should be attempted.

Despite the <u>laissez-faire</u> notions of the time, the principle of Government intervention in what was considered a commercial venture had already been accepted both in Colombo and London. Not the obvious need for such works as well as the greatly reigning hopes of a vast increase in the output of rice so prevalent at the time, contributed to this important breach in the wall of <u>laissez-faire</u> cannot be doubted. In contemporary India too the East India Company had undertaken this task,[2] if somewhat haphazardly, and the Crown was to accept this responsibility as well in the 1860's - a policy which seems to have stemmed in part from their efforts to combat famine.[3] It also stemmed in

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1. CO 54/252.Torrington - Grey.20C. 13 Nov 1848. Draft.Grey - Torrington.345. 21 Jan 1849; [Also see CO 54/252. Ibid.Minute by Grey. 18 Jan 1849. Merivale,Strachey and Rogers (as Emigration Commissioner), who saw Torrington's despatch No.202 as well as Grey's reply, were consulted on the irrigation projects in Ward's time.]

2. <u>The Cambridge History of India</u> Vol.VI. pp 51,84-85.

3. B.M.Bhatia. <u>Famines in India. A Study of Some Aspects of the Economic History of India (1860-1945)</u>. (1963 New Delhi.)p125.

part from the failure of private enterprise in this field for two Irrigation Companies launched (with State encouragement) in Mofussil and Oriental in the early 1860's proved costly failures.[1]

It would be useful to note some features of the ideas on irrigation policy in Ceylon that prevailed in the 1840's even though they were not transformed into practice at that time. So far as the mode of restoration went, guided by experience in India, they attempted the principle of cooperation.[2] Government aid was to be in conjunction with communal native action - support which was to be procured without compulsion. Thus Government was "to organize an effectual and cheap cooperation of all classes". But these measures were to be adapted to local

> feelings, habits and interests, ... too much was not [to be] attemped at first, [and] no general scheme was [to be] all at once prescribed.[3]

For these purposes any local bodies that existed were to be used, (as in India) or the Government Agents were to create such local Committees. These bodies, in fact, were to act as liason between Government and inhabitants. As another corollary the irrigation works were to be financed by local contributions in labour or money,[4] for it was felt that they should not be based on the general revenue but be carried out "rather by means of an

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1. B.M.Bhatia. Famines in India. A Study of Some Aspects of the Economic History of India (1860-1945). (1963.New Delhi.)p125.

2. CO 54/252.Torrington - Grey.202. 13 Nov 1848. Draft reply. Grey - Torrington.315. 24 Jan 1849. [Note that Tennent also had made this point. R.F.C.Tennent's Report. 22 Oct 1846.p69. The Grey - Strachey despatch, in fact, is based on Tennent and on the suggestions of the Colonial Office Committee on the Revenue & Finances of Ceylon].

3. CO 54/252. ibid.

4. CO 54/252.Torrington - Grey.202. 13 Nov 1848. Minute by Grey. 18 Jan 1849.

assessment to be laid on the lands watered"[1]; however

> money contributions by the Government in consequence of its direct interest in irrigation [were also] recommended by way of encouragement.[2]

No thought, however, was given to the need for providing means of settling agricultural disputes[3] - a significant omission, this, if the scheme had been implemented. Neither had they grasped the magnitude of the task. There are some indications of cautiousness but, in general, language and tone betray a blissful underestimation of the difficulties and costs entailed; and display, even more prominently, a blatant optimism as to the possibility of increasing the output of rice.[4]

Given these shortcomings and their ignorance on many points it is perhaps just as well that the idea of restoring tanks which had so captivated Grey and Tennent was not put into practice. Several factors combined to confine the scheme to paper: Torrington and Tennent were embroiled in the aftermath of the 1848 rebellion; the financial exigencies of the time forced a policy of strict economy on both Torrington and Anderson.

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1. CO 54/252. Torrington - Grey. 202. 13 Nov 1848. Draft. Grey - Torrington. 345. 24 Jan 1849.

2. Ibid. Minute by Grey. 18 Jan 1849.

3. Selby, the Queen's Advocate did point this out. [Ibid. Encl. 2. "Colombo Observer". 10 Nov 1848. Report on Proceedings of the Legislative Council. 6 Nov 1848.] but neither the despatches or the other speeches tackle the implications - implications which officials like Bailey brought to light in 1855-56.]

4. For e.g. R.F.C. C O Committee Report. 13 April 1847. p 26. R.F.C. Tennent's Report. 22 Oct 1846. p 70. [In India too there were some optimistic hopes expressed, at times in "lyrical" tones. G. Bearce. British Attitudes towards India 1784-1858. (1961. Lon;) p 222.]

despite pressure from junior officials irrigation and agriculture continued to suffer from wholesale neglect.[1] Anderson strengthened their value[2] but did not even originate an investigation which could be a basis for future activity. Thus it is not surprising that in the mid-1850's there were many indictments against previous British policy, contrasting it, as they did, with Dutch policy.[3]

Nevertheless the principles voiced by Grey, based on Indian experience as they were, provided the basis of Government activity once they got down to improving irrigation works from Lord's time. Before proceeding to detail motives, obstacles, and achievements, the salient principles in Government policy in the period 1855-71 are well-worth emphasis. The principle of cooperation was one, and it was applied in a variety of forms. Clearly it was both just and wise: not only was it in keeping with one of their professed aims - that of stimulating industry - but idea of self-help among "natives" universally held to be "turbulent"[4] - but it would tend to reduce costs. Government

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1. S.P.P.IV of 1867. Report... upon IRRIGATION WORKS and RICE CULTIVATION... 18 Sept 1867. App.11. Annual Report of the A.G.A.Saffragam for 1848. [Mitford] pp 136,139-40; Annual Report of the A.G.A.Kurunegala. [J.F.W.Birch.] 1851. p 123; ... G.A.,Central Province [G.R.Buller] in 1848. p 144.

2. 1853 Blue Book Reports.Anderson - Newcastle.7°. 6 May 1854. p 264.

3. 1855 Blue Book Reports.Ward - Labouchere.94. 9 June 1856.p325. W.S.M.Ward.[Bailey's report on Irrigation.]19 Dec 1855. p 100. CO 59/74."Colombo Observer". 12 Feb 1851. Letter to Editor by "L.F.P." nd.

4. CO 54/252.Torrington - Grey.207. 13 Nov 1848. Incl.2. "Colombo Observer". 10 Nov 1848. Report on Legislative Council Proceedings of 6 Nov 1848.[Tennent's speech.]

ought, moreover, to draw such local participation without any compulsion. Thus several measures were dependent on the consent of the people. As a corollary too, there was some emphasis on customs peculiar to each locality. All these features are exemplified in the Irrigation Ordinance of 1856 which revived the powers of the gamsabhas (village councils) in organising agricultural activity. This Ordinance, in fact, illustrates a more general feature in Government's approach: that of using old rather than new-fangled devices[1] - a feature of considerable significance in that it made things more tenable and palatable. Thus, in retrospect, Elliott pointed out that

> it was [the] adaptation of the old customs to the present circumstances which secured gratifying results

and wished the principle was

> more frequently followed in lieu of the more usual effort to rule on principles suitable in Western lands, but often ill-adapted for Eastern people.[2]

While wisely moving thus towards aiding the local populace Government expected to reap for itself too. London and Colombo, as we shall see, were generally intent on gathering revenue by boosting agriculture in this manner and this meant that irrigation works were expected to pay-their-way in direct financial returns. Optimistically expecting land sales and paddy tax to yield ample returns, and of liberal turn of mind, Ward did not impose a special provision to secure Government outlay. But in Robinson's time the more hard-headed administrators, with scepticism born of experience, decided to ensure repayment through a

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1. CO 323/84.Murdoch and Rogers - Merivale. 22 Jan 1857.

2. Tropical Agriculturist.Vol.37. Dec 1917. Edward Elliott. "Paddy Cultivation in Ceylon during the 19th century".p 504. [Son of Dr.Christopher Elliott (former editor of the 'Cbo. Observer') and a Ceylon Civil Servant from the 1860's,Elliott was a highly industrious and able administrator; he was keenly interested in rice cultivation, even spending his leave seeking improvements;and eventually opened a farm on retirement.]

water-rate on the peasants benefiting from a particular work. This rate in fact was considered "the very best possible test as to the remunerative character of [a] work". Where the peasants could not repay the estimate, the project was to be deemed unsound.[1] The pay-its-way principle as best exemplified in the water-rate, then, was a salient feature of Government policy: and harshly underlined the revenue motives of Government. They were not alone in this sort of attitude however. In India there does not seem to have been any water-rate imposed at this stage of the century, no doubt due to the fact that irrigation works were part of a plan to stave off famine. Nevertheless they gained the Land-revenue claimed from such irrigated tracts[2] and this amounts to recoupment in another form. Moreover, as in Ceylon of the 1860's, the custom was

> to measure [the] value [of irrigation works], by their financial success, considered only with reference to the net return to Government on the capital invested in them.[3]

As for the financing of such schemes, in Ceylon the outlay was usually from the general revenue whether it was voted in the annual budget or drawn from surplus funds. But of course Robinson intended to retain this "advance", as he called it, and in effect was applying Grey's principle of using a local cess to finance the works.[4] Ward did not apply this principle in financing larger works but used the general revenue. For smaller

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1. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.3."IRRIGATION AND ITS CULTIVATION IN CEYLON" Speech of Sir Hercules Robinson. [11 Dec 1867]. op.cit.

2. B.M.Bhatia. Famines in India ... (1860-1945). (1963.New Delhi) pp 295-96.

3. Ibid.p 125. paraphrased from the Report of the 1880 Famine Commission.

4. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.3."IRRIGATION AND ITS CULTIVATION IN CEYLON".Speech of Sir Hercules Robinson. [11 Dec 1867] op.cit.
CO 57/42.Minutes of the Executive Council. 6 Dec 1867.

irrigation works he adopted Grey's other idea of "grants-in-aid" whereby Government provided a moiety of the costs (from the general revenue) on the condition that the cultivators benefitting provided the necessary labour voluntarily[1] - a feature which reflects the principle of cooperation and was by no means hard on the cultivators since labour was gladly provided in most localities.[2] It is clear that Ward was not as dominated by the thought of financial recoupment as Robinson was. For Robinson attempted to use the medium of a local cess to make his projects pay their way. Ceylon, at any rate, was luckier than the Indian Government in having a general revenue that was able to feed those charges in the late 1850's and in the 60's. In India of the 1860's and 1870's, on the other hand, "the financial difficulties of the Government ... stood in the way of its raising funds" for this purpose.[3] There, irrigation works were largely financed by loans raised in London[4] though sometimes "special revenues set aside for famine insurance" were also used.[5] But

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1. 1856 Blue Book Reports.Ward - Labouchere.135. 25 July 1857. Encl. Ward. Opening Address in the Legislative Council. 30July 1856.p 339. ["Whereas Robinson's scheme does not seem to have envisaged this system Gregory used this method widely in the 1870's.Governor's Addresses.Vol.II.Gregory. 7 May 1877.p 507]

2. 1857 Blue Book Reports.Ward - Lytton.3 5 July 1858.pp245-46. J.1202."Ceylon Observer". 7 Nov 1867. [quoting Elliott]. See infra.

3. B.M.Bhatia. op.cit. p 124.

4. Ibid. p 125.

5. H.B.C.Hailey. "The Finances of India.1858-1913." The Cambridge History of India.Vol.VI.Chapter XVIII.p 319.

"the deteriorating financial position of the Government of India" made loans difficult in such a sphere as irrigation. The financial problem, in fact, was one factor responsible for the utterly inadequate progress in irrigation works in India between 1860 and 1880.[1]

In India moreover Government failed to pay adequate attention to the small tanks, wells and other minor irrigation works - a failure which hit at the root of their anti-famine policy.[2] In Ceylon, Government compares very well in this respect. From early on's time, the crucial role of the village tank was perceived and emphasised.[3] The revival of ancient customs was conceived with regard to the preservation of smaller irrigation works. In the late 1860's several important officials reiterated the importance of the village tank[4] and this factor does not seem to have been lost sight of - much to the credit of Government.

Pertaining to irrigation policy was the fact that a salient feature of

> government policy towards peasant agriculture ... [took] the form of raising output through an extension of the cultivable area rather than through an intensive working of a given acreage.[5]

true of the nineteenth and twentieth centuries in general, this was particularly so at this early stage. Given the scientific

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1. R.M.Bhatia. op.cit. pp 124-25.

2. Ibid.pp 126-27, 198-99. [However in the Madras Presidency at the turn of the 19th century the Collectors as well as those above them took active interest in rising and encouraging the Indian ryots to maintain and to create wells, small tanks and the like. N.Mukherjee,The Ryotwari System in Madras 1792-1827. (1962.Calcutta.) pp 279-85]

3. V.S.M.Ward.[Bailey's Report on Irrigation.] 19 Dec 1855. pp 96-97.

4. For eg: S.P.W.of 1867.Report ... upon IRRIGATION WORKS AND [illegible] ... 18 Sept 1867. 1pp.Part 1 "Notes on Irrigation". Captain Fyers.(Surveyor-General.)Nd. p 211.

5. S.B.D.De Silva. Investment and Economic Growth in Ceylon. (1962.London)Th.D.Dissertation. p 251.

knowledge of the time, however, it was natural that only belated and inadequate emphasis was laid on improved agricultural techniques and that Government should concentrate rather on the extension of the cultivated area.

It was only with Ward that Government undertook something concrete in the restoration of irrigation works. But before proceeding to notice why this start came when it did, the obstacles faced by Government through these decades, and what in fact was achieved, it will be best to consider the motives that underlay Government policy in the period under review. There will be particular emphasis on those guiding hand.

One reason lay in the fact that rice was imported annually from India. The quantity imported had steadily spiralled to 2,852,178 bushels in 1855.[1] This was a glaring anomaly for an agricultural country of seeming fertility with the reputation of having exported rice in the thirteenth century, in effect an argument for improvements in agriculture, or in other words, improvements in irrigation works.[2] Self-sufficiency in rice was clearly desirable. It was patent moreover that the land was not utilised to the maximum possible extent,[3] the dis-proportion between the land revenues of India and of Ceylon emphasising this

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1. 1855 Blue Book Reports. Ward - Labouchere. 94. 23 July 1856. p 322.
   J.W.J. Ferguson. Taxation in Ceylon. (1890. Cbs.) Part II. "The Customs Duty on Rice vs a Land-Tax." Editorial from "Ceylon Observer." 7 Nov 1876. p 49.

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| 1837 | 650,040 | bushels |
| 1845 | 2167,334 | " |
| 1850 | 2359,763 | " |
| 1855 | 2852,178 | " |

2. S.V. Mutucumarana. The Administration of Sir H.G. Ward - Governor of Ceylon. 1855-60. (1954. Ton.) M.A. History. pp 121-123.

3. Idem.

further (as it was explained only in part by the lower rate of tax in Ceylon). In fact, the desire to reduce or obviate the importation of rice was a characteristic motive not only in the 1840's[1] but in the Ward and Robinson eras as well. Not surprisingly, advocacy of tank restoration raised its pitch on occasions of scarcity of rice or alarming prices[2] and was of particular significance in 1866 as an argument for Government activity. Linked with this desire was the more important motive of increasing Government revenue. Thus in 1847 the Colonial Office Committee

> [saw] no reason to doubt that similar results [to those in India just described] would follow the repair of tanks in Ceylon; that it would lead to a very great increase in the production of rice and indeed of all vegetable produce, to a large reduction of their cost, and the consequent improvement in the condition of the people ... And with those results must come like wise the general improvement of the revenue.[3]

Neither did Ward doubt the "pecuniary gain" to Government, and he was at much pain to show that the grain taxes and land sales would amply repay the cost of the first large project he mooted.[4] The extremely sanguine expectations of the 1840's, and the somewhat lesser sanguineness of Ward's time merely gave more fuel to this 'fire'. Through these decades the revenue motive influenced, if not dominated, official as well as unofficial - some more so, others less so. Ward himself, and Rogers, Fortescue, and Carnarvon in London took the broader view and equally stressed other considerations.[5] MacCarthy in particular, Robinson, and

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1. R.F.C. Tennent's Report. 22 Oct 1846. p 61.

2. CO 59/9. "Ceylon Times". 21 Nov 1854.
   Governor's Addresses. Vol. 11. Robinson. 5 Oct 1866. pp 91-92.

3. R.F.C. C.O. Committee Report. 13 April 1847. pp 26-28.

4. CO 54/328. Ward - Labouchere. 31. 27 Feb 1857.
5. CO 54/361. MacCarthy - Newcastle. 125. 2 July 1861. Minute by Rogers. 26 Aug 1861 and Minute by Fortescue. 28 Aug 1861.
   CO 54/424. Robinson - Carnarvon. 3. 9 Jan 1866. Draft reply.
   Carnarvon - Robinson. 118. 10 Nov 1866.

sometimes the Legislative-Council, laid much store on the pay-its-way principle.[1]

The anomaly of having to import rice was driven home by the existence of magnificent ruins of old tanks and canals in many parts of the Dry Zone. Their very existence formed a strong argument for the restoration of irrigation works - not only in the minds of Tennent and others in the 1840's but in those of officials and unofficials in the 1850's.[2] The ruins were mutely magnificent testimony to the potentiality as well as the practicability of such ventures. The halo of antiquity and greatness that surrounded these works undoubtedly influenced Ward to carve his name in this field[3] just as much as it fired the imagination of Tennent and, at a later date, that of Carnarvon.[4] The ruins were an incentive and a challenge. At the same time the contemporary success of irrigation works in India spurred Grey and Tennent as well as Ward and his aides.[5] They were convinced that equal results could be achieved in Ceylon as well.

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1. Governor's Addresses. Vol.1. Reply of Council. 10 July 1855. p 312.
CO 54/361. MacCarthy - Newcastle. 125. 2 July 1861.
Carnarvon MSS. PRO 30/6/154. fol. 1632-33. Robinson - Carnarvon 13 Dec 1866.

2. R.F.C. Tennent's Report. 22 Oct 1846. p 61.
Accounts of the ancient bountifulness of rice in Ceylon, particularly in Parakrama Bahu's time [some research into the Mahavamsa having been done in the 1830's] spurred the Colonial Office Committee to broach the notion of restoring tanks. R.F.C. C.O. Committee Report. 13 April 1847. p 26.

3. CO 59/25. "Colombo Observer." 29 Sept 1856.

4. Carnarvon's MSS. PRO 30/6/154. fol. 1758. Carnarvon - Rogers. 24 Dec 1866 and fol. 1773. Rogers - Carnarvon. 1 Jan 1867.

5. CO 54/252. Torrington - Grey. 202. 13 Nov 1848. Draft, Grey - Torrington. 345. 24 Jan 1849.
R.F.C. C.O. Committee Report. 13 April 1847. pp 26-28.

Yet another motive for irrigation works was the desire to avoid favouring the planting community overmuch. Thus Tennent noted

> the question ... whether so much having been done for the one class of the community, the Government [was] not warranted in [relieving the peasants of pressure].[1]

and was keenly aware of "the claims of the native population" and urged that they should "give to all some share in the benefit [of taxation for the railway project]".[2] This was in 1855 when he had launched a programme of extending communications in Ceylon - communications largely for the benefit of planters and merchants. This savoured of class legislation, and to avoid this impression he suggested that a portion of the railway loan should be used for irrigation works as well.[3] This was not merely a sop to "native interests". Ward's concrete achievements in providing irrigation works belie this. But the suggestion does indicate a desire to balance Government aid to capitalist enterprise with some aid to the local population. Ward, in fact, had a genuine humanitarian concern for peasant welfare[4] and this was part and parcel of this motive.

Subconsciously and consciously 'political' considerations also played a large part. So Tennent's argument that such works would redound to the honour of Government[5] indicates their object

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1. C.O. Tennent's Report. 22 Oct 1846. pp 64-65.

2. Governor's Addresses. Vol.1. Ward. 4 July 1855. p 300. CO 54/317. Ward - Russell.53. 11 July 1855.

3. Ibid. and Minute by Molesworth. 30 Aug 1855. See also, CO 54/318. Ward - Molesworth.59. 15 Nov 1855. This was not permitted by Molesworth. Ward himself dropped the idea once he found the general revenue buoyant enough to finance irrigation works on its own.

4. Eg: 1856 Blue Book Reports... Encl. Ward. Opening Address in Legislative Council. 30 July 1856 p 339. C.O.A.4/65. Lytton - Ward.86. 25 Oct 1858. Minute by Ward. 7 Dec 1858.

5. CO 54/252. Torrington - Grey.202. 13 Nov 1848. Encl.2. "Colombo Observer" 10 Nov 1848. Report on Legislative Council Proceedings. 6 Nov 1848 [illegible]

of winning popularity and illustrating the beneficence of the British raj. So too did Birch argue that

> [e]xperience everywhere has shown that abundant supplies of water and facilities for acquiring land are all that are necessary to bind the native inhabitant to the soil and attention to these matters is the surest way of attaching them to our Government and of inducing them to follow the habits of life we desire; [1]

and so too did the Legislative Council consider irrigation works

> as a means both of ultimately increasing the revenue and of ministering to the wants of the native population in a manner which experience has shown to be thoroughly appreciated by them; [2]

while in the 1860's this aspect perhaps caused an even larger role. [3]

This array of motives contrasts with those animating the authorities in India for it would seem that irrigation projects on the sub-continent were largely sparked by the desire to reduce famines and their effects. In Ceylon famine did not occur on the same scale. While they sought to provide insurance against loss of crops, and to arrest decline in portions of the dry zone, there were numerous other factors inspiring Government and irrigation policy was never an appendage of anti-famine policy as in India. [5]

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1. CO 54/348.Ward - Labouchere.3.2. 27 Feb 1857 Enc.1.[Report on the Patipola Anic. J.W.F.Birch.Acting A.G.A.Kurtticalon. 13 Nov 1856. p 70.
2. Governor's Address.Vol.1. Address of Council in reply: 4 Aug 1858.p 4. [See also CO 54/336.Ward - Labouchere.48. 20 March 1856. Enc1.Kelley - G.A.Kandy. 25 March 1858. CO 59/10."Ceylon Times". 1 July 1856. Season Report of the Weather.Kandy Proper. W.P.Cherniey. 10 May 1856.]
3. Eg:See S.P.P.P. of 1859.Cattle Disease Commission. Oct 1869. p xxiii; and ibid. p 162.
4. The Cambridge History of India.Vol.VI. pp 51,84-86. Bhatia. Famines in India. (1963.New Delhi.) p 195.
5. Railways were viewed as the more important instrument in the anti-famine campaign. This preference is adversely criticised by Bhatia because they could only alleviate famine after the event whereas irrigation could,possibly,prevent it. [Ibid. pp 124,198-99.]

n Ward's arrival the general opinion in the European circles was that something should be done in this sphere.[1] But more significantly, of the individual petitions he was bombarded with, the dominating request was for irrigation works.[2] (The local people were quick to point out the contrast between the admirably constructed roads and public works and Government's lack of action in the sphere of irrigation works.[3]) As far as Ward was concerned conviction of the need for them was secured and united.

Ward in fact clearly conceived of irrigation works as "con- [ing] towards the moral and social improvement of the people" as well as an incumbent duty on Government -- a duty all the more necessary because of the "injustice" of past neglect, because "[British] Government had not been a prudent or pure Government", because alien ideas had resulted in the abolition of rajakariya and undermined the maintenance of tanks.[4]

At the same time he was convinced that such ventures would boost industry and trade, populate jungle-clad areas and link up isolated parts of the country.[5] These however were mere ancillary ribs and props to a conviction already reached. Ward, in fact, presented London with a manifoldly parcelled package and apparently sought to overwhelm them with reasons.

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1. CO 59/9."Ceylon Times." 5 June 1855.

2. Governor's Addresses.Vol.1.Ward. 14 July 1855. p 300.

3. W.G. Ward.Report of Captain Gin...upon the tank of Nicoveretiye [sic]. 12 March 1857. p 141.

4. CO 54/326.Ward - Labouchere.31. 27 Feb 1857.
See also 1857 Blue Book Reports.Ward - Lytton.3. 5 July 1858. pp 245-46.

5. CO 54/328.Ward - Labouchere.31. 27 Feb 1857.
S.V.Balasingham. The Administration of Sir H.G.Ward-Governor of Ceylon,1855-60.(1954.Lon.) M.A.History. pp 121-123.

Fortunately the financial situation proved conducive for such undertakings. Anderson had left a surplus of £70,726; from 1951 onwards there was a surplus recorded each year.[1] It was partly from these balances that Ward financed the irrigation works as well as other public works. This explains in part why Government activity in this field began when it did - in 1856. The hour had come.

He had the man.[2] It is with some justification that standard works of history assign credit to Ward in this respect. From the outset he revealed his determination to improve rice culture.[3] Inspired no doubt by the romance of the undertaking, and concerned for the welfare of the local populace, Ward put his heart and soul into this aspect of his work. Ready to listen as well as encourage, he brought a drive and a vigour as well a sober practicality[4] that was lacking before. Irrigation schemes did not remain pigeon-holed but took concrete shape in dry and wet zones.

Ward was not merely blessed with better financial resources. In Anderson's time some of the Civil Servants had devoted considerable attention to the question of irrigation and agriculture, acquiring some experience and knowledge in the process - Lawdon Power, J.W.W.Birch, J.Bailey, A.Y.Adams to name a few. Even before Ward himself gathered personal experience on his numerous 'voyages of discovery', these pioneers provided him with the ammunition of facts and ideas to work on.

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1. See Appendix. Infra. p 417.
2. "The hour and the man" point was constantly made by A.M.Ferguson with regard to Ward's achievements in general. It has now become a cliché.
3. CO 54/315. Ward - Russell.15. 8 June 1855.
   CO 54/315.Ward - Russell.21. 19 June 1855, and Encl.1.Power-Del.Soc.261. 5 June 1855.
4. "By conviction, confirmed by one who clashed with Ward and one who was generally anti-Government - he calls "Cornelius."[George Wall.] Ceylon: Her Present Condition: Revenues,Taxes and Expenditure.(1868.Pbo.)p 72,as well as by others: For eg, CO 59/10. "Ceylon Times," 19 July 1850.

At this time a comparatively minor irrigation work, the "Lund Ella" project, played a role beyond its size. Launched by valley in the remote hills of Uva in 1855, on the landowners suggestion, the cultivators did not participate.[1] The response was, to the British, an overdrawn:

> [T]he native population of Upper Uva [sic] ... have been excited ... with a degree of energy and to an amount of combined exertion for which few gave them credit.[2]

The significance of this project is that it revealed that the principle of local contribution was possible - that if government built half-way, the peasants would rise to the occasion. By July 1856, moreover, it had proved a success: more land was being cultivated, a supply of water ensured during the dry season.[3] The first real experiment of note - one considered a "dangerous new system" by some[4] - had turned out well. Conviction of the practicability and potentiality of restoration was also spurred.

But for the Colonial Office, its personnel needed little persuasion in such matters. Even at this stage some individuals in Ceylon seem to have considered the use of a private company

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1. CO 54/321.Ford - Labouchere.13 28 Jan 1856.

2. Ibid.

3. CO 54/322.Ford - Labouchere.128, 2 July 1856.Encl.Bailey - G.A.Central Province 20 June 1856.
CO 54/334.Ford - Labouchere.18. 20 March 1858.
[The note that later the Sub-Committee of the Legislative Council stated that the supply of water it conveyed was "still far below the requirements of the lands dependent on it for irrigation [and that it was] of no avail for the extension of cultivation." S.P.IV of 1867 Report ... upon [illegible] ... 18 Sept 1867. p 13.]

4. CO 54/334.Ford - Labouchere.18. 20 March 1858.

to effect such restoration,[1] but Ward was convinced that Government should undertake the task.[2] Molesworth followed Grey in accepting the principle of state intervention, agreeing that

> [Government's] authority and superior means of information would give it a great advantage over any private body that could be entrusted with such a speculation in the levy of water rates or land assessments from the native occupiers.[3]

In this period, in general, the different political heads as well as the permanent staff in the Colonial Office looked very favourably and confidently on irrigation works,[4] though usually within the limits of a pay-its-way attitude - limits which in 1859 saw inclinations on the part of the office to curb Ward's expenditure.[5]

By 1856 clearly, Government had decided on undertaking irrigation works. But there were obstacles in their credit and end his aides were aware of them. Unlike the earlier officials and some contemporaries they did not wholly underestimate the nature of the task - the fruit of greater knowledge and insight. Over-eager in this cause though he may have been,

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1. CO 54/315. Ward - Merivale. 19 June 1855. Encl. 'Power - Pol.Sec.201. 5 June 1855

2. 1857 Blue Book Reports. Ward - Lytton.3. 5 July 1858.pp 245-46
CO 54/316. Ward - Thurnell.53. 11 July 1855

3. Ibid. Draft. (by Strachey) Molesworth - Ward.1. 27 Aug 1855. Also see the Minutes by Molesworth and Strachey.

4. CO 55/93. Labouchere - Hand.27. 9 May 1857
CO 54/331. Treasury - Merivale.13.Aug 1857 Draft of reply to Treasury
CO 54/331. Murdoch and Rogers - Merivale. 15 May 1857.

5. CO 54/343. Private letter Hand - Lytton. 11 March 1859.
Minute by Blackwood [a principal clerk.] 16 April 1859.
CO 54/347. Ward - Merivale.127. 8 Dec 1859. Minute by Strachey. nd [Jan 1860].

and revealed much earthiness as well; and so he penned:

> for though I cannot participate in Sir J.Elphinstone's belief that the repair of Tanks ... would be either "easy" or "inexpensive" I think that enough might be done to increase the amount of Paddy cultivation in some Districts and to prevent the decay, in others, of Reservoirs that are still available, while the attempt would certainly be gratifying to the native population.[1]

What did they consider to be the obstacles? How far were they correct? Bailey saw three obstacles "which [did] not occur in India" -

> 1[st]ly the scarcity of population, 2[nd]ly the high rate of common [labour], 3[rd]ly the want of skilled labour. It is only in some few places where we have not all three opposed to us at the same time.[2]

A sparse population was undoubtedly a great obstacle to restoring works, and to agriculture in general in most parts of the Dry Zone - with the Jaffna Peninsula, the Batticaloa area and Upper Uva as important exceptions; and the Dry Zone was the very area where extensive schemes had existed. Thus Ward dropped government's initial idea of restoring Kantalai tank (in Tamankaduwa) because of this very shortcoming. It was deemed pointless to restore or improve any tank where no population existed to benefit from it.[3] It was this practical shortcoming that made colonization a prerequisite for large-scale irrigation works in those areas where no population could be expected to migrate of

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1. CO 54/315.Ward - Russell.15. 8 June 1855. [However there was a far from negligible degree of optimism and overestimation.]

2. T.S.M.Ward.[Bailey's Report on Irrigation.] 19 Dec 1855. pp 95-96.

3. 1856 Blue Book Reports.Ward -- Labouchere.135. 25 July 1857. Encl.Minute on the Eastern Province. [Ward] p 315. [The 'population factor' was not brought to light by Ward. By 1855 it was being stressed in numerous circles in Ceylon. The first emphasis on this point, to my knowledge, was in 1848 by the Master-Attendant James Stewart (CO 54/255. Stewart - J.Hawes. 8 June 1848.) and an A.G.A named Mitford. (S.P.IV of 1867,or.cit.App.Part II. [1848 Report for Sabaragamuwa] Mitford. p 139.)]

[illegible] own record;[1] and colonization schemes were seriously considered in Ward's time. As we shall see later, they in turn prescribed their own difficulties and nothing cure of them but it is doubtful if they could have influenced anything but a tiny portion of a large expanse of country. It was for this reason [illegible] that Ward as well as Robinson chose to concentrate on regions other than Tamalingave and Kumarankalawiya. It was not till [illegible] that these areas received attention. But enough has been said to show that contemporaries were not imaginative in considering the lack of population, per se, a serious obstacle; and in addition it could be noted that "where the population [was] scanty, it [became] an important duty to economise water and labour" - and the Sinhalese peasant was notoriously [illegible] with his water.[2] It could well be argued that irrigation works alone could have obviated this obstacle and that one was putting the cart before the horse. But it was extremely [illegible] whether cultivators would migrate to those newly opened districts; and experience in Ward's time itself[3] as well as in the course of the century[4] seemed to confirm this. The population factor was best viewed as the hens; at most, the issue was like that of the chicken and the egg.

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1. 1856 Blue Book Reports....Encl.Minute on the Eastern Province (Ward.)p 315. [This applied to the Kumarankarama project too, but here the sanctity and fertility of the area was so renowned that the people in a district about 30-40 miles away expressed great eagerness to purchase lands in this area if his task was restored.]

2. C.S.C.Ward.[Bailey's Report on Irrigation.] 19 Dec 1855.p97.

3. CO 54/329.Ward - Labouchere.112. 23 June 1857. See infra.p 142.

4. S.P.XLV of 1905. Report on Irrigation in Ceylon.Captain J. Keane. p 24.

To consider "the high rate of common labour" as a major obstacle however seems to have been an exaggeration. Compared to Europe the wage rates were low. Compared to India wages (ranging from around 7d. per day in the late 1840's to 7d.-9d. in the mid 1860's in most parts of the island) were high,[1] but not prohibitively high. What is more, voluntary labour was readily rendered by cultivators in the case of smaller works. Shortage of skilled labour however did hinder Government in several instances. It was necessary to import Madrasee artificers for several of the larger schemes while others were delayed or even given up, partly because of this difficulty.[2] At a different level in 1858 Ward was forced to limit his ventures because of the shortage of skilled "superintendence" - the existing staff of engineers being fully occupied on the roads and irrigation works in progress.[3] This sort of obstacle, of course, was surmountable. But the solution raised the issue of expense. Unlike that of population this barrier applied to irrigation works throughout Ceylon but it operated more to the detriment of large schemes than to minor works - and large schemes were chiefly characteristic of the Dry Zone.

Wiley's enumeration did not exhaust the list of difficulties. There was one of Government making - the financial red tape imposed on the district officials by Colombo and London.

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1. CO 59/16. "The Examiner." 16 June 1852. "On Coffee Planting in Ceylon." C.R.Rigg.
   CO 54/425. Robinson - Carnarvon.57. 6 March 1857. In Madras adult males working on the Railway were paid 3d. a day and Doyne reckoned 5d. a day to be a good living wage in Ceylon - CO 54/334. Ward - Stanley.35. 27 May 1858. Encl. "Memo on the Supply of Labor to Ceylon" by W.T.Doyne. 13 May 1858.
2. V.S.W.Ward. Report on the Batticaloa Irrigation Works. Captain Sim [Surveyor-General]. 28 May 1860. p 459. Governor's Addresses. Vol.II. Gregory. 8 Sept 1875. p 406. CO 54/355. MacCarthy - Newcastle.25. 23 Nov 1860.
3. Governor's Addresses. Vol.I. Ward. 11 Nov 1858. p 427. CO 54/334. Ward - Labouchere.48. 30 March 1858.

prior to any expenditure financial regulations necessitated first, estimates, then approval, then operation. This meant delay. This meant that essential repairs of a minor nature were shelved by administrators because the procedure was too troublesome.[1] To remedy this Bailey suggested that agents should be provided with a limited sum to spend as they thought fit on repairs with accounts submitted post facto. Ward himself chafed at the red-tape in numerous ways,[2] and on specific occasions revealed how misguided economy had begotten greater expenditure in the end.[3] Nevertheless neither he nor his successors established Bailey's suggestion though it was officially reiterated in the 1860's.[4] (It was only in the late 1880's under Gordon that "this most useful concession" was granted, only to be dropped quickly following adverse critism[5]). Wasteful though it may seem, one cannot help feeling that this suggestion was wise. As it was the "Procrustean system of form and delay"[6] was not only more wasteful but tended to suffocate enthusiasm as well.

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1. W.S.M.Ward.[Bailey's Report on Irrigation.] 19 Dec 1855.p 100 Ibid.Report on the Batticaloa Irrigation Works.Captain Sim. 27 Feb 1857. pp 211-212.

2. Molesworth.The Administration of Sir W.G.Ward-Governor of Ceylon. 1855-60. (1954.Lon.) M.A.History. pp 60-61.

3. W.S.M.Ward.Minute on Matande Canal. [Ward]. 19 July 1855.p13. CO 54/351.Ward - Labouchere.53. 29 April 1856.

4. C.P.IV of 1867.Report ... upon IRRIGATION WORKS and RICE CULTIVATION .... 18 Sept 1867. p 22.

5. Tropical Agriculturist.Vol.38.(Jan 1912)E.Elliott. "Paddy Cultivation in Ceylon During the 19th century." p 30.

6. W.S.M.Ward.Report on the Batticaloa Irrigation Works. .Gossett(Surveyor-General). 27 Feb 1857. pp 211-212.

The lack of a good survey of the Island and the shortage of surveyors were other hindrances. This meant delay, uncertainty and error in planning. Ward pressed for more surveyors partly because he saw the need for them in his programme of road construction and irrigation works [1] but the Survey Department was never really expanded to the necessary extent while a cadastral survey, as we saw, was never undertaken because the cost proved prohibitive.

A greater hindrance, to restorations and colonization as well as the development of markets, was the lack of communications, particularly so in the Dry Zone. "[T]he propriety of extending roads coincidentally with Irrigation works as tending to equalize the supply and value of food between one locality and another" was explicitly recognized in 1867 [2] but is implicit in much of the earlier writing. Thus roads were built in connection with the Batticoloa scheme. [3]

Government did devote more attention to roads in the planting areas but this was to be expected in the circumstances. The peasant sector was not entirely neglected. If few roads were constructed in the Dry Zone during this period it was done advisedly and with reason.

Had Government discerned all the obstacles to the improvement of irrigation and facilities? On one point Ward and his enthusiasts seem to mar their record: they underestimated the grave difficulties posed by the unhealthiness of the Dry Zone. The Island in particular was ridden with the disease yaws (locally known as parangi), while malaria was virtually endemic in most parts of the Dry Zone. The population, as we saw, was

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1. CO 54/316. Ward - Russell. 53. 11 July 1855.

2. S.P. IV of 1867 Report ... upon IRRIGATORY WORKS AND RICE CULTIVATION ... 18 Sept 1867. p 13.

3. Balasingham. Ward's Administration (1954. Lon.) V.A. History. p 138.

in the decline. Clearly the success of irrigation works hinged largely on an improvement in this sphere. Ward himself was well aware of "the influence of climate, filaria and malaria"[1] but it was not until Robinson's time that the comprehensive investigation of the Irrigation Committees of 1866-67 that Government began to think of combating this problem.[2] Thus, in a sense, they failed to carry the battle forward on all fronts, leaving a stronghold area untouched. But the fact is that little could be done at this stage: as yet the origin of the malarial disease remained an unknown quantity throughout the world though quinine was known to be a counter.[3] In any case health services were in the place of "unremunerative" expenditure. It was not till Robinson that expenditure of any appreciable scale on social services of this nature was commenced.[4] It was not till Gregory that anything concrete was attempted towards improving the health of

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1 1866 Blue Book Reports ... Irrigation on the Taoism Province. [Parl.J. nd. [1867] p 313

2 M.IV of 1867 op cit. p 6.
In 57/42. Minutes of the Executive Council. 6 Dec 1867.

3 Malaria: caused in man by the genus Plasmodium of the species of protozoon parasites. Vector: anopheline mosquito. In 1884 in Englishman. Manson suspected that the mosquito was the true vector 1898-1900 two Italians proved that an intermediate was necessary to transmit the disease. 1901 three Italians established that it was probably the anopheline mosquito. [Encyclopedia Britannica Vol 14 p 706-707.] In Ceylon the current theory was that malaria was spread by the wind. The humanitarian region was considered the source, and hence that the North-East monsoon spread the disease to the Wet Zone and the North-West communities. [F.J.Buckling. Ceylon (1896.Lon.)Vol.1. pp 101-107. A.O.Brodie."Statistical Account of the District of Chilaw and Puttlam. North-Western Province." J.R.A.S. CB. (1853). pp 30-31.]

4 a) 54/126.Robinson - Duke of Buckingham and Chandos.142.
28 June 1867.
b C.A.Lot 4/235.Secretary of State - Robinson 30 Oct 1868.
Reply drafted in Minute by Robinson. nd.

the Dry Zone.[1] Till well into the twentieth century Government could do little more than arrest decline in these areas. As a matter of fact, the co-incidence between the areas of drought and the unhealthiness of the people was so marked,[2] that irrigation works could be regarded as a means of improving the health; and so they were in Gregory's time.[3]

## 1. The Irrigation Ordinances reviving ancient customs, and their working

Last but not least, there was one major obstacle which Ward and his aides did take into reckoning and which they tackled comprehensively - both problem and prescription of so great an importance that a lengthy scrutiny is involved.

The problem was of Government's own making. In abolishing Rajakariye in 1832 they had undermined the very basis of co-operative peasant agriculture. The gansabha (village councils) as well as the Vel-Vidane (special irrigation headmen) lost their powers of compelling obedience to local customs. One consequence was a decline in the maintenance of tanks; another, an increase in land disputes or disputes over the use of water. As Ward pointed out, "one lazy or litigious man could nullify the agricultural activities of a whole village". What is more, unaware of the complex agricultural practices and the nature of the terrain as they were, alien British judges rendered decisions

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1. H.Bertlamgilliei, The Governorship of Sir William Henry Gregory in Ceylon. (1962, Lon.) M.A.History, pp 180-184. [Some tanks had been taken in the Jaffna Peninsula and the Batticaloa district.]

2. P.IV of 1867, op.cit. p 6.
P.XIII of 1868, Report on the depopulation of the Vanni District. Dr.James Loos. 26 Aug 1868.

3. H.Bertlamgilliei, Gregory's Governorship. (1962, Lon.) M.A.History pp 180-184.

that were, more often then not, faulty and inequitable.[1]

The prejudicial effects of the lack of cooperation among the peasants and of the abolition of rajakariya were alluded to by some officials at least by 1848 and 1851,[2] but it was only with Ward that Colombo took real notice. It was John Bailey's graphic and comprehensive memorandum that brought the implications before Government: namely, that any increase of irrigation facilities and of lands under cultivation would be largely nullified, and confusion worse confounded, unless the ancient customs were resuscitated; the spirit of litigation would simply increase.[3] Bailey did not allude to the gansabha as a useful mode of enforcing these customs, but someone, somewhere, must have done - in 1856 Ward was convinced that "[the revival of the ancient customs and the Gansabha were] indispensable preliminaries to any attempt at improvement".[4] Thus was born Ordinance No. 9 of 1856 - "the Paddy Lands Irrigation Ordinance" - one that was drawn up with infinite care.

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1. V.S.M.Ward.[Bailey's Report on Irrigation.] 19 Dec 1855. pp 100-105. [In Uganda too the British courts could not be relied on to give correct decisions on tenurial questions. Meek.Land Law and Custom in the Colonies.2nd edition(1949. Lon.) p 285.

2. CO 54/252.Torrington - Grey.202. 13 Nov 1848. Encl.2."Colombo Observer." 10 Nov 1848. Report on Proceedings of the Legislative Council. 6 Nov 1848.[Selby, the Queen's Advocate's speech.]
S.P.IV of 1867. op.cit. App.11.Annual Report.A.G.A.Komegalle[sic] 1851. [Birch] pp 125,125-126; Annual Report.A.G.A.Saffragan[sic] [E.L.Mitford] p 136.

3. V.S.M.Ward.[Bailey's Report on Irrigation.] p 101-105.R.Power wholeheartedly agreed with this appraisal [R.Power - Col.Sec 21 Feb 1856. pp 99-100.] when he forwarded the Report to Colombo. [Brodie, had anticipated these views in a letter to his superior, Dyke, in the Northern Province. A.M. and J. Ferguson.Taxation in Ceylon.(1890.Cbo.) App. p cxxx.]

4. CO 54/321.Ward - Labouchere.128. 22 July 1856.

The component parts of this policy are worthy of some detailed attention. First and foremost, Government had been faced with the problem of defining the customs. Ward eschewed any specific legislation from the centre on this point (as inherent in Bailey's scheme) but opted for the more sensible plan of empowering Government Agents and assemblies of cultivators to make their own rules.[1] Far more flexible, this plan found a way round the problem of codifying the agricultural customs and provided for minute local practices. Akin to the method suggested by Selby, the Queen's advocate, to facilitate commutations of the grain tax,[2] it was also in keeping with the suggestions made by Grey. The second major aspect had been the problem of where to rest the power of settling disputes over the apportionment of water. After an oscillation of ideas on this point it was decided that the gansabhas under the chairmanship of Government Agents could be entrusted with this task.[3] In effect the gansabha had been resuscitated in partial form. Here too one sees the cooperative principle.

An important feature was the summary and tangible character of the gansabha. All in Ceylon, in fact, had agreed in making its decisions summary and in excluding lawyers and legal procedure from their proceedings.[4] The emphasis was to be on

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1. CO 54/321, Ward - Labouchere, 128, 22 July 1856; and Encl. Ordinance No.9 of 1856. "The Paddy Lands Irrigation Ordinance." Clauses 3-9. Note the democratic manner in which the committee to define the rules was to be chosen.

2. V.S.M.Ward.[Ward's Minute on Bailey's Report on Irrigation. nd. May 1856.] p 90.

3. V.S.M.Ward.Report of the Sub-Committee of the Legislative Council appointed to report on the bill ... 27 Sept 1856. pp 113-115. Sir C.MacCarthy(Col.Sec.) and R.Power [G.A. Central Province] were adamant that a "native" body on its own could not be entrusted with such powers.
V.S.M.Ward.[Remarks by MacCarthy and Power on the Plan.] pp 91-92.

4. V.S.M.Ward. ibid; and Bailey's report, op.cit. and Ward's minute op.cit.

:mbitration. In this connection there were differing views on whether appeal should be permitted. The Sub-Committee again had the final say and excluded appeal.[1]

Another feature was the voluntary character of the Ordinance. This avoided the element of compulsion implicit in Bailey's scheme. In keeping with Bailey's ideas the operation of the Ordinance was made permissive - though Government was given room to impose it if necessary.[2] This reflects a healthy respect for local prejudices. The fact was that Government was moving with circumspection and in a conciliatory manner. The Ordinance was considered experimental[3] because their fund of knowledge was limited, the reaction of peasant considered uncertain - hence its limitation to five years: hence the tentativeness and the keenness to make the first experiments in application successful ones.[4]

Such were the main features of the Irrigation Ordinance. Of good conception, with principles and details well worked out, and machinery simple and flexible, it appears as perfect as one could expect initial legislation of this sort to be. Thus Murdoch and Rogers applauded the fact that

> [Government had] decided very wisely rather to endeavour to adapt the ancient regulations to existing circumstances, extending and revising them where necessary, than to introduce an entirely new system to which the feeling of the natives might be opposed. 5

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1. W.S.M.Ward. Report of the Sub-Committee of the Legislative Council on the bill... 27 Sept 1856.

2. Ibid. Ward's Minute. op.cit. pp 89-90 (and Clauses 3-9 of Ordinance).

3. Idem.
Ibid. Report of the Sub-Committee of the Legislative Council. p 114.

4. Ibid. Col.Sec. - G.A.'s [Circular] 7 Nov 1856. p 117.

5. C054/323. Murdoch and Rogers - Merivale. 22 Jan 1857.

In fact it did stand the test of time. There was little change in basic principle in the Ordinances of 1861 and 1867.[1]

Nevertheless its authors, as we have seen, if hopeful, were far from confident of its results. The Sub-Committee of the Legislative Council stated that "[t]hey do not, indeed, expect that the Ordinance will be found free from defects".[2] They looked to experience to cure them.

Ward was equally aware that its usefulness hinged on its proper implementation; and here, as in many matters, the "active cooperation and countenance" of the Government Agents, was crucial.[3] Much depended on the extent of the villagers' co-operation. Much also on the Vel-Vidanas or irrigation headmen (though such appointments were not specified in the Ordinance their role was envisaged in the preceding minutes, and appointments were made in practice on the basis of election by a majority of landowners).[4] The Executive Council, however, scrutinised each and every rule that was agreed to at the irrigation meetings and some were refused.[5] They particularly sought to "free" the proceedings from any "semblance of official minuteness" and to prevent headmen receiving room to exercise "any arbitrary or illegal powers".[6] It was "considered objectionable to depute to

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1. 1861 Blue Book Reports.MacCarthy - Newcastle.105. 27 May 1862 p 115.
   CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868, and Enclosures.

2. V.S.M.Ward.Report of the Sub-Committee of the Legislative Council. op.cit. p 115.

3. Idem.
   Ibid.Col.Sec. - G.A.'s [Circular] 1 Nov 1856. p 117.

4. Ibid.Remarks on the Plan. R.Power. 6 June 1856. p 91.
   CO 54/329.Ward - Labouchere.195. 23 Oct 1856.

5. CO 57/24.Executive Council Minutes. 15 July 1857;17 Oct 1857.

6. Ibid. 17 Oct 1857.With respect to rules from Udagaha Palate, Chilaw district.

Headmen the powers of the Village Council".[1] At the same time they distrusted local bodies "without the wholesome control of the Agents' presence"[2] and sought to supervise them closely through the Government Agents. In mid 1859, when Ward originated an enquiry into its working (where applied) by calling for "Returns" and these were reviewed by Bailey, the verdict was that

> while in some [districts] ... it's provisions [had] been carried out in perfect conformity with the spirit of which they were enacted, in others, there [had] been apparently, a misapprehension as to [Government's] intentions ... as expressed in 1856. 3

This grouse pertained to the fact that district officials - particularly in the Western and Southern Provinces - had not, as a rule, presided over the Irrigation meetings or those of the Village Councils. They were sharply reprimanded for thus "deviat[ing] from the spirit" of the Ordinance; while Government was aware how busy the Government Agents themselves were, it felt that there was "no better school for their Assistants, or for the Writers attached to their Cutcherries than this Ordinance".[4] Whatever the merits of these ideas, (soon to be modified considerably) this evidence also reveals a refreshing tendency on the part of headquarters to keep the district officials on their toes.

Ward conceived the Ordinance and the votes entitled irrigation "grants-in-aid" as part of one plan - those localities which adopted the Ordinance being favoured with monetary aid for

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1. CO 57/25. Executive Council Minutes. 4 May 1859.

2. CO 57/29. Executive Council Minutes. 18 Feb 1861. Printed Encl Col.Sec. - G.A.'s Circular. 28 Feb 1861.

3. Idem. This circular was "in the sense" of Bailey's Report.

4. Idem. The Central Province was held up as a notable example where this failing had not occurred and where the measure was greatly "appreciated".

irrigation works.[1] At the same time he was in no hurry to see it brought into operation on an island-wide scale.[2] As a matter of fact, it was never implemented throughout the island. In Ward's time the first experiments were in Badulla, Matale, and Colombo districts[3] and it was certainly brought into operation in the Seven Korales, Nuwarakalawiya, Batticoloa and the Southern Province.[4] The Southern Province was initially backward in adopting it and places like Yatinuwara, Udunuwara, Nuwara Eliya and Bintenne had not come under its operation even by 1867.[5]

Ward was highly pleased with the character of the first meetings - at "discussions marked by a very sober and practical character, and shewing a perfect consciousness of the possession of equal rights" and at the "most lively interest evinced in the results".[6] On all accounts the people were highly pleased with this Ordinance and"[there was] nothing the people (especially in the Kandyan Provinces) [had] received with so much satisfaction"[7]

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1. CO 54/323.Ward - Labouchere.195. 23 Oct 1856.

2. CO 54/329.Ward - Labouchere.63. 9 April 1857.

3. Idem.

4. CO 54/343.Ward - Lytton.8. 8 Jan 1859.
   V.S.M.Ward.Minute on the North-Western Province and the Inspection of 1859. pp 351,354,356.
   C.G.A.Lot 41/170.Dyke - Col.Sec. 3 Aug 1859.

5. V.S.M.Ward.The Governor's Reply [to the Address of the inhabitants of Tangalle] 17 Feb 1858. p 304.
   Digby.Life of Morgan.(1879.Madras) Vol.1. p 318.
   CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3. Morgan - Col.Sec.343. 3 Sept 1867.

6. CO 54/329.Ward - Labouchere.63. 9 April 1857. One has, of course, to beware of the pitfalls of official interpretation, in assessing peasent reaction on any point. But addresses to the Governor and unofficial writings in newspapers reveal that the villagers were pleased with this Ordinance. The official scrutiny, in 1866-1867, of this Ordinance in its working was most thorough and discriminatory.

7. CO 54/334.Ward - Labouchere.48. 20 March 1858.

In conjunction with the irrigation "grants-in-aid" this Ordinance certainly benefited several of the districts in which it was carried out, not only improving the water-courses but even raising the value of land to hitherto unknown heights.[1] This was the most marked in Batticoloa[2] and in Uva. Thus in Uva, though Bailey had not recommended any of the minor works with a financial profit in mind but rather

> with a desire to improve the country and to induce the people to appreciate the readiness with which the Government is prepared to advance its interests,

the pecuniary results themselves were pleasing. But what pleased and surprised Bailey was the chain reaction, the fact that

> [v]illage vied with village in satisfactorily completing the work alloted to each, and a feeling of pride that they were setting an example to the whole District had sprung up among the people, producing a healthy spirit of rivalry which had been invaluable in its results. 3

In all it would seem that of the £10,413-5-4¼ voted in Ward's time for such grants-in-aid, £10,187-16-9¼ was spent by December 1862,[4] but if, as it appears, £6,743 of this was spent on the Batticoloa works,[5] the figure would rest at £3,750-16-9¼.

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1. Governor's Addresses.Vol.1.Ward. 19 Nov 1857. p 395.
   CO 54/334.Ward - Labouchere.48. 20 March 1858; and Encl. Bailey - G.A.Kandy. 25 March 1858.
2. V.S.M.Ward.Minute on the North-Western Province and Inspection of 1859.nd. pp 351,354.
   S.P.1V of 1867. op.cit. App.Part 11.Annual Report for 1858. J.Morphew.A.G.A.Batticoloa.nd. p 172.
   [Re similar improvements in Colombo district see 1862 Blue Book Reports. ... Encl. [1862 Admin.Report.Western Province and Colombo district.] C.P.Layard. 14 April 1863. p 164.]
3. CO 54/334.Ward - Labouchere.48. 20 March 1858. Encl.Bailey - G.A.Kandy. 25 March 1858.
   [See also W.G.Ondaatjie."Notes on the district of Badulla and its natural products." J.R.A.S. CB. (1860) p 386.]
4. CO 54/378.MacCarthy - Newcastle 141. 20 Aug 1863. Encl.7. Return shewing the Progress of Expenditure under the Surplus Funds Ordinances to the year 1862 and the estimated expenditure in 1863. 1 June 1863.
5. Governor's Addresses.Vol.1.Ward's Message of 10 Dec 1859.p496. On the other hand the Batticoloa works are mentioned separately - with separate votes - in CO 54/378.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7.Return ... of Expenditure ... 1 June 1863.

The Ordinance however had largely been considered as a means of settling disputes and as a mode of organising irriguous activities. In this, its primary aim too, success seems to have been marked. The people of Badulla reported that it

> not only worked with great advantage, but [had] even rescued paddy growers from expensive and tedious law proceedings. 1

On all counts it seems to have eased the settling of disputes "connected with the customs relating to cultivation".[2]

The Ordinance had aimed at garnering local labour and drawing forth and instilling the principle of self-help as well. In this avenue too there was clearly much improvement, and a Government Agent spoke of

> [t]he stimulus to industry from both [the extension of communications and the Irrigation Ordinance as] already influencing the character of the people in an unmistakeable manner. 3

Thus it is not surprising, though rather exaggerated, that Ward spoke of the Ordinance as a "moral and social change".[4]

Nor is it surprising that the district officials were requested "to extend its provisions, as much as practicable throughout their Provinces".[5] Nor that the modifications inserted on its renewal in 1861 were minor. The only change of consequence was that enabling headmen to prevent offences and to repair

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1. CO 54/334.Ward - Labouchere.48. 20 March 1858. Encl. Address to the Governor by the inhabitants of Badulla.nd. [1858].

2. C.G.A.Lot 41/174.R.Morris(A.G.A.Nuwarekalawiya) - G.A.Jaffna. 18. 13 April 1861.

3. 1862 Blue Book Reports.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. [1862 Admin.Report. Western Province and Colombo district.] C.P.Layard. 14 April 1863. p 164.

4. Governor's Addresses.Vol.1.Ward. 19 June 1860. p 511. Newcastle MSS.Fol.10988.Ward - Newcastle. 26 April 1860.

5. CO 57/29.Executive Council Minutes. 18 Feb 1861. Printed Encl. Col.Sec. - G.A.'s Circular. 28 Feb 1861

changes promptly[1] - a trend away from the principles of implementation held in Ward's time. Like that of 1856, the implementation ordinance of 1861 was characterised by its flexibility - the local proprietors could get the headmen to cultivate neglected lands if they made it into a "rule", they had room to use either the ordinary headmen or special headmen, and above all, they could choose village councils only, headmen only, or a combination of both, as the machinery of arbitration and organisation.[2] Thus in the course of the 1860's, one found that in the Northern Province generally the system of headmen only was favoured, in the Eastern Province that of Village Councils only, and elsewhere the combination of both.[3] The councils or runasbhas, it should be noted, were not standing bodies and were only "called into action" when a breach of the rules was committed.[4] In Ward's time, as we saw, Government was anxious that an European official should participate in all deliberations and showed a strong disinclination to vest much power in the headmen; in the event, in the 1860's, the former practice only led to

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1. 1861 Blue Book Reports.MacCarthy - Newcastle.105. 27 May 1862. p 115.
CO 54/367.MacCarthy - Newcastle.5. 9 Jan 1862.
I.P.XVII of 1861.Report of the Sub-Committee of the Legislative Council on [the Bill]. 11 Dec 1861.

2. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3. Morgan(Queen's Advocate) - Col.Sec.343. 3 Sept 1867. paras.36,79. [This report of Morgans was a comprehensive review, a precis of the general conclusions drawn from the answers of a questionnaire circulated among Government Agents.]

3. Ibid. Question Two.

4. CO 57/39.Minutes of the Executive Council. 29 Aug 1866.

arrears[1] and the latter retarded the operation of the Ordinance. The trend therefore swung towards giving greater independence to the Councils and more power to the headmen. The evidence collected in 1866 showed "little ground" for the fear held that the Councils would abuse their powers; nor did it appear that the headmen "exceed[ed] their authority". Morgan concluded that even if the system was open to abuse, it was a lesser evil than the dilatory, blundering process of the ordinary tribunals.[2]

While MacCarthy renewed the Irrigation Ordinance, unlike Ward, he absolutely refused money for irrigation "grants-in-aid".[3] Thus the maintenance, repair and extension of minor irrigation works was forced to rest solely on local labour and contributions - a parsimonious policy that marred the working of the Ordinance and stifled the enthusiasm and activity of the officials. No wonder that the zealous Birch mised a cry against this policy as soon as a new Governor arrived.[4] To end "grants-in-aid" was utterly inexcusable - the more so because Ward had informed his superiors that they would be"pleased and surprised at the smallness of [the expenditure] in comparison with the good effected".[5] £2000-3000 a year would not have brought Government down.

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1. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1848.Question VII.paras. 50-58.

2. Ibid.Question III,para.27; Question IV,para.37.

3. CO 54/378.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. Return shewing the Progress of Expenditure under the Surplus Funds Ordinances to year 1862 and the Estimated Expenditure in 1863. 1 June 1863.
   CO 54/415.Robinson - Carnarvon.232. 15 Oct 1866. Encl.7. [A similar return to 1865.]
   In MacCarthy's time about £623-8-2½ was expended but this was money voted by Ward and not yet spent.

4. 1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl. in Encl.7. [1864 Admin.Report.Sabaragamuwa.] Birch. 30 Sept 1865. pp 143-144.

5. CO 54/334.Ward - Labouchere.48. 20 March 1858.

Government policy apart, a variety of factors had a bearing on the question whether the Ordinance was applied, or not applied, in a particular region; and likewise influenced its performance. Its operation was faced with numerous difficulties not the least of which were the factors of climate and population. In many parts of the Dry Zone the population was so scanty and so scattered that the Ordinance "did not meet the case of the generality of Tank Lands, separated by large tracts of jungle whose interests [were] not identical".[1] It was because of the scattered nature of the population that it was found more practicable to work the Ordinance in such areas by headmen alone rather than by a combination of gansabhas and headmen.[2] Similarly in Lower Uva where there were few streams or irrigation works the Ordinance had not been applied.[3] In the Kegalla and Galle Districts where there were hardly any irrigation works because of the very abundance of rain, the Ordinance was adopted to a very limited extent.[4] But since parts of Matara district as well as the Western Province as a whole, having similar conditions,

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1. S.P.IV of 1867.Report ... upon IRRIGATION WORKS AND RICE CULTIVATION in ... Ceylon. 18 Sept 1867. App.Part 11. Twynam.G.A.Northern Province. 13 June 1867. pp 62-63. [Also see S.P.XVI of 1867.Report of the Sub-Committee of the Legislative Council appointed to report on the Bill. "An Ordinance to promote the maintenance and extension of Paddy Cultivation in the island". 21 Dec 1867. This Committee consisted of R.F.Morgan(Queen's Advocate),C.P.Layard and P.W. Braybrooke(G.A.'s),M.Coomaraswamy,A.Wise,E.J.Dehigame(Unofficial Legislative Councillors) whereas the Committee on the general question consisted of Morgan,Wise,Dehigame,John Capper,Captain Fyers(Surveyor-General) and John Parsons (Acting Collector of Customs).]
2. S.P.XVI of 1867. Idem.
3. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867. para.6.
4. Ibid.Question 1.para.2, and para.8.
1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl.In Encl.7.[1864 Admin.Report.Kegalla.] F.R.Saunders. 28 Feb 1865. p 134.

adopted the Ordinance, one cannot help feeling that the particular predilections of the people of Galle and Kegalla as well as a failure on the part of their Agents and headmen had some bearing on these results.

Certainly, indifference on the part of the people of some localities was responsible for its lack of uniform application or success.[1] Accepted eagerly in most parts of Ceylon, there were still exceptions to the rule. As in Galle and Kegalla, geographical factors influenced the apathetic reaction of the people in several areas. In some regions of the Northern and North-Western Provinces not merely the scattered nature of the population but the fact that they were "poorer and less energetic"[2] undoubtedly influenced the implementation of the Ordinance. In three specific divisions of the Western Province, on the other hand, the cultivators consistently rejected the Ordinance for what the authorities felt to be sound, if unsupported, considerations - fear that the gansabhas would be dominated by cliques and would abuse their powers.[3]

Indifferent reactions, as we saw, stemmed, in part at least, from inadequate explanations and misunderstandings on the part of Government Agents - a problem that Government was well aware of. So it was that the partiality of application and of success arose in part from the failure of some Government officials.[4]

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1. S.P.IV of 1867.Report ... upon IRRIGATION WORKS AND RICE CULTIVATION ... 18 Sept 1867. p 9.

2. 1867 Admin. Reports.Puttalum.W.C.Macready. n.d. pp 62-63.

3. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.

4. Supra. p 125.
V.S.M.Ward.Minute on Bintenna. The Batticoloa Irrigation Works. The Southern Province and Ouvah[sic]. n.d. [1858]. p 274.
S.P.IV of 1867. op.cit. p 9.

T.Power, for instance, even "disapproved of it" and "would not give it his support and countenance".[1] It was never applied in Yatinuwara and Udunuwara because Braybrooke, though industrious, was overwhelmed with work.[2]

If anything the role of the headmen was even more crucial, and the partiality of operation and success flew in part from this factor.[3] Some were overworked. Some neglected their duties.[4] On this score, as in many fields, it was a pity that the British raj sought to administer on the cheap. Neither ordinary headmen or the special irrigation headmen were properly remunerated; and the decided opinion of the 1867 investigation was that such provision was essential.[5] It is also of some significance that the irrigation headmen had earned such uncomplimentary epithets as "Wel Koodia" (Field Cork) and "Wel Panuwa" (Field Worm)[6] - indicating as it does the unpopularity with which interference was viewed, whatever the good effected.

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1. 1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl.In Encl.7. [1864 Admin.Report.] Birch.A.G.A.[Sabaragamuwa]. 30 March 1865. p 143. [In fact, Power was involved in gemming and private ventures and was reduced in rank when this was brought to light. CO 54/379.MacCarthy - Newcastle. 156. 14 Sept 1863.]

2. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.4."Irrigation and Rice Cultivation in Ceylon." Printed extract of debates in the Legislative Council as reported in the "Ceylon Observer". Dec 1867.[Coomaraswamy's speech].

3. C.1202."Ceylon Observer."Supplement. 16 Sept 1867. Report on meeting of the committee of the Ceylon Agricultural Society. 4 Sept 1867.
S.P.IV of 1867. op.cit. App.11.Annual Report[1866].Liesching. A.G.A.Matara. p 177.

4. Idem. [See also Ibid. App.11. Notes on Irrigation. Captain Fyers. n.d. [1867]. p 31; and Replies of C.Blayard,Government Agent,Western Province. p 43.]

5. S.P.IV of 1867. op.cit. p 9.

6. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question IV.para.34.

Government would have done well not only to pay the headmen but also to associate surveyors in the working of the Ordinance wherever possible;[1] thereby maximising its efficacy.

Given this welter of factors bearing on the Ordinance it is not surprising that both in its range and its performance, the working of the Ordinance was patchy.[2] One Committee concluded that

> although [the Ordinance] has been represented in the replies as working satisfactorily in several districts, there are scarcely any Irrigation works in the Island in a state of efficient repair with the exception of those undertaken by Government. There appears to be little doubt that this Ordinance has not been introduced as generally or as completely as might have been the case and that when introduced, it has not been worked in a satisfactory manner. [3]

It is clear that their standpoint was largely that of the state of repair of the village tanks as well one of comparison to the ideal norm.[4] As for this aspect, Morgan concluded that while

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1. CO 54/404.Robinson - Cardwell.134. 16 Sept 1865. Encl. in [Layard's Report]. Birch [A.G.A.Seberagamuwa] - [Layard].409. 6 Sept 1864.

2. S.O.Canagaratnam.Monograph of the Batticoloa District of the Eastern Province,Ceylon.(1921.Cbo.) p 57. He was the Chief Mudaliyar,Eastern Province. He stresses its partiality of operation, opining that "[i]t provided for certain sections of the Island only, namely, those in which there were large tracts of paddy land dependent on a single source of irrigation with comparatively large numbers of proprietors whose interests were identical". This is not quite correct and he seems governed by his experiences in his own district. In several districts without quite these features the Ordinance was very helpful.

3. S.P.IV of 1867. op.cit. p 9.

4. Thus Macready.A.G.A.Puttalum wrote - "The Irrigation Ordinance had done something but not as much as it should have done."
S.P.IV of 1867. op.cit. App.Part 1. p 40.

> [t]he papers ... furnish[ed] very little accurate information on the point involved ... [t]he sum spent in irrigation works appear to have been small and the works themselves of no importance. 1

Even on this basis, the Matale District well-nigh earned full marks.[2] Considering the descriptions of the good done in (Upper) Dadulla and Batticoloa districts in Ward's time, one cannot help feeling that much had been achieved in these regions too - and certainly in Colombo district

> numerous works [were] executed with and without the aid of Government which could not have been undertaken before the Ordinance. 3

Later reports confirm the usefulness of the Ordinance in this respect.[4] Many officials and unofficial critics of the year 1867 were prone to ignore this and failed to qualify their judgments, based as they were on the yardstick of the state of the village tanks. Even on this basis, the criticisms of unofficials in particular were the result of highly optimistic and unrealistic expectations; so the Times complained that the Ordinance had

> not suffiged to restore native agriculture to its old position after such long neglect. 5

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1. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question XI.para.68. [Throughout the century the work of the villagers themselves on their village tanks varied in quality - while some restorations were well done, generally the repairs were unsatisfactory. Leonard Woolf "Diaries in Ceylon.1908-1911" Cey.Hist. Journal.IX.(1959-1960) pp 6-8.]
2. S.P.IV of 1867. op cit. p 11. 1867 Admin.Reports.Matale.R.C.Pole. 5 May 1868. p 41.
3. 1862 Blue Book Reports.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7.[1862 Admin.Report. Western Province and Colombo district.] Layard. 14 April 1863. p 164.
4. S.P.XVI of 1877.Report of the [Grain Tax Commission] 30 Oct 1877. App.I.No.69.Translation of Answers ... by C.De Cumat. Vidana Muhandiram of Gampaha.nd.p xcviii; No.78. Observations on [Saunder's queries by the G.A.North-Western Province.] R.W.T.Morris. 10 Oct 1877. p cviii.
5. C.1204. "Ceylon Times." 29 Oct 1867. See also Ibid. 5 Nov 1867; CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.4."Irrigation and Rice Cultivation in Ceylon." op.cit. [Coomaraswamy's speech.]

But when the papers consulted led the second Committee to the verdict that it was

> beyond all doubt that wherever the Ordinance [had] received a fair trial, it [had] worked successfully,[1]

it is clear that their angle of vision was a general and wider one - both commentators and Committee being governed by another yardstick; whether the Ordinance was of benefit in settling disputes, organising varied agricultural activities, and stimulating cooperation, industry and enthusiasm among the cultivators, not merely the gauge of the condition of the tanks. Cooperation was far from perfect and lack of it affected repairs but there is unofficial and official evidence that the Ordinance, in its practice, aided the settling of disputes.[2] An official also stated that it "induce[d] more systematic and industrious habits".[3] Certainly it was highly appreciated by the people, and, where applied in the Central Province in particular, very "popular".[4] A headman, apeing British ideas not only viewed it "as one of the most useful Ordinances enacted in the Island for many years past" but as "calculated ... to serve as the germ of other future institutions of a popular character".[5]

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1. S.P.XVI of 1867. Report of the Sub-Committee of the Legislative Council appointed to report on the Bill "An Ordinance to promote the maintenance and extension of Paddy Cultivation in the island". [Ordinance 21 of 1867]. 21 Dec 1867. [The evidence included official reports as well as official and unofficial replies to a questionnaire, - including numerous headmen and people like Capper, a Mr.Wickremesekera, etc.; the question was aired by the newspapers as well and the Ceylon Agricultural Society had submitted its report in September.]
2. S.P.IV of 1867. op.cit. App.Part 1. Memo on Rice Cultivation in the Seven Korales. J.Capper. 12 Feb 1867. 1871-72 Hansard 10 Nov 1871. p 21. [Morgan quoting a report from the G.A.Central Province,H.S.O.Russell.]
3. S.P.IV of 1867. op cit. App.Part II.W.Macready.A.G.A.Puttalum p 129.
4. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question 4.para.6.
5. Ibid. Question IV.para.35.Morgan's words conveying views of the Mudaliyar of Raigam[sic] Korale.

A mark of its usefulness in some areas at least was the suggestion of some headmen and some Agents that the powers of the gansabha should be extended to the general administration of their divisions[1] (as eventually done in 1871). No wonder that a reading of these papers led Rogers to pen:

> it is a real pleasure to see a really important matter move and consolidate itself as this appears to be doing.[2]

Much had been achieved; equally obviously, there was room for improvement.

Ordinance 21 of 1867 sought to effect these improvements. Intitled "an Ordinance to promote the maintenance and extension of Paddy Cultivation in this Island" in order to reflect "the more general scope and object" of the measure,[3] this Ordinance had two aspects - one pertaining to the continuation and improvement of the gansabhas, another to the principles on which Government aid for irrigation works large and small were to be sought and supplied. The former alone concerns us at this stage.

The basic principle of allowing each locality to formulate its own rules was continued - any consolidation of the rules being considered "neither practicable or desirable".[4] To meet the case of scattered populations however, Government Agents were given the power to make local customs into binding rules on their own authority without convening local committees. There were other minor improvements but the scope given for the payment of headmen merits mention as a much needed embellishment.[5] While

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1. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question 1.para.6. Question VI.para.47.
2. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Minute by Rogers. 12 March 1868.
3. S.P.XVI of 1867. [Sub-Committee Report on Ordinance 21 of 1867.] 21 Dec 1867.
4. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question 5.para.47.
5. Ibid. paras.40,78,69,83.
   S.P.XVI of 1867. [Sub-Committee Report on Ordinance 21 of 1867.] 21 Dec 1867.

the previous Ordinances had viewed the gansabha as a means of settling disputes and keeping existing works in repair, this Ordinance stressed its possibilities in extending irrigation facilities as well.[1]

These improvements however, from the nature of things did not obviate the difficulties posed by climate, by sparse populations, poverty and apathy among the villagers, nor alter the fundamental reliance on Government Agents, headmen and peasants for the working of the Ordinance. Each Agent, in fact, had to be continually visiting and pushing the villagers if anything was to be achieved - a difficult task amidst a welter of duties.[2] In practice, moreover, irrigation headmen remained unpaid and overworked,[3] other defects in the Ordinance apart. Nevertheless the Ordinance was extended to several areas which had not adopted it extensively as yet and the larger part of the Island came under its influence;[4] and it was an influence that resulted in "a good deal of useful work" among which was the repair of numerous

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1. CO 54/432.Robinson - Buckingham and Chandos.7. 12 Jan 1868. Encl.3.Morgan - Col.Sec.343. 3 Sept 1867.Question VIII. paras.68,69.

2. 1871 Admin.Reports.Matara.E.Elliott.A.G.A. 12 June 1872.p 161.

3. 1869 Admin.Reports.Matara.A.H.Dawson.Acting A.G.A. 16 May 1870. p 87.
1872 Admin.Reports.Nuwara Eliya.B.F.Hartshorne.A.G.A. 29 March 1873. p 68. [In the twentieth century as well, they failed to perform their tasks effectively. "The incompetence of the Irrigation Headmen is due to a weakness both in their position and personality." - S.B.D.De Silva.Investment and Economic Growth in Ceylon.(1962.Lon.) Ph.D. Economics. pp 285-286.]

1868 Admin.Reports.Nuwarakalawiya. pp 164-165; Nuwara Eliya. p 53; Galle. p 196; Jafna district. p 96.
Tropical Agriculturist.Vol.37.(Dec 1911)E.Elliott. "Paddy Cultivation in Ceylon during the 19th century." p 503.
"... in all parts of Batticoloa, Trincomalee, Uva, Matale, Matara and Sabaragamuwa districts and there were a further 67 districts proclaimed in the Western, 59 in the North-Western and 14 in Nuwarakalawiya ... and 2 in Kegalle."

village works.[1]

A detailed review of its working in Robinson's time is not essential here. Enough has been said to present the nature and objects of revival of the _rasgabha_, the problems faced in its implementation and the manner of its working. It is of some significance that Elliott refers to it as "this _Magna Charta_ of the paddy cultivator".[2] An astute judge, he says that the Ordinance"undoubtedly gave a great impetus to the cultivation of paddy" and speaks of it as having

> secured ... the rescue of an important agricultural interest probably from extinction. 3

Other quarters confirm the fact that the Ordinance had a large hand in increasing the cultivation of paddy.[4] That, after all,

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1. _1868 Admin.Reports_.Puttalum.W.C.Macready. 1 Feb 1869. p 82.
_Ibid_.Western Province and Colombo district.C.P.Layard. 31 July 1869. App.C. p 12.
_1870 Admin.Reports_.North-Western Province and Kurunegala district.J.Parsons. 3 Feb 1871. pp 176-177.

2. _Tropical Agriculturist_.Vol.37.(Sept 1911)R.Elliott. "Paddy Cultivation in Ceylon during the 19th century." p 227.

3. _Ibid_.(1911). p 503, p 504. This was with regard to the whole of the century. On the other hand a modern student concludes: "But the success of these measures in the long run proved abortive. The stratification of village society into rival interests profiting from each other's misfortunes instead of combining to exploit the soil eroded the very basis on which a community of economic action and purpose had earlier been founded. To a large extent the new influences which undermined the corporate nature of the traditional village structure were associated with the rise of a class of non-cultivating landowners who were able to draw rent and interest payments while dissociating themselves from the technical requirements of agricultural production." [S.B.D.De Silva. _Investment and Economic Growth in Ceylon_.(1962.Lon.) Ph.D. Economics. pp 280-281.] He certainly proves that, in the twentieth century, the maintenance of tanks was very unsatisfactory.

4. _S.P.XVI of 1877._[Report of the Grain Tax Commission.] _op.cit_. App.1.No.69. Translation [of C. de Cumat's answer].

was its ultimate aim.

## 111. Ideas of Colonisation.

An interesting feature of the years 1855-1857 in particular was the active interest in schemes of colonization. This dates from the enthusiasm shown towards improving and restoring the large irrigation works in Tamankaduwa district in 1855.[1] Enthusiasm did not blind anyone to the obvious obstacle of a want of population. Ward's tour of inspection 'to ascertain the state of the principal tanks [and to see if they could be] turned into account', confirmed "the want of hands to till the soil", and brought the conclusion: "we must colonize or do nothing".[2] A supporter of "systematic colonization",[3] it is not surprising that he took up this idea once it was broached by his subordinates. Particular hope was placed in Kantalai tank as it was expected that £3000 expenditure would suffice to bring 10,000 acres into cultivation.[4] The tank was still functioning and had

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1. In June 1855 Captain Sim conjectured that Kantalai was a ripe fruit for restoration. [1856 Blue Book Reports. Ward - Labouchere.135. 25 July 1857. Encl.Report on the Kendelly Tank[sic].Captain Sim. 22 April 1856. pp 326-327.] On their own initiative Churchill, John Bailey and A.Y. Adams explored the irrigation works in the Minneriya-Elahera district and made an exhaustive report which attracted great interest. [Ibid.Encl. Minute on Elahera Canal. 19 Sept 1855.]

2. Ibid.Encl.Minute on the Eastern Province.[Ward.nd.] p 315. The Adams - Bailey - Churchill report stressed the fact that a thin population was a great obstacle. Note that this sort of categorization according to major economic factors is typical of the Wakefield era.

3. As a Member of Parliament in the Commons, Ward extolled the Wakefield principles and stressed that one should concentrate labour and "keep the population together" while he was for government intervention to aid colonization. See Debate upon Mr.Ward's Resolutions on Colonization 27 June 1839.(1839.Lon) pp 11-12. He was, in fact, "a disciple of Wakefield's". Bell and Morrell.Select Documents on British Colonial Policy 1830-1860.(1928.Oxford) p 514 fn.

4. CO 54/321.Ward - Labouchere.12. 28 Jan 1856.

more water than the people in the area used. Rather than Indian colonists, Ward thought they should first draw on the Tamil population around Trincomalee nearby or even "perhaps" the Sinhalese in the Seven Korales. "[S]ome larger immigration scheme from the Coast of India" was to be attempted only if this preliminary experiment worked out.[1]

Thus the idea of colonization settlements broached in Bennent's time had been revived, but with a different motivation. Whereas Bennent and his superiors in London conceived of them partly as means of meeting the shortage of plantation labour (the cultivators to be employed part of the time on the estates)[2], Ward and Company thought of them as prerequisite for irrigation ventures in the Dry Zone.

In Ward's orders, Captain Sim drew up a report on Kantalai Tank as well as a colonization scheme. The scheme was liberal and perhaps novel for the age - one of the alternatives involved an advance of £1,350 to 100 families; and while Government was expected to realise £1,800 in four years, each family was to realise £56-5-0 in these four years.[3] Neither Sim nor Ward was unduly optimistic. The project was decidedly experimental. The Sub-Committee of the Legislative Council, in their turn, injected a douche of realistic ice-water.[4] Consequently, Ward stepped forth even more cautiously.[5] Ordered to make efforts to attract colonists to Kantalai from the neighbouring areas of Trincomalee

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1. 1856 Blue Book Reports. op.cit. Encl. Minute on the Eastern Province. p 315.

2. Supra. p 96.

3. 1856 Blue Book Reports. op.cit. Encl. Report on the [Kantalai] Tank. Captain Sim. 22 April 1856. pp 326-327.
CO 54/324. Ward - Labouchere. 215. 15 Nov 1856. Encl. Report of the Sub-Committee of the Legislative Council appointed to report on the Surplus Funds Ordinance.

4. CO 54/324. Ward - Labouchere. 215. 15 Nov 1856.

5. CO 54/324. Ward - Labouchere. 226. 29 Nov 1856.

and Tamblagam, the officials stationed in Trincomalee eventually gave their verdict: they had failed. The conclusion was forced on Government that the people

> were already in possession of more land and water than they were able to turn into account from the scarcity of labour while there was apparently little chance of obtaining a supply of new settlers from the coast of India or from Jaffna. 1

The Legislative Council's doubts had proved justified. The Kantalai colonization and restoration scheme was dropped.

This, in effect, meant that all ideas of combating drought and decline by large-scale improvements of irrigation works in Tamankaduwa District had been shelved; and not merely in Tamankaduwa: the district of Nuwarakalawiya and much of the Dry Zone had similar characteristics and were bound to suffer the same fate. Ward's administration - and as it turned out Robinson's too - concentrated its efforts on improving irrigation works and agriculture in other areas, where the obstacles were smaller and chances of success greater.

Clearly the Kantalai colonization scheme came to grief on the rock of practicability. It was for this reason that the development of irrigation works in the two centres of ancient civilization was shelved. Financial considerations[2] would have played their part no doubt if the attempts had been taken further, but as it was, it did not reach that stage.

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1. 1856 Blue Book Reports. op.cit. Encl.Second Minute on the Eastern Province. [Ward.Around May 1857.] p 336. Being in touch with Lord John May, Governor of Hong Kong the Government Agent, W.Morris, suggested importing Chinese settlers (reviving another idea which originated in the 1840's) but Ward objected to them as likely to demoralize the Sinhalese. S.P.IV of 1867. op.cit.App.1.[Morris' replies] n.d. p 75.

2. Stressed by S.V.Balasingham. [The Administration of Sir H.G. Ward - Governor of Ceylon 1855-60. (1954.Lon.) M.A.History. pp 131-132.] They would have had some bearing on the rejection of the colonization scheme as well.

But there was another factor. They had other areas to sow; other tanks to restore. The Kantalai project was dropped by Ward while in Trincomalee in February - March 1857, immediately after his tour in Batticaloa and his decision to take up the Uruge scheme of restoring the Pattipola-Aar works - a scheme he was much enamoured of.[1] At the same time, he had other tanks in mind for restoration.[2] Ward was a practical man and fashioned his designs according to the personnel and the money at his disposal.

There was another idea in the air in Ward's time which could have helped to open up these regions; namely cotton cultivation,

> one of [those] articles which from time immemorial the Natives of Ceylon have cultivated in small quantities for their individual use,

and for which these areas were deemed ideal in climate and soil.[3] A wealthy merchant, John Gavin, in fact submitted a private venture in large-scale cotton culture for approval, requesting a grant of land in the Eastern Province on the basis of payment for it being deferred for five years conditional on success.[4] Though

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1. CO 54/328.Ward - Labouchere.31. 27 Feb 1857.

2. 1856 Blue Book Reports. ... Encl.Minute on the North-Western Province. 30 Jan 1857. p 310. (Kadempe and Nikawerattiya Tanks).

3. CO 54/332.W.Perguson - Labouchere. 22 Aug 1857.
CO 54/343.Among January despatches.Private letter: Ward - Lytton. 25 Jan 1859. Perguson was a Government Surveyor. He hung his discourse of "systematic" cotton culture on the text of native welfare. [The idea of cotton culture had been mooted for Ceylon in general in the 1830's and 1840's; had been tried and failed in a few instances.]

4. CO 54/344.Ward - Lytton.110. 4 June 1859.
CO 54/346.Ward - Newcastle.78. 15 Oct 1859. Gavin was described as "one of our best and wealthiest merchants". [CO 54/343.Private letter.Ward - Lytton. 25 Jan 1859.] He was backed by business interests in England and expected the outlay to be £12,000. The district in mind was Tamankaduwa where there was a sparse population and absolutely no demand for land.

he believed that "Government [had] no business to embark on speculations of this kind" on its own account,[1] Ward jumped at his offer. He considered

> the only chance of recalling to life ... this beautiful portion of Ceylon consist[ed] in an application of capital to some new branch of industry capable, if successful, of unlimited extension. 2

Despite his encouragement, this venture too was destined to remain in the land of theory. Gavin did not pursue the project. MacCarthy reasonably concluded that it was not remunerative, decried Ward's "sanguine anticipations" and proclaimed

> that the cultivation of cotton in this Colony on a large and remunerative scale [was]not likely to be brought about by any system of Government bounties or encouragements. 3

Colonisation schemes themselves did not die abruptly with Ward's probe. They kept emerging in a variety of quarters from time to time[4] - and from no less a source than the Committee on Irrigation of 1866-1867 who pointed to Matale as the best area for such an attempt because of its proximity to the estates.[5] Nevertheless nothing significant was attempted. It was just as well. (Actual schemes undertaken in the late nineteenth century "failed to secure any degree of success").[6]

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1. CO 54/331.Ward - Labouchere.219. 27 Nov 1857.

2. CO 54/344.Ward - Lytton.110. 4 June 1859.

3. CO 54/371.MacCarthy - Newcastle.235. 10 Dec 1862. In defence of Ward it could be said that such relaxation of the land sales regulations did not harm anyone. There was no demand for land in Tamankaduwa. If Gavin's scheme succeeded Government got its money in five years time while trade would have been boosted. If it failed the land reverted to Government.

4. For eg: CO 54/424.Robinson - Carnarvon.3. 9 Jan 1866. Memo by W.Robinson. 2 Nov 1866.
1867 Admin.Reports.Eastern Province.J.W.W.Birch. 29 March1868 pp 105-106.

5. S.P.IV of 1867, op.cit.App.Part 1. A. Resolutions [of the Committee]. p 209.

6. Tropical Agriculturist Vol.38.(Jan 1912.)E.Elliott."Paddy Cultivation in Ceylon during the 19th Century." p 30.

## IV. Irrigation Works.

The impracticability of the colonization schemes determined the regional scope for Government activity. But some actual irrigation was clearly practicable and Ward was not the type to let the grass grow under his feet. Though he and his aides were more practical and less sanguine than officials of the 1840's, their anticipation and approach were characterised by some over-estimation[1] - a by-product no doubt of inexperience and pioneering enthusiasm. The time had not yet dawned for any integrated plan in the choice of projects. From the many schemes eagerly broached by his subordinates, Ward simply chose those which seemed the most practicable and the most worthwhile from all points of view. As we have seen, those areas which adopted the Irrigation Ordinance received first claim on Government aid.[2] This underlines the principle of bestowing favour on those localities which displayed the virtues of self-help and industry. It meant the availability of voluntary labour and reduced costs. It was in accordance with the principle of co-operation between Government and people, with Grey's condition

> that grants-in-aid shall be restricted to works in which a considereble amount of native labour is engaged or which can be shown to be likely to produce a fair return for the capital invested by increasing the productive powers of the Island. [3]

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1. Supra. pp101,106.
   C.1210. "The Examiner." 16 Oct 1867.

2. CO 54/324. Ward - Labouchere. 232. 11 Dec 1856.

3. Idem; and CO 54/252. Torrington - Grey. 202. 13 Nov 1848.
   Draft. Grey - Torrington. 345. 24 Jan 1849.

Therein is embodied another feature of Government policy: such restoration had to be financially worthwhile. It should also be certain of success. Thus Ward promised "that not one shilling shall be spent without such a probability of success as will justify the experiment".[1] This might seem an over-cautious approach. But at this stage it was natural and justifiable. Failure at the outset would have been ruinous; Ward, in fact, seems to have been trying to win over the Legislative Council and London; both could be turned into enthusiasts only by financial benefits.

These, then, were important features in Ward's policy. Principles and motives can be further illustrated by a close scrutiny of the first large-scale restoration he embarked on - that on the Patipola-Aar in Batticoloa district, launched with infectious enthusiasm early in 1857.

The financial prospects were stressed. Whereas the cost was estimated at £7000, the cultivation of rice, and revenue therefrom, on 15,936 acres of land already under cultivation would be stabilised and existing fluctuations assuaged; while sales of 20,000 acres of new land were anticipated and would bring a further revenue from the grain tax after four years.[2] Financial anticipations clearly stirred Government, but Ward

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1. 1856 Blue Book Reports. Ward - Labouchere. 135. 25 July 1857. Encl. Ward: Opening Address to Legislative Council. 30 July 1856. p 339.

2. CO 54/328. Ward - Labouchere. 31. 27 Feb 1858; and Encl. [Birch's Report on the Patipola Aar.] 15 Dec 1856. J.W.W. Birch was the District Judge, Batticoloa and was acting as A.G.A. He was the one who brought the scheme to light. He estimated the cost at £3,500. In actual fact, by December 1859 it had cost £13,498 and it was then ascertained that the old lands under paddy cultivation were 12,400 acres and not 15,936. [V.S.W. Ward. Report on the Batticoloa Irrigation Works. Captain Sim. 28 May 1860. pp 455-460.]

felt that,

> if the pecuniary gain to Government by the ultimate results [be doubtful - which it is not so - be considered] that the indirect advantage of opening so wide a field to industry, coupled, as it must be, with a rapid development of the Trade and Resources of the District would be regarded by [the Secretary-of-State] as ample compensation.[1]

Both Birch and Ward equally stressed the social and moral improvements that would follow such a project.[2] They were referring largely to the illicit cultivation of chena which prevailed extensively in this district. To them such cultivation was morally degrading as well as economically wasteful. Thus from 1855 itself Government had sought to curb chena cultivation in this district.[3] But the fact was that the extensive chenaing symbolised, in this case, a feature peculiar to the Batticoloa area and uncharacteristic of most of Ceylon - the pressure of population on the available paddy land: "there is at present a superabundant population without any paddy lands of their own ..."[4] It was now logically reasoned that more water meant more rice lands; more rice lands meant less chenaing - go to the root of the matter. Thus the object of reducing chena cultivation was an important consideration in this instance, and largely peculiar to Batticoloa district (at this period though not later).

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1. CO 54/328.Ward - Labouchere.31. 27 Feb 1857.

2. Idem.

3. CO 54/321.Ward - Labouchere.50. 12 April 1856. The chenaing was extensive partly because of the former A.G.A., Atherton's neglect and the headmens' connivance.

4. CO 54/328.Ward - Labouchere.31. 27 Feb 1857. Encl.[Birch's report]. 15 Dec 1856. Birch placed the number at 30,000. Ward himself stated "I have seen nowhere in Ceylon so dense a population and not nowhere with so universal a desire to obtain a legal Title to [unoccupied] land."

To Birch and Ward there was another important consideration in addition. There were serious disputes among peasants over the apportionment of water, amounting to a "struggle for existence" in times of drought. Their aim was to supply more water and obviate this.[1] They had in effect many motives, and the debate unfolded made it clear that the Katipola-Ara scheme was, to its authors, what a multi-purpose project is today.

If the purposes and anticipations implied that it should be undertaken, the fact that it was manifestly practicable and that Ward was confident that it would bring "the most important and certain results", clinched the issue. In the first place, there was no obstacle of a sparse population. Unlike the Kantalai area, in the Batticaloa district the three "elements of good", land, water and population, were "united". "All that was necessary" was for Government to "bring these into harmony". In the second place, maintained by the Dutch, these works had remained in a good condition till the first decades of the nineteenth century. Thus Ward assured his chief:

> this system has one peculiar recommendation. It had been tried and has succeeded. It is not a matter of speculation but of practice. There are the men, the water, the soil, the same favorable levels, the remains... [2]

Finally, if it was financially profitable, it was implicit that it was practicable; hence Ward's confidence. His use of the surveyor-General's words "great, simple and safe" does not seem a misplaced description of the scheme.

On top of this array of reasons rested another: indignant criticism of past neglect in maintaining irrigation works in Ceylon, and in the Eastern Province in particular - a neglect made all the more striking in contrast to the policy of the Dutch. Ward "consider[ed] it a duty to repair this injustice...

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1. CO 54/328.Ward - Labouchere.31. 27 Feb 1857; and Encl. [Birch's Report]. There were other ancillary reasons mentioned. Note that the Katipola-Ara is the Gal-Oya of today and there is a modern multi-purpose project in the vicinity.
2. CO 54/328.Ward - Labouchere.31. 27 Feb 1857.

[and believed that] whatever [was] done [then] to develop the resources of Batticoloa... [would] hardly compensate for the evil inflicted by bad example and prolonged neglect".[1]

One can now turn from considering the motives and the outlook that governed Ward's Administration to the question: how much did Ward achieve? The conception and application of the Irrigation Ordinance - clearly the most far-reaching and lasting product of his rule - has already been dealt with; it remains to examine the larger irrigation projects in his time.

The initial results from the Batticoloa works were so good that a second stage was initiated.[2] In the Southern Province dams were restored at Urubokka and Kirama, and money voted for the restoration of Dissamaharama Tank.[3] MacCarthy diverted the latter vote to works at Tevitura because of the great problems at Dissamaharama and better financial prospects at Devitura.[4]

educing matters to statistics, by December 1862, £47;913-11-0 - of which £10,109 seems to have been on 'grants-in-aid' - had been

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1. CO 54/328.Ward - Labouchere.31. 27 Feb 1857. [At this time criticism was heaped on past British policy in the sphere of irrigation and agriculture from official and unofficial alike. 1855 Blue Book Reports.Ward - Labouchere.34. 9 June 1856; J.D.T.Ward.Bailey's Report on Irrigation. 19 Dec 1855. p 100; CO 59/21."Colombo Observer." 12 Feb 1854.]

2. CO 54/337.Private letter.Ward - Lytton. [late]Oct.1858. enclosed among despatches.
CO 54/338.Ward - Lytton.166. 22 Dec 1858. and Encl. Captain Millpotte.R.E. - Col.Sec.So. 1 Dec 1858. The people were overjoyed; while Ward looked on "the Financial results as shewing that Capital in [Ceylon] may almost reproduce itself under favourable circumstances within a time that seems incredible" V.S.M.Ward.Minute on Bintenne, The Batticoloa Irrigation Works, The Southern Province and Uvah[sic].nd. [c 1858] p 257.

3. V.S.M.Ward. ibid. pp 261-262,271.

4. CO 54/355.MacCarthy - Newcastle.25. 23 Nov 1860. [Ward himself had wanted the Devitura works undertaken. Governor's Addresses.Vol.1.Ward. 19 June 1860. p 510]

[fn.4 cont.]

[CO 54/386, Despatch - Edwards, 3, 16 Feb 1864, Encl.4, Statement showing the progress of Expenditure under the Surplus Funds sanctioned 1857-64.]

spent as a result of Ward's projects.[1]

> As for direct financial returns, later it was said that financially [Ward's schemes] have entirely failed to realise the expectations under which they were undertaken[2]

but this seems more a reflection the the grand financial anticipations than the actual returns; but the fact remains that £18,000 expenditure was a minute sum over a period of years in contrast to that spent on communications largely for the benefit of capitalists - £355,210 from 1858-1860 for instance[3] - and does not justify the emphasis on adequate returns by some unofficials and officials in Ceylon as well as by Strachey in the Colonial Office. From the regional point of view only very limited localities benefited,[4] but given the limited means (personnel) at Ward's disposal and the bearing of factors like

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1. CO 54/378.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. Statement shewing the progress of expenditure under the Surplus Funds Ordinances 1857-63; and CO 54/386.O'Brien - Newcastle.34. 16 Feb 1864. Encl.4.(Similar table) 1857-64. [According to Elliott, Ward spent £48,000(Tropical Agriculturist.Vol.37. Dec 1912. H.Elliott."Paddy Cultivation in Ceylon during the 19th century." p 504). According to Strachey, it was £49,603(CO 54/400.O'Brien - Cardwell.36. 6 March 1865. Minute by Strachey. 29 April 1865 ). Between 1856 and 1860 inclusive apparently, £46,638 was voted for irrigation works.(A.M.and J.Ferguson.Taxation in Ceylon.(1890.Colombo.) Part II.The Paddy Tax and the Renting System of Collection. Editorial from "Ceylon Observer." 19 Dec 1876. p 71.)Captain J.Keane gives the figure £47,765 which tallies closely with Elliott's and our figures(C.P.XIV of 1905.Report on Irrigation in Ceylon.); while a Government figure in June 1860 was £48,120-13-11¼(1859 Blue Book Reports.Ward - Newcastle.20. 15 June 1860. p 143.)]

2. Carnarvon MSS.Pro 30/6/154.fol.1632-1633.Robinson-Carnarvon. 13 Dec 1866. This was rather a premature view, before the views of the 1866-67 investigation were made known.

3. C.P.IV of 1860.State of Ceylon.Encl.1.Churchill[Commissioner of Roads] - Col.Sec. 11 May 1861. p 7. Expenditure on roads, streets and bridges. This excludes the two million just spent on the Railway.

4. The Northern Province and North-Western Province had nought spent on them(if one excludes "Grants-in-aid"),the Central Province only £2,523 and the Western £702,even by 1864.[fn. cont

climate and population, this was inevitable. The fact was that a base had been established for future development. It was unfortunate that MacCarthy chose not to build on it. Ward in fact considered and surveyed numerous schemes apart from those actually undertaken.[1] Enthusiastic juniors broached numerous projects. The atmosphere generated by Agents and populace alike was one eager and hopeful.[2] Ward was quick to grasp the importance of the spirit in which Government worked as well as the need for sustained effort.[3] For Ward himself all his efforts were clearly labours of love.[4] They were not for MacCarthy.

Despite the enthusiasm of some the ruling circles were not without their quota of pessimists. Not only were there "unfavourable predictions" regarding the Uruboken works[5] but in early 1860 an attack was launched on the financial value of the Batticcloa works.[6] Arising no doubt from the fact that Government doubted that their anticipations of 1857 were not being

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1. Madampe, Nikaweratiya, Horoborawewa,"Mantchy", Giant's Tank, Minipe Ela to name a few. [CO 54/333.Ward - Labouchere.17. 25 Jan 1858; V.S.W.Ward.Minute on the North-Western Province and the Inspection of 1859. pp 359,361-365; Governor's Addresses.Vol.1. p 346.]

2. See CO 59/25."Colombo Observer". 22 May 1856.Season Report. Puttalum.[Mooyart.A.G.A.] 17 May 1856.
CO 54/333.Ward - Labouchere.17. 25 Jan 1858. Encl.Address of the Chiefs of Hinteme.nd.
CO 54/318.Ward - Molesworth.59. 15 Nov 1855.

3. V.S.W.Ward.Minute on Hintenna...and Ouvah[sic].nd.[mid 1858]. p 357.
CO 54/337.Private letter.Ward - Lytton.nd. Oct 1858.

4. Ibid.

5. Governor's Addresses.Vol.1.Ward. 19 June 1860. pp 509-510.

6. Newcastle MSS.fol.10988.Ward - Newcastle. 26 April 1860. V.S.W.Ward.Minute on the Batticcloa Works. [Ward] 28 June 1860. p 453. It is not certain who this body were. Some were certainly unofficials. Ward was not exactly popular in some circles at this time.

[fn.3 cont.]

on IRRIGATION [illegible] ... p 18. Sept 1967. Appendices. passim; while in 1862 itself both the planting unofficial, Corbet, and Captain Sim proclaimed that the results of Ward's works were satisfactory. C.1202. "Colombo Observer." 1 Nov 1866. Editorial reprinting extracts from a debate in the Legislative Council. 20 Dec 1862.]

published,[1] this criticism seems to have been dominated by the publication of such returns. Even on this basis, as Ward reiterated, any judgement within three years was wholly premature.[2] He be appointed Sir to resolve the issue: and while Sir revealed the initial estimations to be optimistic, he conclusively proved that "even if no more land be sold the Government [would] be repaid in seven or eight years"; that to the people "the boon [had] been immense" and was highly appreciated.[3] (later reports confirmed this viewpoint: the works were a pronounced success and throughout the 60's new land was being purchased in the irrigated areas.)[4]

Despite Sir's report, the doubts grew stronger with regard to irrigation works in general and by 1863-64 the general opinion in ruling circles seemed to be that the words "had resulted in very questionable benefit" and were largely failures.[5]

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1. Governor's Addresses.Vol.1.Ward. 19 June 1860.p 509. [Ward defended this error of overestimation on the ground that little was known about the districts around the Patipola Aar in 1857. V.S.M.Ward.Minute on the Batticaloa Works. 28 June 1860. p 453.]
2. Newcastle MSS.fol.10986.Ward - Newcastle. 26 April 1860. This was not mere defence. Long before the controversy Ward had stated that assessment of the schemes could only be made after 5 or 6 years. CO 54/333.Private letter.Ward - Lytton. [nd.] Oct 1858.
3. V.S.M.Ward.Report on the Batticaloa Works.Captain Sim. 28 May 1860. pp 455-460.
4. 1867 Admin.Reports.Report on Public Works.G.J.Molesworth. 13 June 1868.p 157. [Elsewhere some of Ward's works 'were not very successful in an engineering point of view' but "others were largely...successful" according to C.1202. "Colombo Observer".18 Oct 1866.Overland Summary.16 Oct 1866.]
5. C.1202."Colombo Observer".Supplement. 22 Aug 1864.Report on Proceedings in the Legislative Council. 20 Aug 1864.Colonial Secretary's [Gibson's] speech.
C.1204."Ceylon Times". 13 Feb 1863.Letter to Editor by "Verist".nd. p 101.
[However during the inquiries of 1866-67 it was clear that the general opinion among Government revenue officials favoured irrigation works, though they seem to have been rather silent in MacCarthy's time. S.P.IV of 1867. Report... [fn.cont.]

This was no doubt due to the acknowledged failure of some dams in the Batticaloa area and the Pirama Tam in the Northern Province[1] as well as a reaction from the fact that the ballooning hopes of 1857 had been suddenly deflated. Such an opinion held sway in London[2] as well as in certain circles in Ceylon. Cautious by nature, MacCarthy had not only been alarmed at Ward's expenditure in general,[3] but while in England on leave cast disparaging remarks on Ward's irrigation works.[4] Moreover in keeping with his approach to the Immigration Commission, he displayed laissez-faire ideas in this sphere too. In the teeth of experience and conclusions to the contrary in the years before ,

> he considered that much the better course would be that Private Companies should take the initiative in such matters, Government aiding them to the greatest possible extent. 5

Government had, in fact, given every encouragement to Harrison's and Leake's project of a private company[6] and the fact that this

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1. C.1204."Ceylon Times". 13 Feb 1863. Letter to Editor by "Querist".nd. p 101.
C.1202."Colombo Observer".Supplement. 3 Nov 1864.A correspondent [from Batticoloa]. 21 Oct 1864.

2. CO 54/406.Robinson - Cardwell.207. 4 Dec 1866. Minute by Rogers.nd. "[The policy was changed because] 1.doubts were entertained whether Sir P.Ward's speculations had in all instances answered at least as a matter of Revenue. 2 ..."

3. Digby.Life of Morgan.(1879,Madras).Vol.1. p 242. Copy of letter from MacCarthy - E.F.Morgan. 29 Sept 1858.

4. CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Minute by Fortescue. 28 Aug 1861.
CO 54/392.O'Brien - Cardwell.Separate(6). 30 Aug 1864. Minute by Cox. 28 Sept 1864.

5. C.1202."Colombo Observer". 1 Nov 1866. Editorial reprinting extracts from a debate in the Legislative Council.20 Dec 1862

6. CO 54/359.MacCarthy - Newcastle.76. 17 April 1861.
CO 54/366.Harrison - Fortescue. 18 Feb 1862. Harrison was a Surveyor on the Railway project and was the engineer, on contract, of the Southern Province irrigation works in Ward's time - one or two of which were engineering failures.

[fn.3 cont.]

from the newlands; the land leased for cultivation; the fact that the grain taxes from lands already cultivated were stabilised. The Surveyor-General, after all, had taken these into account earlier. [V.S.M.Ward.Report on the Batticoloa Irrigation Works.Captain Sim. 28 May 1860. pp 455-460.]

4. CO 54/361.MacCarthy - Newcastle.125. 2 July 1861.

was not followed up was portrayed by the pessimists to be proof of the unremunerative nature of irrigation works.[1] Such predilections signalled storm clouds over irrigation works in his period of administration. The financial background of the early 1860's put any silver linings out of the question. The Colonial Office, as we saw, had ordered MacCarthy to economise. But while these were underlying reasons for MacCarthy's comatose policy in the sphere of irrigation it is evident that the Governor's attitude (as well as that of some others) was largely determined by financial returns. Unfortunately the Government Agent of the Eastern Province, W. Morris, chose this moment to contest Birch's financial calculations on the Batticoloa project though agreeing that the works had "already been productive of great benefit to the landowners" and would indirectly benefit the general revenue.[2] But MacCarthy's inclinations made him read this evidence to suit his views. He did not question Morris' computations. He himself failed to tot up several sources of new revenue.[3] He was not even willing to place the revenue from land sales "to the credit of either the Survey Department or the Irrigation Works".[4] Not only was it, as Morris himself mentioned, wholly premature to pass judgement on the Batticoloa works at so early a stage but MacCarthy's very manner of appraisal was faulty. In fact throughout the 1860's the Auditor-General's computations of returns from

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1. CO 54/416.Robinson - Carnarvon.257. 16 Nov 1866. Encl.2. Newspaper cutting [nd.] reporting a debate in the Legislative Council. Gibson's speech.
C.1202."Colombo Observer". 1 Nov 1866. Editorial reprinting extracts from a debate in the Legislative Council.20 Dec 1862 In actual fact Harrison had got a good job in a leading planting firm in Kandy at this stage.
2. CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Encl. W.Morris - Col.Sec.36. 7 June 1861. which stated that the increased grain taxes from the old land were not due to the new works while the land sales were due rather to the presence of surveyors in Batticoloa for the first time in her history. Note that Morris was stationed in Trincomalee while Birch was in Batticoloa.
3. For eg: the grain taxes that Government would soon derive [fn.cont.]

[fn.3 cont.]

Return shewing the Progress of expenditure under the Surplus Funds Ordinances to the year 1862 and the Estimated Expenditure in 1863. 1 June 1863.
CO 54/386.O'Brien - Cardwell.34. 16 Feb 1864. Encl.13. [A similar return to 1863 with 1864 estimates.]
CO 54/415.Robinson - Carnarvon.232. 15 Oct 1866. Encl.7.[A similar return to 1865 with 1866 estimates.]

the irrigation works continually reveal gross underestimates as well as inconsistencies.[1] So it was that as early as mid 1861 MacCarthy decided to foreclose on irrigation ventures:

> on the whole [he feared he] must come to the conclusion that the Irrigation Works undertaken during the last few years cannot be classed under the head of productive or remunerative Expenditure. [He hoped the experience gained would aid Government in] future undertakings...under judicious management [so as to] present more satisfactory results. 2

The "future undertakings" were not in his time or in that of his locum tenens, Major-General O'Brien (1st December 1863 - 31st March 1865). Barring small sums on maintenance of the existing works absolutely nothing was voted in the period 1861-66, and the expenditure of £6,449-1-9½ in 1861 was from money already voted in Ward's time.[3]

The deflation of the high expectations held in Ward's time justified caution but does not justify the conclusion to which MacCarthy and some others rushed, nor Government's refusal to spend a penny on irrigation works, small or large. MacCarthy's

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1. Thus the land sales in the irrigated districts of Batticoloa from 1857-62 are regularly calculated as £2,047-19-4½ [CO 54/378.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.8.Profit and Loss on works undertaken as remunerative.R.Pennefather. 1 June 1863. and succeeding accounts on same lines.] whereas earlier calculations placed it as £8,001-3-0 for the years 1857-59 alone. [CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Encl.Statement showing Profit and Loss on Works undertaken as remunerative.R.Pennefather; and Y.S.M.Ward.Report on the Batticoloa Irrigation Works.Captain Sim. 28 May 1860. pp 455-460. This latter view is supported by the figure of 7369 acres yielding £12,522 placed to the credit of the works by 1867. S.P.IV of 1867. op.cit. pp 15-16.]
2. CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Another possible reason was the failure of two of the projects in the Southern Province and of that on Kalundewewa Tank, but it is doubtful if this was known at this stage. It was certainly known by the mid 1860's. S.P.IV of 1867. op.cit. pp 19-20,12; and CO 54/416.Robinson - Carnarvon.267. 16 Nov 1866. Encl.2. Newspaper cutting of debate in Legislative Council[Gibson's speech].
3. CO 54/378.MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. [fn.cont.]

approach and policy was hasty and faulty in both conception and grasp. His principles may have been in keeping with those applied to any venture in Britain but as against the views held so strongly by some contemporaries in Ceylon and the irriguous needs of the local peasants,[1] his outlook presents a narrow-minded bookkeeping mentality. Worse still his very arithmetic was erroneous, and both he and other contemporaries were extremely hasty in reaching pessimistic conclusions so early as 1861. As Rogers in London perceived, his figures were insufficient to warrant "any conclusion whatever".[2] He failed to keep in mind the principle that "Government must have higher objects in view involving greater direct advantages than the mere present gain".[3] It was largely with regard to the subject of irrigation that George Wall tilted at him for

> clos[ing] his eyes to all such local wants as would require any large amount of public money, [and i]nstead of relieving the wants which Sir Henry had begun to discover and deplore, [to ignore] them. 4

Though in the event there was no fatal harm in the lack of continuity in large-scale works, five or six years were wasted and when activity was renewed in Robinson's time it was on an over-cautious note with an emphasis on the pay-its-way principle.

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1. "The works upon which the success or failure of eastern agriculture depends cannot be undertaken without Government assistance." [1857 Blue Book Reports. Ward - Lytton. 3. 5 July 1858. pp 245-46.]

2. CO 54/361. MacCarthy - Newcastle. 125. 2 July 1861. Minute by Rogers. 26 Aug 1861; see also supra. p 45.

3. CO 54/432. Robinson - Buckingham and Chandos. 10. 14 Jan 1868. Encl. 4. "Irrigation and Rice Cultivation in Ceylon." Printed extract of debates in the Legislative Council on Ordinance 21 of 1867 as reported in the "Ceylon Observer". [Coomaraswamy quoting an A.G.A., Mitford.

4. "Speculum." [George Wall]. CEYLON Her Present Condition, Revenues, taxes and expenditure. (1868 Colombo). p 171. [So did others. C.1204. "Ceylon Times". 26 Nov 1867.]

The greatest harm was in that MacCarthy's policy served to dampen the spirit and energy of the officials and the people,[1] and to engender the common opinion that "Government look[ed] very unfavourably"on irrigation schemes.[2]

If his successor, Robinson, had been of the same frame of mind as MacCarthy he would have been shaken out of it by Carnarvon, the new Secretary of State. Carnarvon set in train an enquiry and a despatch on the subject of irrigation no sooner than he was in office in 1866.[3] Aware though he was of some of the difficulties, a rather superficial if not wholly incorrect method of assessment led him to the belief that Ward's works had "succeeded" and brought returns and land sales which had "almost if not quite repaid the original outlay"[4] as well as raised crop and land values. Both W. Robinson and Carnarvon were sanguine as to how much rice production could be increased and were patently motivated (initially) by hopes of obviating the importation of rice.[5] Carnarvon, however, did not make remuneration his sole criterion and clearly viewed irrigation works both as generally beneficial as well as a Government obligation. Equally, he

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1. 1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl.In Encl.7. [1864 Admin.Report.Sabaragamuwa.] Birch. 30 Sept 1865. pp 143-144.

2. CO 54/416.Robinson - Carnarvon.267. 16 Nov 1866. Encl.2. Newspaper cutting [nd.] of debate in the Legislative Council. Morgan's speech. [He denied this.]

3. CO 54/424.Robinson - Carnarvon.3. 9 Jan 1867. Minute by Carnarvon. 29 Oct 1866; Memorandum [providing the general review requested] by W.Robinson [a clerk]. 2 Nov 1866; Minute by Carnarvon. 5 Nov 1866. [In Ceylon, however, Robinson had already appointed a Committee to investigate the question.] Significantly Carnarvon had been Parliamentary Under Secretary under Lytton in Ward's time.

4. Ibid.Minute by Carnarvon. 5 Nov 1866. The land sales and the land revenue of Ceylon from 1854 were tabulated and part of the enormous increase was placed to the credit of the irrigation works.

5. Idem; also see CO 54/416.Robinson - Cardwell.251. 30 Oct 1866 Minute by Carnarvon. 7 Dec 1866.

was motivated by thoughts of the grandeur of the work for he considered it

> a reproach on [British] civilization and government if [they] allow[ed] these great and mostly princely works to lie neglected longer than is absolutely necessary. 1

One suspects that "historical [and] archaelogical considerations" played a large part in his line of thought.[2] Private letters from Skinner and Baker spurred him further - even to consider the grandiose idea of an imperial Commission visiting Ceylon to inquire into the subject.[3]

If at this moment the Colonial Office had an energetic man at its head, the finances of Ceylon allowed the man to be energetic: the military contribution was fixed; the railway debt on the path of liquidation; the revenue booming; even Strachey was inclined to allow Colombo some financial "latitude".[4] Strachey had always been inclined to regard the irrigation works in terms of profit and loss based on the faulty (Auditor-General's) Departmental statistics,[5] but it is clear that the

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1. CO 54/424.Robinson - Carnarvon.3. 9 Jan 1867. Minute by Carnarvon. 5 Nov 1866 as well as draft despatch Carnarvon - Robinson.118. 10 Nov 1866.

2. Carnarvon MSS. PRO 30/6/154.fol.1773. Rogers - Carnarvon. 1 Jan 1867 where Rogers warns against being "dazzled" by such considerations.

3. Ibid. fol.120-123. Skinner - Carnarvon. 29 Nov 1866.
Ibid. PRO 30/6/155.fol.1758. Carnarvon - Rogers. 24 Dec 1866.

4. CO 54/402.Robinson - Cardwell.62. 15 June 1865. Minute by Strachey. 28 July 1865.

5. CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Minute by Strachey. 23 Aug 1861.
CO 54/400.O'Brien - Cardwell.36. 6 March 1865. Minute by Strachey. 28 April 1865. It is wrong to say that he was altogether against such projects. On the contrary he was for them but on the pay-ite-way principle. It was also a question of priorities. In 1859 he was willing to sacrifice irrigation and road construction in order to finance the Railway.
CO 54/343.Ward - Lytton.82. 26 April 1859. Minute by Strachey.

Colonial Office in general was highly prejudiced in favour of irrigation works.[1] Rogers, Cox and Fortescue clearly conceived the object of revenue as secondary to the general benefits.[2] Rogers was convinced they had added to the "wealth of the community" and that the policy was "wise".[3]

Robinson in Ceylon, however, needed no urging. Even if he moved so cautiously in 1867 as to make Cox wonder if he was interested,[4] he had in fact anticipated Carnarvon, set aside £10,000 already for irrigation projects and granted the unofficials' requests for an investigation on rice cultivation and irrigation.[5] The unofficial opinion of the time, however, had little faith in Government and was highly critical of Government's performance in this sphere in the past (with reason). So "The Examiner" spoke of the "universally entertained belief that the Government [were] to blame for the languishing state of paddy cultivation".[6]

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1. CO 54/424.Robinson - Carnarvon.3. 9 Jan 1867. The various minutes and memorandums by the Colonial Office personnel.
CO 54/392.O'Brien - Cardwell.Separate.(6). 30 Aug 1864. Minute by Cox. 28 Sept 1864.

2. Idem.
CO 54/361.MacCarthy - Newcastle.125. 2 July 1861. Minute by Rogers. 26 Aug 1861; and Minute by Fortescue. 28 Aug 1861.

3. Ibid. Minute by Rogers.
CO 54/410.Robinson - Cardwell.48. 18 March 1866. Minute by Rogers. 9 May 1866.

4. CO 54/428.Robinson - Buckingham and Chandos.244. 28 Oct 1867. Minute by Cox [a clerk]. 10 Dec 1867.

5. CO 54/415.Robinson - Cardwell.227. 12 Oct 1866. Minute by W.Robinson. 20 Nov 1866.
CO 54/416.Robinson - Cardwell.267. 16 Nov 1866. and Encl.2. Newspaper cutting [nd.] of debate in Legislative Council on Irrigation and Rice Cultivation.

6. C.1210. "The Examiner." 13 Nov 1867.
Also see C.1204. "Ceylon Observer," 22 Aug 1867 and November and early December issues; Ludovici.Rice Cultivation. (1867. Colombo). passim.

Government's approach was extremely cautious.[1] Robinson himself was a prudent man and Gibson was pessimistic and ultra-economical.[2] Official circles moreover were governed by a belief in the "indolence" of the natives - an indolence which was taken as "a standing argument against all irrigation experiments".[3] This over-caution was also in part dictated by the knowledge that the Devitura and Kirama works in the South, some of the dams in the Eastern Province and Kalundewewa in the Central Province had failed[4] - leading to Robinson's rather sweeping verdict that Ward's works had financially failed to live up to their expectations.[5] But soon further investigation was to reveal that the Batticoloa works were a financial success and that the consensus of opinion among officers in the field was strongly in favour of

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1. CO 54/416.Robinson - Carnarvon.267. 16 Nov 1866. Minute by Carnarvon. 26 Dec 1866. "A Committee is granted - but in granting it they [Government] almost deny that it will produce the results with a view to which it is appointed."

2. Carnarvon MSS. PRO 30/6/155.fol.120-123.Skinner - Carnarvon. 29 Nov 1866.
Digby.Life of Morgan. (1879. Madras).Vol.11.Appendix.The Reminiscences, Personal and Incidental, and the Railway and other journeys of a Peripatetic Contributor. [Morgan]. pp 293-295.

3. Governor's Addresses.Vol.11. Robinson. 5 Oct 1866. pp 93-95. The example of the Horaborawewa area where land, water and population existed but where there was little rice cultivation was cited as one of the proofs; the refusal to become estate labourers as another.

4. CO 54/416.Robinson - Carnarvon.267. 16 Nov 1866. Encl.Extract from a newspaper on proceedings in the Legislative Council. [Gibson's speech.]
S.P.IV of 1867. op.cit. pp 19-20,12; and App.1. pp 75,77,81.

5. Carnarvon MSS.PRO 30/6/154.fol.1632-1633.Robinson - Carnarvon 13 Dec 1866. [Another reason was that the scheme for a private land reclamation company broached by Harrison and Leake had been dropped as unprofitable by their promoters. Supra. pp 153-54.]

irrigation projects.[1]

Throughout Robinson's administration, Colombo was clearly motivated by the financial benefits (to Government) expected from irrigation ventures[2] - to a greater degree than either Ward or Gregory though to a lesser degree than MacCarthy. Another consideration particularly characteristic of this period was the hope that increased rice cultivation could obviate the need to import rice. While planters, animated by the selfish desire of reducing their costs, sanguinely believed this possible,[3] Government was experienced enough at this stage to be convinced that they could not "expect to be independent of India in the supply of rice".[4] Nevertheless it was the extreme scarcity of rice in May - June 1866 - a crisis of supply in Colombo especially - that drove home the dangers of reliance on India and spurred Robinson to consider irrigation projects as a means of extending local rice production.[5] Their emphasis was on achieving localised benefits for the people as well as stimulating "native industry".[6] Robinson himself realised that the people did not

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1. S.P.IV of 1867. op.cit.App.Part 1. [Birch in 1867.] p 85 and passim. According to Elliott the area under crop in Batticoloa District rose from 22,638 acres in 1856, to 41,380 in 1867 and the total revenue from [£2,400] to [£6,069] while Hume stated the lands under rice cultivation in the Eastern Province as a whole had more than doubled between 1856 and 1876. [Tropical Agriculturist.Vol.37. (Dec 1911) E.Elliott. "Paddy Cultivation in Ceylon during the 19th century." p 503; and S.P.XVI of 1877. [Report of the Grain Tax Commission.] App.I.No.31. Replies from W.W.Hume,G.A. p lv.]
2. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. S.P.IV of 1867. op.cit.App.Part 1. Resolutions of the Committee. p 210.
3. CO 54/416.Robinson - Carnarvon.267. 16 Nov 1866. Encl.2. Newspaper cutting [nd.] of debate in the Legislative Council on Irrigation and Rice Cultivation. [Morgan's speech.]
4. Governor's Addresses.Vol.II.Robinson. 16 Jan 1867. p 117.
5. Ibid. Robinson. 5 Oct 1866. pp 91-92.
6. Ibid. Robinson. 16 Jan 1867. p 117 as well as CO 54/416. Robinson - Carnarvon.267. 16 Nov 1866.

have the means of undertaking irrigation works and that it was Government's duty to aid them because Government aid to European enterprise had been large.[1] As in the decades before a salient motive was the political one: the desire to "attach" the people to British Government,[2] revealing as it does that British policies in native welfare were never solely altruistic. There was also an ancillary object in the 1860's which had not been evident before: arising from the 'depopulation of the Vanni question', irrigation works were viewed as a means of improving the health of the Dry Zone villages; but this was more in the nature of an afterthought.[3]

In the event a decision to avoid scarcely peopled areas was taken on a reiteration of the point by several experienced officials[4] (thus continuing Ward's policy); and this automatically excluded most of the areas where irrigation works were needed to improve the healthiness of the region as well. Robinson conceived the

> conditions essential to the success of irrigation experiments [to be] the presence in a tolerably healthy district of a population able and willing to extend the existing cultivation, which being dependent alone on rainfall, suffers periodically from unfavourable seasons. [5]

However it is worth noting that two other trends in Government policy of the time were to lead them, soon, to concentrate to a greater extent on the Dry Zone. Always anxious to restrict

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1. CO 54/432. Robinson - Buckingham and Chandos. 10. 12 Jan 1868.
2. S.P.IV of 1867. op.cit. App. Part 1. Resolutions of the Committee. p 210.
   S.P.XX of 1869. Cattle Disease Commission. Oct 1869. p xxiii.
3. C.G.A. Lot 4/235. Secretary of State - Robinson. 30 Oct 1868. Minute by Robinson. nd. [probably draft of reply].
4. Carnarvon MSS. PRO 30/6/155. fol. 120-123. Skinner - Carnarvon. 29 Nov 1866.
   1867 Admin. Reports. Public Works. G. Molesworth (Director of Public Works). 13 June 1868. p 157.
5. Governor's Addresses. Vol. II. Robinson. 5 Oct 1866. p 92.

chena cultivation - through a variety of motives - this desire had crystallised into firmer efforts to restrict chenaing, even in parts of the Dry Zone.[1] The other strand was their desire to collect the grain tax by means of commutation agreements rather than by farming the rent - and to extend this system to as many parts of Ceylon as possible.[2] But the fact remained that chena cultivation was forced on the peasants of many areas as a result of the lack of water for paddy cultivation. So too, the precariousness of rice cultivation in the Dry Zone and its margins rendered it impossible for the peasants to adopt the commutation system with its fixed annual payments. When these circumstances came to be properly appreciated in Colombo, they considered it unfair to push these policies in such districts without rendering paddy cultivation assured and stable;[3] in other words, without irrigation works. Thus it was that they hoped that such works would enable them to extend the commutation system in such areas[4] and that "[a]s irrigation [was] extended, chena cultivation [would] be checked and reduced".[5] Additional motives had clearly come into

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1. 1872 Admin.Reports.Nuwarakalawiya.H.H.Cameron.Acting A.G.A. 28 April 1873. p 117.
S.P.XV of 1873.Papers relating to the Cultivation and Survey of Chena Lands. Introduction. p 5.
See also Chapter 4. Infra. pp 268-71 for elaboration of motives and steps.

2. Governor's Addresses.Vol.II.MacCarthy. 12 Aug 1863. p 26.
See also Chapter 5. Infra. pp 369-70.

3. 1872 Admin.Reports.Nuwarakalawiya.H.H.Cameron.Acting A.G.A. 28 April 1873. pp 117-118.
S.P.XXIX of 1878.Papers re Grain Taxes: No.1.Gregory - Carnarvon.15. 9 Jan 1877. pp 10-11.

4. Ibid.

5. S.P.XXIX of 1873.Correspondence on the subject of the Conservation of Crown Forests: Gregory - Lord Kimberley.237. 31 July 1873. p 7. See also C.1202."Colombo Observer".Report on proceedings of the Legislative Council. 10 Nov 1866. Gibson's speech.

play by Gregory's time. It is of some significance moreover that the very moves to extend the commutation system and to suppress chena cultivation were both part and parcel of the very aim of agricultural improvements and increased output of rice - the fixed annual rate under commutation being regarded as an incentive to production for profit,[1] the restriction of chenaing partly as a means of forcing the people to rely more on paddy cultivation.[2] The provision of irrigation works had now become an instrument of wider policy.

The 1866-67 investigation provided the basis and the principles for the not inconsiderable provision of irrigation works in Robinson's time. But Government's approach erred on the side of over-caution while tincture, emphasis and focus was far too aligned to the 'pay-its-way' principle. Thus the £10,000 set aside was not used for a while because no feasible schemes had been found - feasible in the sense of paying. In fact, at the outset Robinson was even set on asking the peasants to pay interest as well as outlay on the construction.[3] Eventually Government settled on asking the cultivators to repay the outlay in ten years by means of an annual water-rate. This was expected to be 2s. per acre. In those ten years Government would be responsible for maintenance; thereafter, the water-rate would cover it.

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1. Tropical Agriculturist. Vol. 37. (Sept and Oct 1911). E. Elliott. "Paddy Cultivation in Ceylon during the 19th century." pp 226,307.

2. 1871 Admin. Reports. Nuwarakalawiya. T. W. Rhys-Davids. Acting A.G.A. 16 July 1872. pp 92-93.
1872 Admin. Reports. Nuwarakalawiya. H. H. Cameron. Acting A.G.A. 28 April 1873. p 117.
L. Ludovici. Rice Cultivation in Ceylon. (1867. Colombo.) p 26.

3. Digby. Life of Morgan. (1876 Madras). Vol. 11. p 13. Quotation from Morgan's diary. 14 Sept 1867.

Throughout, the usual grain tythe would be exacted as well.[1] Government therefore rejected the Sub-Committee's suggestion that gratuitous aid should be provided in restoring village tanks - an important change, this, reflecting a far less liberal policy. Government maintained that no distinction could be made between tanks, that, financially, it was too costly and "scarcely feasible", that it was "unjust", and "impolitic" in that there would be too many requests for aid and that "the native character" did not appreciate the value of anything donated. It was considered

> equally right and just that the people who benefited should eventually pay for [the resulting] advantages

and that there was

> no reason why a 100 acres of Paddy Cultivation should be supplied at the public charge with a sluice and spillwater than that a 100 acres of Coffee Cultivation should be supplied with a barbecue and a pulper. 2

Another of their arguments, as we saw earlier, was that the principle of repayment was "the very best possible test as to the remunerative character of the work". On these grounds, Government established the pay-its-way principle for all works in opposition to protests in Council from two unofficials Coomaraswamy and Maartens[3] and despite previous warnings against a water-rate from the Committee of the Ceylon Agricultural Society as

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1. CO 57/42.Minutes of Executive Council. 6 Dec 1867.
CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1867.
Ibid.Encl.3. "IRRIGATION AND RICE CULTIVATION IN CEYLON".
[Robinson's speech.] 11 Dec 1867.
[Strictly speaking the term "water-rate" is a misnomer; it was planned to be an instalment repayment.]

2. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1867.
Encl.3. "IRRIGATION AND RICE CULTIVATION IN CEYLON".
[Robinson's speech.] 11 Dec 1867.
See also CO 57/42.Executive Council Minutes. 6 Dec 1867.

3. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868; and Encl.Printed report on the proceedings of the Legislative Council taken from the "Ceylon Observer".

well as some of the newspapermen.[1]

Another aspect of the plan evolved was the machinery for proposing and deciding on projects. Initiation of projects was not only to come from the decision of a majority of proprietors in each locality but they were to have the option of rejecting or accepting the Government terms. Their requests were to go through their Government Agents and the gansabhas were deemed useful consultative bodies at this level. At the higher level, Government decisions whether to entertain particular requests would rest on a Board composed of Government Agent of district concerned, Surveyor-General and Director of Public Works. A third aspect related to the machinery of construction. The help of gratuitous local labour does not seem to have been envisaged. Government was to construct the works. No special department was created. The task continued to be in the hands of the Public Works Department but they appointed a special Irrigation Assistant on a good salary.[2]

All these principles were tacked on as the fifth and sixth sections of the Irrigation Ordinance of 1867 - and form the second broad aspect of that Ordinance. The scheme was proclaimed with some fanfare and self-congratulation: with emphasis on the fact that it was "self-supporting" from the financial viewpoint; that in contrast to Ward's time, it was much more systematised

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1. C.1202. "Ceylon Observer". 22 Aug 1867.
Ibid. 19 Sept 1867. Report of the Committee of the Ceylon Agricultural Society. [The authors were J. De Alwis, H. Dias and J. A. Perera (Maha Mudaliyar), all Sinhalese landed gentry. The Society itself had numerous Burgher members including Ludovici, and Lorenz, the editor of "The Examiner".]

2. CO 57/42. Minutes of the Executive Council. 6 Dec 1867.
CO 54/432. Robinson - Buckingham and Chandos. 10. 14 Jan 1867; and Encl.5. [Morgan's memorandum on the Ordinance.] 12 Jan 1868.
[In practice some Agents used voluntary labour. C.1210. "The Examiner". 29 Jan 1870.]

and comprehensive;[1] and while 'moderate and unpretentious' at the same time once they saw themselves moving in the right direction they could enlarge the scheme, and once this was persevered in, produce "vast results ... which ... [could] transform the whole face of the country".[2] There was wide insistence in official circles that the terms were highly liberal to the peasant - Robinson even being inclined to think them "[perhaps] unduly liberal".[3]

The Colonial Office was highly impressed with the whole scheme as "at once cautious, comprehensive and practicable"[4] though Rogers had the insight to see that the plan hinged on the peasants' acceptance of the water-rate:

> [the] plan ... combines practicability, tentativeness and comprehensiveness most excellently - unless indeed Mr. Coomaraswamy is right in supposing that the natives will not consent to pay the proposed water-rate.
>
> I do not think the scheme a bit too liberal to the cultivators. On the contrary if I were to differ I [should] differ in the direction though not at all to the extent of Mr. Coomaraswamy who considers that the Government [should]perform the work without payment. 5

The scheme helped to achieve much but had its deficiencies. Too much labour was asked of the Surveyor-General and the Director of Public Works. Certainly the process of investigation and

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1. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868; and Encl.Printed Report of Proceedings of the Legislative Council taken from the "Ceylon Observer". [Morgan's speech.]

2. Ibid.Encl.3. "IRRIGATION AND RICE CULTIVATION IN CEYLON". [Robinson's speech]. 11 Dec 1867.

3. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. CO 54/438.Hodgson - Buckingham and Chandos.134. 15 Dec 1868. Hodgson was the Commander -in-Chief who was interim Governor while Robinson was on leave.

4. CO 54/440.Treasury - Rogers.11 Oct 1868. Draft.Buckingham and Chandos - [Hodgson].257. 26 Oct 1868.

5. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Minute by Rogers. 12 March 1868.

decision was "extremely cumbrous and inconvenient".[1] Thus the Agent in Sabaragamuwa complained that it was

> very discouraging to [him] to find that no amount of personal exertion or representation is of any avail against the vis inertiae of the "Board" or its constituent departments.

The scheme, he said, had

> raised hopes which it seems are never to be realized... [and since the people had gladly accepted the terms it was not surprising that] they refuse[d] to credit the excuses given to them for repeated delay; [2]

and so they soon "lapsed into indifference".[3] Expectant agents and people in other areas were equally disheartened.[4] On the other hand those in the Southern and Eastern Provinces where works were undertaken were, apparently, quite satisfied.[5]

However it is the principle of repayment as embodied in the water-rate that presents the most glaring weakness - not only because it was in contrast to Ward's "grants-in-aid" system but because it was opposed by contemporaries.[6] In fact, the 'Ceylon

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1. 1871 Admin.Reports.Trincomalee.R.W.D.Moir.A.G.A. 26 April 1872 pp 196-97. This had seemed obvious to me on reading the scheme and it was only during a later draft that Moir's evidence turned up to render my cautious "seems to have been" into a positive "was". Moir details how it was inconvenient and how the Irrigation Board was 'superfluous'.
2. 1869 Admin.Reports.Sabaragamuwa.F.R.Saunders.Jnr.nd. p 20.
3. 1870 Admin.Reports.Sabaragamuwa.F.R.Saunders.Jnr. p 26.
4. Ibid.[Kurunegala District].J.Parsons.G.A.North Western Province. 3 Feb 1871. p 176.
5. 1870 Admin.Reports.Matara.E.Elliott.A.G.A.nd. p 151.
   1868 Admin.Reports.Badulla.W.E.Sharpe. 30 June 1869. p 44.
6. C.1202."Ceylon Observer". 22 Aug 1867. [But the editor of the time(John Ferguson) soon changed his tune on this point, being highly enamoured of Government's scheme after it was presented. See December issues and that of 30 December 1867 in particular - but thereafter the Observer changed to a middle position [Ibid. 20 April and 7 May 1868] and then back again to a supporter of Government and the repayment principle as "only fair". [10 June 1868; 21 Feb 1870.]

Observer" had warned them ahead that, there should be

> above all, no additional taxes; [that] with the heavy tithes now pressing on the cultivator, fresh taxation even of a local nature [was] much to be deprecated, and might well lead the people to refuse to participate in a scheme which seemed to take from them with the one hand what it gave with the other; [that i]n fact a proposal to impose petty taxes...[would only] secure the failure of the Irrigation experiments; [1]

while similar criticism was levelled at the scheme by others - and in no uncertain terms.[2] The argument that the people would only value something they had paid for was both specious and inapplicable in this instance. Nevertheless Government could make out a case for this policy in other ways. Since specific areas benefited from such works, it was argued that the general revenue should not be used for such purposes;[3] but to speak thus was to be inconsistent in that the general revenue was used for specific benefits to the planters, and unrealistic in that it was the very poverty of the peasants that activated Government intervention. But Government's strongest position lay in precedent - for it seems that the principle of a water-rate was accepted in ancient as well as contemporary Sinhalese society.[4] What is striking is that both before and immediately after the scheme was ready, the people of many areas[5] - though not all[6] - agreed with the

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1. C.1202. "Ceylon Observer". 22 Aug 1867.
2. C.1210. "The Examiner". 13 Nov 1867; 2 May 1868; 9 Feb 1870. Ibid.Supplement. 24 Dec 1867. Letter to editor from"Political Economist",nd.
3. CO 57/46.Executive Council Minutes. 12 Dec 1868.
   CO 54/435.Robinson - Buckingham and Chandos.155. 24 June 1868 Encl. [Robinson's reply to a farewell address in Kandy. June 1868].nd.
   1867 Admin.Reports.Sabaragamuwa.P.R.Saunders. 7 March 1869. p 15. Sabaragamuwa is stated to be "the only District...in which a water-rate exists as a native custom".
5. S.P.IV of 1867. op.cit.App.1.General Remarks. E.Elliott [A.C.A.Matara]. 30 Aug 1867. p 91.
   1869 Admin.Reports.[Trincomalee District].Birch.G.A.Eastern Province. 29 March 1868. p 100.
   1867 Admin.Reports.ibid. p 20.
6. Ibid.Puttalam.W.C.Macready.A.C.A.nd. p 63 fn.
   Ibid.Supplement.24 Dec 1867.Letter to editor from"Political Economist."nd.

officials that the terms were most liberal.

This seemed to justify the principle of remuneration. On the other hand, the Sub-Committee had recommended gratuitous aid in restoring what was universally recognised[1] as the most important class of tanks, the village tanks. Seemingly possible, the Government argument that repairs to some of these tanks could well cost as much as large projects and that no distinction could therefore be made, was largely fallacious in fact. In the second place, it should have been clear that the principle of repayment could well jeopardise necessary projects - as indeed it did. It could also bear oppressively on the people - subject as they were to eviction from the land for non-payment of the water-rate.[2] Besides, as some officials and unofficials in Ceylon and Rogers in London did argue, the existence of a grain tax (largely on rice), as distinct from a land tax, was an argument for the provision of irrigation facilities.[3] Without requiring Government to shoulder unlimited burdens one could agree with Ward's emphasis on this task as an essential obligation on Government's part. Robinson's Government failed to balance this concept against their desire to recoup the expenditure. They stuck far too closely to the financial aspect. It is true that

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1. S.P.IV of 1867. op.cit.App.Part 1.B. "Notes on Irrigation". Captain Fyers.(Surveyor-General).nd. p 211.
   V.S.M.Ward. [Bailey's Report on Irrigation]. 19 Dec 1855. pp 96-97.

2. For both results see Infra. pp 171-73.

3. CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.4. Printed report on debates in the Legislative Council. [Coomaraswamy's and Maartenz's(both unofficials)speeches, quoting Mitford and Twynam(two experienced officials)with approval.]
   S.P.11 of 1872.Reports on the Working of the Paddy Cultivation Ordinance(No.21 of 1867). Report of the G.A.North-Western Province.W.D.Wright. 1 Aug 1872. pp 11-12.
   CO 54/428.Robinson - Buckingham and Chandos.244. 28 Oct 1867. Minute by Rogers. 18 Dec 1867.
   C.1202. "Ceylon Observer". 6 July 1868. Letter to editor by "Speculum". 4 July 1868.

the authorities in India, in raising the land revenue of irrigated tracts, applied much the same principle as a water-rate; and that they too, largely appraised the success of irrigation works according to the financial return. But it was precisely this principle that attracted sharp criticism from the Famine Commission of 1880; and the Commission stressed that irrigation works should -

> be judged first, by "the direct protection afforded by them in years of drought", and secondly by the great services they rendered in imparting "certainty to all agricultural operations, increasing the outturn per acre of the crops, and enabling more valuable crops to be grown"; 1

some of these considerations being precisely those advantages that were often reiterated by Ward, Birch and other officials in Ceylon. In the circumstances therefore, to test the value and the practicability of any irrigation project according to the ability of the locality to meet the water-rate imposed by the estimate, as Robinson intended to, was a fallacious mode of appraising such tanks.

In the event the system proved to have serious drawbacks. For one thing the refusal to give monetary aid towards repairing village tanks threw the burden on the people. While the <u>ganasabhas</u> in a few spots rose to the occasion,[2] the majority of villages did not have the capital - little as it was - to provide for the sluices and masonry work.[3] It is not surprising that the zealous Elliott was highly critical of Government's inadequate attention in this sphere.[4] As far as the Dry Zone is concerned, even if

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1. Bhatia. <u>Famines in India</u>. (1963.New Delhi.) p 127.
2. <u>1870 Admin.Reports</u>.North-Western Province and Kurunegala District.J.Parsons. 3 Feb 1871. pp 176-177
3. CO 54/452.Robinson - Granville.8. 9 Jan 1870. Encl. Birch [G.A.Eastern Province] - Col.Sec.267. 7 Dec 1869. <u>1872 Admin.Reports</u>.Mullaittivu.G.H.Withers.Acting A.G.A. 28 Feb 1873. p 137.
4. <u>S.P.11 of 1872</u>. <u>op.cit</u>.Report of the A.G.A.Mutura,E.Elliott. 5 July 1872. pp 23-25.

the decision to postpone large schemes was explicable, the failure to arrest the decline in the village tanks was cruel.[1] It was only with Gregory that this aspect was remedied with a return to the "grants-in-aid" system.

For another the principle of repayment allied to a dependence on the initiation and consent of the people meant that nought was done where something was possible.[2] In one area nothing could allay the landowners' suspicions that this was "a covert scheme" to rid them of their land either to Government or to "influential persons".[3] Thus

> as regards districts the inhabitants of which [were], as a rule, poor, [like] the Anuradhapura and Mannar districts - ... the people [were] virtually left, [as before, to their own resources] as it [was] simply impossible for [them] to seek [Government aid on the conditions laid down]. 4
>
> What is more, though payment of the water-rate had been readily guaranteed by [the people, it] was found to be impracticable where the cost of the work was large and instalments proportionately heavy. 5

It is true that in a few areas such as Badulla and Matara the people paid the instalments readily,[6] but an investigation in

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1. 1871 Admin.Reports.Nuwarakalawiya.T.W.Rhys-Davids,Acting A.G.A. 16 July 1872. p 105.

2. CO 54/452.Robinson - Granville.8. 9 Jan 1870. Encl.Birch [G.A.Eastern Province] - Col.Sec.267. 7 Dec 1869. 1872 Admin.Reports.Mullaittivu.G.H.Withers,Acting A.G.A. 28 Feb 1873. p 137.

3. S.P.11 of 1872. op.cit.Report of the Acting G.A.North-Western Province,W.D.Wright. 1 Aug 1872. p 10.

4. Ibid. Report of the G.A.Northern Province,Twynam. 13 Sept 1872. p 33.

5. Governor's Addresses.Vol.11.Gregory. 7 May 1877. p 486.

6. 1870 Admin.Reports.Badulla.W.E.Sharpe. 27 June 1871.pp 49-50; and Matara.E.Elliott.nd. p 151.

1872 revealed that in the generality of cases the system of ten instalments was far too "onerous" and that the people preferred payment to be spread over a longer period.[1] Thus Gregory found the system inelastic, and remedied it before it had taken its toll. Without jettisoning the pay-its-way principle his Government provided other modes of repayment. The people could pay ten instalments as before or pay a lighter water-rate of a maximum of Re.1 per acre (ie 2s.) or not more than 7½per cent on the works. The greatest relief perhaps was that this payment could "be commuted to [one] in kind".[2] The very need for amendments underlines how serious a drawback Robinson's water-rate had been. Besides which of course it placed some in the path of eviction[3] and others in the danger of having to sell out to the richer folk in their area.[4] For these few certainly there was precious little in the scheme for their comfort.

Despite such deficiencies a considerable degree of reparation was achieved in Robinson's time. Between 1867 and 1871 around £50,500 seems to have been spent on irrigation works.[5] Many of

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1. S.P.11 of 1872, op.cit. Each individual report gives replies to specific queries pertaining to all aspects of Ordinance 21 of 1867 and was a comprehensive investigation on which Gregory's changes were based.

2. Governor's Addresses, Vol.11.Gregory. 25 Sept 1872. pp 260-61. Ibid. 7 May 1877. p 486. All these changes were made retrospective.

3. S.P.XV of 1872. Irrigation works. [The "amount recovered by parate execution" between 1868 and 1872 was £356-10-0.]

4. S.P.11 of 1872. op.cit. Report of Acting G.A.North-Western Province, W.D.Wright. p 10; and of the A.G.A.Kanner, P.A.Templar. pp 35-36.

5. A.M. and J.Ferguson. Taxation in Ceylon. (1890. Cbo.) Part 11. Editorial from "Ceylon Observer". 19 Dec 1876. The figure I had arrived at myself was £69,533: culled from 1868-72 Admin. Reports. Reports of the Directors of Public Works. Elliott on the other hand places the figure at £78,000 Tropical Agriculturist. Vol. 38. (Jan 1912) E. Elliott. "Paddy Cultivation in Ceylon during the 19th century", p 24.

these works were in progress however and Robinson had committed his predecessor to much more expenditure: in fact in 1872 it was reported that since 1868 expenditure on works completed and in progress amounted to £111,927.[1] This was largely on roughly thirty different undertakings of some consequence[2] - most of them in the Trincomalee and Batticoloa districts, (Eastern Province) and Matara and Hambantote districts, (Southern Province) but there were a few in the North-Western Province and Sabaragamuwa district (Western Province). This presents a tale of no mean achievement - much more than in Ward's time. It is well to note however that some of these works had

> been pushed on prematurely and others had been constructed in a less permanent manner than [was] desirable.[3]

This was in part because of the inexperience of the surveyors and engineers concerned but also "arose from the insufficient number of officers".[4] The skilled core of technicians had not been augmented adequately. The actual costs often exceeded the estimates. By indicating that a slow and careful assessment was better than a hasty decision this fact counters the criticism we levelled at the slow consideration of various projects - but it

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1. S.P.I of 1872.Irrigation Works. [According to Robinson himself it was £104,000 if one counted the estimates of 1871 and the actual expenditure in other years. Governor's Addresses.Vol.II.Robinson. 29 Dec 1871. p 240.]

2. Culled from 1870 and 1871 Admin.Reports. which do not include works begun in 1872.

3. 1872 Admin.Reports.Report on Public Works. J.R.Mosse(Director of Public Works). 16 May 1873. p 251 quoting 1871 Report. Some were utter failures - for eg: the Galkulam and the Pedura Oya works. [1871 Admin.Reports.Puttalum.R.C.Pole. Acting A.G.A. 8 May 1872. pp 228-229] and the Periyakulam tank [Ibid.Trincomalee.R.W.D.Moir,A.G.A. 26 April 1872. pp 194-195]. What is more by 1872-73 "there was an impression abroad" - rather prematurely as Irving contended - that the 1867 scheme had failed financially.[1872-73 Hansard. 6 Jan 1873. The Colonial Secretary, Irving's speech. p 82.]

4. 1872 Admin.Reports.Report on Public Works.J.R.Mosse. 16 May 1873. pp 250-52.

[fn.4.cont.]

works [had] been constructed". He backs this up with statistical calculations as well - these, of course, relate to the whole of the second half of the century [Vol.40. pp 326 and Vol.41. p 116].
See also S.P.XVI of 1877 [Rept.Grain Tax Commission] Resumé. Question 2. p 14: "generally speaking it appears that paddy cultivation has increased during the last twenty years". [Whereas Keane grants the great indirect benefits in the Eastern, Southern and North-Central Provinces and the financial profitability in the Eastern and Hambantota districts, and initially in Matara, he also adds: "The conclusions...that financially irrigation has failed to answer its early expectations is irresistable". S.P.XLV of 1905. Report on Irrigation in Ceylon. Captain J.Keane. p 13]. op.cit. One cannot be certain whether Elliott's statistics are correct.

is well to note that the low estimates rose in part from an "endeavour to limit the outlay per acre to the figure contemplated by [Robinson]".[1]

In the last resort however these efforts must be judged not in terms of expenditure but in accordance with their purpose of increased cultivation of paddy. It is impossible to separate the effect of the larger schemes from the influence of the resuscitated gansabhas though it is true that certain specific schemes undoubtedly brought more land under cultivation.[2] Gregory himself penned: "that paddy cultivation has largely extended, and is largely extending cannot be gainsaid"; while Elliott, whose interest and knowledge in this matter knew no bounds, was not only of similar opinion but provides statistics as well.[4]

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1. Tropical Agriculturist.Vol.38.(Jan 1912)E.Elliott.op.cit.p24.

2. For eg: 1870 Admin.Reports.Badulla.W.E.Sharpe. 27 June 1871. pp 48-49. (Horaborawewa).
1869 Admin.Reports.Survey Dept.Captain A.B.Fyers.nd. p 153.
1868 Admin.Reports.Batticoloa. 22 Jan 1868. pp 186-187.

3. S.P.XXIX of 1878.Papers re Grain Taxes. No.1.Gregory - Carnarvon.15. 9 Jan 1877. p 6.

4. Tropical Agriculturist.E.Elliott. op.cit.Vol 37. pp 307,503; Vol 38. pp 26,316-18,405; Vol.39. pp 235 and 21-23 in particular. He computes the average production in the period 1903-1907 as 12.7 millions of bushels of paddy as against one of 5.7 millions of bushels of paddy in 1852-1856 - which meant that production had doubled though the acreage had increased only 50% [Vol.39. p 235]. He provides a table of the Average Area under Cultivation and the Estimated Average Crop for periods of five years in each province, beginning from the period 1862-1866. He discriminates between provinces where irrigation had a large hand in the improvement (eg: Eastern Province) and those in which they did not (Sabaragamuwa,Central Province,Uva,North-Western Province). Thus as explanative of the increased production in 1888-1892 as against 1852-56 he rates 1,254,000 bushels of paddy to have been due to irrigation and 2,254,000 to other causes. Elliott, in fact, was convinced of "the remarkable advance over and above the usual rate in the population of the districts where irrigation

[fn.cont.]

As active as Ward and liberal with his expenditure in general though Robinson was, his approach in the sphere of irrigation does have some dissimilarity in spirit. In contrast to Ward's infectious, buoyant yet practical zest in undertaking irrigation works, Robinson brought a more prudent and financially over-cautious attitude. Ward no doubt was governed by the over-expectations of the time while Robinson arrived when the climate of opinion was less favourable to irrigation works. But he never did evoke the same degree of enthusiasm among irrigation enthusiasts in the official ranks as Ward and Gregory did. He would certainly not have subscribed to an adapted maxim from the Gita "In irrigation works be thine office, in their fruits never let it be".

It remains to appraise the irrigation policy as a whole. The different Administrations' motives, as we have seen, were never wholly altruistic. But in varying shades many officials were genuinely concerned about improving the condition of the peasentry by these means. At the outset they seem to have had the sanguine belief that it would be easy to raise up a prosperous peasantry and that the output of rice could be greatly expanded. These hopes contributed to persuading these laissez-fairists to take up the task of tank restoration - obviously called for as it was by the circumstances. That they were tardy in leaving this till the mid-1850's is clear enough; and this, in fact, is merely a repetition of Ward's indictment in very mild form. Admittedly the finances were low till the mid-1850's but not so low as to prevent some expenditure annually, particularly in the boom period of the mid-1840's.

But what of the achievements in the Ward - MacCarthy - Robinson era? The resuscitation of the irrigation customs and the use of the ganabha in this sphere was perhaps their greatest achievement. Though partially applied and patchily implemented, it effected much that was good, extended cultivation, and certainly pleased many of the people. It is indeed material for

reflection that it was an adapted version of ancient institutions rather than new principles transplanted from Europe - as regards land tenure and Kandyan marriages for instance - that prospered in Ceylon. Robinson's policy was marred by a strict application of the pay-its-way principle as well as cumbersome machinery of decision but nevertheless many works were completed, and Gregory remedied some of the defects in time.[1] Of the larger projects undertaken by Ward and Robinson several were beneficial with Batticoloa presenting the real success story.[2] That only a few regions were given the benefit of large projects at this stage was the result of circumstance: of factors of climate, terrain and population; some regions, in fact, did not need large-scale works. As it was, attention was soon paid to many of these regions.[3] Some of the projects failed, usually because of faults in technical construction. That some were not all that beneficial and that more was not undertaken is a reflection on the obstacles faced but, as a whole, the large irrigation works in association with the gansabha, did increase the production of rice. Nevertheless one feels strongly that more could have been achieved.

Admittedly, one might request Government policy to be judged in the light of the laissez-faire notions of that day, but equally admittedly, such notions had been cast aside both in India and Ceylon; and Government in Ceylon had acknowledged its obligations in this sphere both as necessary and as being in unison with traditional practice. The obstacles were great but most of them could have been grappled with more intensely. The scepticism and

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1. S.P.XLV of 1905. Report on Irrigation in Ceylon. Captain J. Kenne. pp 5-6.

2. Batticoloa was not altogether insured against water-shortage and short crops; eg 1876; but this was in part because the extension of cultivation had "outstripped the capacity of the irrigation works". Tropical Agriculturist. Vol. 38. (June 1912). op. cit. p 510.

3. Tropical Agriculturist. Vol. 39. E. Elliott. op. cit. pp 21-24, 236-8. S.P.XXIII of 1878. Return of Irrigation Works...1868-1st Aug 1878.

the emphasis on recoupment so characteristic of the 1860's were clearly overdone. A little more vision would also have brought the expansion of the administrative and technical services essential for a more effective and extensive provision of irrigation facilities. These again have the tones of twentieth century criticisms.[1] But the fact remains that the overemphasis on the principle of repayment overlaid the general benefits which Ward and others anticipated from such works - benefits which were not figments of imagination - and seems unjust in view of the grain tax collected for years past. The fact remains that Ward had not applied a water-rate and that several contemporaries (unofficial and official) opposed it. The complete attachment of the officials to this principle is striking. Only a few such as Mitford, Steele, Twynam and Wright raised voices of challenge[2] - that by Wright being strongly humanitarian: "why", he asked,

> should [Government] not listen to proposals for diffusing industry and prosperity throughout the Island unless promises are held out that the people will pay the first costs of such works? It really seems as if there was a preponderating sentiment of the unacceptability of anything but a taxation scheme . 3

Even by contemporary conceptions this policy had serious shortcomings. A basic aspect of Government policy was to give the peasant sufficient profits to induce extension of cultivation, and the commutation scheme was fostered with this end in view.[4]

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1. Note: Both Captain Fyers and Sharpe (A.G.A.) stressed the need for a staff of European engineers to supervise and maintain village works. S.P.IV of 1867. op.cit. App.Part 1.pp 45,52

2. S.P.11 of 1872.Reports on the working of the Paddy Cultivation Ordinance(21 of 1857).pp 11-12,33.20.
CO 54/432.Robinson - Buckingham and Chandos.10. 14 Jan 1868. Encl.4."Irrigation and Rice Cultivation in Ceylon".[Coomaraswamy quoting Mitford in course of the Legislative Council debate].

3. S.P.11 of 1872. op.cit.Report of the Acting G.A.North-Western Province,H.E.Wright. 1 Aug 1872. pp 11-12. He devotes much space to this point and is conscious that he is in a minority

4. Infra. pp 342-43, 346, 369-70.

It was not realistic to supply him with essentials like irrigation works and milk him of some of his profits through a combination of the paddy tax and water-rate - especially as it was known by then that paddy cultivation was not a particularly profitable enterprise.[1] Perhaps justifiable per se,[2] even a moderate water-rate assumes a different colour when taken in conjunction with the paddy tax. As an unofficial argued

> [g]ive the people every facility which a Government desirous of encouraging rice cultivation may be reasonably expected to do; ...but do not nullify the gift by tacking on it the most objectionable burden of a water-rate.[3]

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1 A.J.Ferguson. Summary of useful information regarding Ceylon. (1865.Cbo.). pp 8-9.
Infra. pp [Cf. In Malaya too rice culture was not considered a very profitable business. Purnivall. Colonial Policy and Practice.(1956.New York)- pp 325-326, while in Ceylon of the present day "yields per acre are among the lowest in the world"- S.B.D.De Silva. Investment and Economic Growth in Ceylon.(1962 Lon.).Ph.D.Economics. p 251.]

2 In Batticoloa the peasants were only liable to 22 to 37 cents [5d-9d] a year [Tropical Agriculturist.Vol.41.(Sept 1913). op.cit. pp 203-204] but the works here were cheaper than elsewhere. In Ceylon as a whole only Rs.17,958(£1,795)was collected between 1877 and 1888 as against Rs.3.777,953(£377,795) spent. [A.J.and J.Ferguson.Taxation in Ceylon.(1890 Cbo.). Part 1."Grain Taxes Galore". p 56] But this was under the revised scheme. Robinson anticipated that the cess would be 2s. per acre per year for ten years. But after the Kinchigunacuicut was completed in 1869-70 the cultivators were asked to pay Rs.13 [26s.] per acre and 3/7th of the rate had to be collected by parate execution. [1872-73 Hansard. 6 Jan 1873. (Coomaraswamy's and the Colonial Secretary's speeches) pp 81-82.]

3. 1.2.XVI of 1877. [Report of the Grain Tax Commission.] App.I. No.53. [Answers] from L.Ludovici,Esq. p lxxxv. The headman, Pallipana, makes the same point though less forcibly. Earlier in 1867 Ludovici(a former surveyor)had made much the same criticism. L.Ludovici.Rice Cultivation.(1867.Cbo.) p 181.

As Steele himself said,

> [t]here is reason to believe the idea of a water-rate in perpetuity would be likely to deter persons from extending the breadth of tillage and thus discourage and hinder what the Ordinance seeks purposely to promote.[1]

Nor was it realistic or wise to aim at increased production by keeping the administration at the cheapest possible level: by stinting to pay the headmen or to expand the administrative and technical services.

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1. G.R.11 of 1872. op.cit. Report of the A.G.A., Hambantota. T.Steele. 25 July 1872. p 20.

[fn.2 cont.]

only an instrument to provide facilities for, and protect British capital [Ordinance 12 of 1840 is described] ... Thus thousands of acres of village land were appropriated by the Government under these laws." As Jayawardena shows such views are stated on an unscientific basis and on oral testimony of witnesses of the time. There is, one may add, a tendency to argue back from the fact that landlessness existed in the mid twentieth century.
One view of the ill effects of Ordinance 12 of 1840 [Vandendriesen."Land Sales Policy".Part II." Univ.of Cey.Review Vol.15.(Jan-April 1957).passim.] rests partly on the belief that the officials had motives of expropriation, for it assumes that such motives were carried out.
See also T.F.Barker and S.J.Tambiah.The Disintegrating Village.(1957 Colombo.). pp xi-xii.

# Chapter Four

## OBSTACLE TO DEVELOPMENT : THE WASTE LANDS QUESTION AND THE STRUGGLE AGAINST ENCROACHMENTS

### 1. Background.

Though the staple agriculture of Ceylon was paddy cultivation on mudland[1] the cultivation of chenas also had a supplementary role, and in some areas the major role, in peasant economy. But the question derives its importance from (a) the policies various administrations pursued in their efforts to unravel the tenurial problem in this sphere, (b) the impact of this policy and in particular the question whether it resulted in the extensive expropriation of chena, forest and pasture land and thereby led to landlessness, (c) the ebb and flow of controversy among modern students both as to official motives and the actual effects.

The whole question, as far as the nineteenth century goes, revolves around Ordinance 12 of 1840. Some would have it that the intentions were malevolent, and the effects foreseen and deliberate.[2] Others disclaim malevolent intent but agree that

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1. Apart from dry grains <u>elwee</u> (hill paddy) could be grown on chenas (i.e.not on mudland); mudland cultivation therefore is the cultivation of fields - and land that can be irrigated by streams and channels.

2. <u>The Report of the Kandyan Peasantry Commission</u>.(S.P.XVIII of 1951.) pp 69-77. For an interesting summary of these views see Lal Jayawardena. <u>The Supply of Sinhalese Labour to Ceylon Plantations(1830-1930). A Study of Imperial Policy in a Peasant Society</u>. (1963 Camb.)Ph.D.Economic History. pp 6-9. He quotes J.S.Kelegama. ["The Economy of Rural Ceylon and the Problem of the Peasantry". <u>The Ceylon Economist</u>. Sept 1959. pp 355-57.] "The Government of the country at that time was

[fn.cont.]

the villagers lost much land to which they had legitimate claim, especially their highland; that the villages were hemmed in and suffered in countless other ways;[1] and that the result was "the earliest pangs of land hunger".[2]

Ordinance 12 of 1840, as we have seen, proclaims the theory of overproprietorship. However, because it was based on practices and laws inherited from the past rulers, the people of the Kandyan Provinces, unlike those of the littoral, were given the privilege of private ownership to waste lands provided they could prove this by

> a Sannas[3] or Grant for the same together with satisfactory evidence as to the limits and boundaries thereof, or of such customary Taxes, Dues or Services having been rendered within Twenty years for the same, as have been rendered within such period for similar Lands being the property of Private Proprietors in the same Districts. 4

But the root of the modern criticism is that this was of little value and that, as a near-contemporary official remarked, not "one in hundred was likely to be able to produce the proofs

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1. Farmer. Pioneer Peasant Colonization in Ceylon.(1956.Lon.) pp 65,91.
H.M.Leake. "Further Studies in Tropical Land Tenure". Tropical Agriculture.Vol.XV. (Nov 1938). p 244.
Meek. Land, Law and Custom in the Colonies.2nd ed.(1949 Oxford). pp 12-13.

2. Ralph Pieris. "Society and Ideology in Ceylon in a 'Time of Troubles'(1796-1850)." Univ.of Cey.Review.Vol.X. (Jan 1952). p 82. [Note: no exposition on intent in this article.]

3. Sannas or Sannasses: Royal Grants written on copper plate (sometimes gold plate) or on ola ( a leaf akin to papyrus).

4. Extract from Clause 6 of Ordinance 12 of 1840 (same as Clause 5 of Ordinance 5 of 1840). See App.D. infra. pp 419, 422.

required".[1] The privilege - these tests required by Clause 6 - was a double-edged sword. The letter of the Ordinance, therefore "unduly favour[ed] the Crown and unduly press[ed] on the private proprietors".[2]

Were the architects of this piece of land legislation, then, blandly conniving to claim(for the Crown)land that was used by the villagers with a view to future sales to planters? Did they mis-read the local practices and do this unintentionally? Did they make any attempt to reconcile peasant interests with the need to protect Crown land? How was the land legislation implemented in practice? These are the fields we have to furrow.

But the stage must first be set; for, consideration of the "Waste Lands Tangle" hinges on the practices and conventions in this regard in the pre-British period, particularly in the Kandyan Kingdom. At the outset, the distinction between chena and forest must be clarified. This distinction could be drawn on physical, legal or conventional, and geographical lines; and also according to their relative economic value.[3] But for our purposes

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1. Braybrooke Memo.Encl.F.Layard[A.G.A.Badulla] - G.A.Central Province[Braybrooke].158. 29 April 1859. [The reasons, briefly, were: few villagers had received or maintained their sannas; sannas did not usually define the boundaries of chenas properly; as for the alternative proof in the Kandyan Provinces in British times no taxes or services had been rendered for private chenas sown with fine grain(as distinct from hill paddy)though they were rendered for the whole panguva(i.e. share comprising mudland, garden and chena) - Bailey.1857. Memo. pp 329-31; and, for a comprehensive analysis of the shortcomings of this clause, Vandendriesen."Land Sales Policy Part II." Univ.of Cey.Review.Vol.15.(Jan-April 1957). pp 40-41 But note that Braybrooke gives a different picture on one or two points. Braybrooke Memo. pp 187-194.]
2. Bailey 1857 Memo. pp 148,152.
CO 54/345.Ward - Newcastle.46. 29 Aug 1859.Encl.6. Morgan [Queen's Advocate] - Col.Sec.59. 12 May 1858.
3. Jayawardena.The Supply of Sinhalese Labour(1830-1930). op.cit. pp 43-47 supplies an interesting discussion on these lines.

it is sufficient to note that virgin forest which had been slashed and burnt for even one chena crop never reverted to its original shape; that the new growth of jungle was of a distinct characteristic; that the people of any locality knew which was which, though, seemingly, the criteria varied in different districts.[1] Thus "forest" was, in fact, uncultivated (unchenaed) forest,[2] though potential chena land.

A second point of relevance is that, generally, each paddy field had its appurtenances, a plot of garden land usually adjoining it as well as chena land which might have been adjacent or a considerable distance away. The chenas were generally of considerable extent dependent on the chena cycle of each locality, but they were usually thrice the extent of the field.[3] By late Kandyan times the services rendered by each individual were for the whole of his panguva (share) and not for each class of land.[4] One authority, however, maintains that this did not prevail in former times and that, even in the nineteenth century, in the Uva district service or tax was for each class of land.[5]

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1. 1871 Admin.Reports.Nuwarakalawiya.T.W.Rhys-Davids.Acting A.G.A. 16 July 1872. p 90.
   R.Pieris. Sinhalese Social Organisation.(1956.Cey.). p 48 fn.
   GO 58/18,19,etc. Government Gazettes.1840,etc. the terms "Government forest", "Government chena",etc.

2. 1871 Admin.Reports.Nuwarakalawiya.Rhys-Davids. 16 July 1872. p 90.

3. Codrington. Ancient Land Tenure and Revenue in Ceylon. (1938 Cey.). pp 42,44-45.
   Bailey 1857 Memo. pp 331,334.

4. Braybrooke Memo.App.D. Turnour[G.A.Central Province] - Col. Sec.227. 24 June 1837. pp 268-71.
   R.Pieris. Sinhalese Social Organisation.(1956.Cey.). p 48.

5. Codrington.Land Tenure in Ceylon.(1938.Cey.). pp 44-45. [But note that "the classifications of land in deeds,etc. should not be taken literally and considered either accurate or precise. They were recitals.... Many expressions are tautologous ... [and English translations of local terms] were approximations." - Letter from R.Pieris to me. 18 Dec 1963.]

There was one important difference between the Kandyan Provinces and the Maritime Districts. In the latter it was

> admitted that all Land that is not Private Property is the property of the Crown; that all Forests are under its exclusive control; that all Chenas are cultivated under annual licenses. 1

Our attention, then, must be focussed largely on the practices in the Kandyan districts where the ownership of chenas was "a question of private right".[2]

In the semi-feudal structure that prevailed therein it is not surprising that there was much complexity as well as regional diversity in the conventions guiding chena cultivation and the use of forests. There was always a broad difference between the outlying provinces and the Uda Rata (the central core).[3] The King never had had the same influence and control in the former as in the latter. There were also important geographical differences between some areas which in turn bore on population density. The Dumbara valley, Yatinuwara, Udunuwara and Harrispattuwa were the most populated districts.[4] In the ill-populated, fever-ridden Dry Zone lowlands to the north, east and south, there was plenty of low land and chena cultivation was "an integral part of the village economy".[5] These areas hardly had any gabadagam (royal villages) either. In Uva, on the other hand, there were numerous gabadagam and few nindagam (chief's holdings and villages).[6]

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1. CO 54/345.Ward - Newcastle.46. 29 Aug 1859.

2. Idem.

3. The outlying districts were Nuwarekalawiya, Tamankaduwa, Bintenne, Wellassa, Sabaragamuwa, Uva and parts of Matale and Kurunegala districts. See Map No. 2. map case.

4. Captain L.de Busseche. Letters on Ceylon particularly relative to the Kingdom of Kandy.(1817 Lon.). pp 79-81.

5. R.Pieris. op.cit. pp 47-48.

6. Ibid. pp 44,60.
Codrington. op.cit. pp 24-25. There does not seem to have been many nindagam in the Uda Rata proper either.

The methods of cultivating chenas varied. In Nuwarakalawiya, on the mulkate system, the plot of chena chosen for cultivation was sub-divided like the spokes of a wheel though the cultivation was communal and the land considered village land. This was, therefore, a communal system in the very loosest sense for during the period of cultivation each segment was regarded as private.[1] In other areas (e.g. Sabaragamuwa) there seems to have been communal cultivation but a share of the crop.[2]

Diversity and complexity were made more complex by the increasing individualism - except perhaps in the Dry Zone regions - of late-Kandyan times. One reviewer maintains that not only was the chena, in some areas, considered as the private property of a particular family, but that it was actually divided as between the members of the same family.[3] Be that as it may, private chenas did exist in the early nineteenth century.[4]

Private chenas apart, in this forest of variety to whom can we say the forests, the generality of chenas and the rest of the waste lands belonged? Some of the forest was clearly sequestered forest where the King had prohibited chena cultivation and in some of which even their utilization for gathering honey and firewood was , de jure, prohibited. This feature had its origin in the fact that the virgin forest was considered an important

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1. Codrington. op.cit. pp 4-5.
   Pieris. op.cit. p 244.

2. R.F.Lewis. "Rural Economy of the Singhalese." J.R.A.S. CB. Vol.IV. (1849). p 36.

3. L.J.de S.Seniviratne. "Land Tenure in the Kandyan Provinces." Ceylon Economic Journal. IX. (1937). p 38.

4. Codrington. op.cit. p 45.
   Pieris. op.cit. p 48.

means of national defence[1] - and, in fact, such sequestered forest seems to have been more common along the border of the Kandyan Kingdom and in the area between Colombo and Kandy.[2] But what of the other forest, the chena land and the waste land? Here one is faced with the fact to which attention has been paid in the preceding chapter - that in the type of society in existence, land was a medium for rights and the question of ownership unresolved and illdefined. This meant that practices were not cut and dried; that even if the proprietary rights of all forest belonged to the King the people had usufructuary rights to the forest within their village areas,[3] each village defending its right of using its surrounding plot of field, forest, chena and waste as against the right of other villages.[4] Such claims were "not to ownership but to user".[5] But these "village rights undoubtedly were qualified by those of the King, in many places only in theory, in others very actively".[6] But that all forest and waste outside village limits was recognized as the King's is undoubted;[7] and it appears that all unchenaed forest within village limits too was considered the King's (in theory at least).[8]

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1. Braybrooke Memo. pp 164-66.
   Robert Knox. An Historical Relation of Ceylon.[ed.J.Ryan].(1911. Glasgow.). pp 3,70.
2. Idem.
   Codrington. op.cit. p 5.
3. CO 54/345.Ward - Newcastle.46. 29 Aug 1859.
   J.Stewart. Notes on Ceylon and its Affairs. (1862. Lon.). p 49.
4. A.O.Brodie. "A Topographical and Statistical Account of the District of Hooweraka[sic]lewiya." J.R.A.S. CB.(1856-57).p163
5. Codrington. op.cit. p 5.
6. Idem.
7. R.Pieris. op.cit. pp 47-48.
   Sir J.B.Pheare. The Aryan Village in India and Ceylon. (1880. Lon.). p 192.
8. Jayawardena. op.cit. p 44.
   Codrington. op.cit. p 5.
   Braybrooke Memo.App.D.Turnour - Col.Sec.227. 21 June 1837. p 270. Emphasis added.

This illustrates several points. In the first place it is seen that the rights and practices inherited by the British gave them sufficient ground to claim that the use of forests by the native population was "on sufferance only",[1] and that their vague claims to forest beyond that of their legitimate chena-appurtenances were false. In the second place one can understand how the British applied concepts of ownership in the hard European sense; however much experience in these obviously different tropical climes did force adjustment, their wardrobe of ideas was of essentially British, and particularly English, cloth.

Theories and concepts apart, what was the usage? In Kandyan times to what extent did the people chena unchenaed and unsequestered forest? That is to say, to what extent did they, in the choice between cultivating the old chena land and the virgin forest that was not sequestered, choose to cultivate the latter?

In this regard one basic factor should be kept in mind. While some of the forests were important for defence purposes, economically they were unimportant to the king. In the sparsely peopled[2] Kandyan Kingdom the abundance of forests meant a low forest land-population ratio; in general, secondary importance was attached to the shifting cultivation.[3] Thus in contrast to

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1. Braybrooke Memo.App.D.Turnour - Col.Sec.227. 24 June 1837. p 270. [Cf: of Kenya Leeke says that it "was wrongly assumed that uncultivated land was without owner and therefore the unencumbured property of the Crown" - a conclusion they rushed to without studying local customs. H.W.Leake."Studies in Tropical Land Tenure." Tropical Agriculture.Vol.IX.(Dec 1932) pp 348-49.]

2. 256,835 Kandyans according to the Return of the Population of the Island of Ceylon.(1827.Cbo.). p 149 while even in 1861 the Central Province appears to have had 49.9 to the square mile [infra. p 310.]. The 1821 census is highly unreliable: apart from being based on headmen's returns and facing the Kandyans' antipathy to enumerations it followed the depopulation flowing from the 1817-18 struggles.

3. S.D.W.Wickremasekera. The Social and Political Organisation of the Kandyan Kingdom.(1961.Lon.)M.A.Social Anthropology. pp 89-91.

the attitude of the British officials of the late 1830's, the Kandyan regime was far more complacent in its attitude towards the chenaing of forest; and according to the degree of complacency the villagers could have fallen into the habit of using and chenaing forests (without any considerations of ownership).

Regarding the Dry Zone lowlands - distant from the seat of control as they were and where the population-forest land ratio was very great - it is clear that the villagers chenaed or cultivated the forest extensively though in theory they were not supposed to do so without permission.[1] But these areas were not the coffee areas of the mid nineteenth century and the question of the extent to which the coffee plantations expropriated village chenas hinges on the practice in the Highland areas. On these areas, then, we shall concentrate.

But it is precisely regarding these areas that we find it difficult to arrive at a definite conclusion regarding the question mooted above. The reports seem contradictory and much hinges on the subsidiary questions: in Kandyan times how much of the forest was sequestered? how effective were the restraints on chenaing forest, whether sequestered or unsequestered? The overall picture painted by Breybrooke distinctly gives the impression that sequestered forest was extensive,[2] and this impression is supported by Knox, and later, by D.'A. Vincent and Codrington.[3] A modern researcher concludes "that the intrusion of the chena frontier into village forest... would be a relatively slow process and solely, a lagged function of long-run population growth!"

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1. Lawrie MSS.Vol.IV. "Extracts from a copy of Sir John D'Oyly's notes in the possession of, and lent to me, by[Mr.J.D.Siebel?]"

2. Breybrooke Memo. pp 164-166.

3. Knox. op.cit. pp 3,70.
   S.P.XLII of 1852-53.Report on the Forest Administration of Ceylon. F.D. 'A.Vincent.para.67.

But his case is not conclusively established, though well-supported.[1] One has to face a contrary view presented by Bailey:

> Chena land was almost without value and this description of cultivation... was so universal that.... The King had no object in restraining it, so long as the people respected his "Tehansi Kelle" [sequestered forest]..., and every fieldowner sowed his chena as regularly as he did his field. [2]

Turnour too gives the distinct impression that sequestered forest was limited.[3] One feels inclined to bow to his superior and near-contemporary knowledge but the fact is that there were the other restraints (i.e. other than the King's interest in the forest) mentioned by Jayawardena; and of even greater significance is the fact that some Kandyan areas had surplus paddy in pre-British times,[4] a factor that would have militated against extensive chenaing of forests. It is also of some significance that commentators like Turnour, Steuart, Bailey and Ward were all speaking from a knowledge of conditions in the 1820's or later. Later

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1. Jayawardena. op.cit. pp 43-46. [He argues that while chenaing virgin forest rather than old chena brought a better yield (a) clearing such forests was much harder labour; (b) that there was a shortage of iron for axes; (c) that the peasants would risk the King's reappropriation of such land. Bailey's evidence shows that (c) was a dubious and uncertain factor and that, de facto, the people could chena unsequestered forest with considerable freedom. Point (b) is based on the views of a late nineteenth century official, Swettenham, and in view of the good workmanship in iron implements in Kandyan times (Knox: op.cit. p 153) one might tend to question this; there might have been a shortage of iron, for Kandyans resorted to a particular village in Kirama District, Southern Province for iron and iron implements (Hist.MSS.Comm.(1937?). Bulletin No.5. Journal of a Circuit in the Matara District. William Granville.(Collector). July 1813. p 10.) but here again Knox gives a clear impression to the contrary (op.cit. p 153.)]
2. Bailey 1859 Memo. p 125.
3. Braybrooke Memo.App.D. Turnour - Col.Sec.227.24 June 1837.p27
4. Hist.MSS.Comm.(1937?)Bulletin No.5. Journal of a Circuit in the Matara District.William Granville.Collector.July 1813.p10

officials and modern critics largely echo their comments or rely on evidence emanating from the same period. But it was precisely in this period that the Kandyans wallowed in extensive encroachments into Crown forest and Crown land in general.[1] In the first place the ignorance and the laxity of the British administration in the Kandyan Provinces provided the opportunity.[2] In the second place it would be a reasonable conjecture that after the devastation of crops and of villages during the Rebellion of 1817-18,[3] followed by a lessening of the old restraints on chenaing, the people would, perforce, have come to place a greater reliance on chena cultivation; and preferred to continue doing so. Thus while the picture drawn by Bailey suggests extensive chenaing in Kandyan times other evidence throws considerable doubt on this point, and it seems likely too that the notion of rights of usage was not as strongly held as it was in British times.

Given the fact that the people could expand their chenas into the neighbouring forest, even if the extent to which they did so was limited in Kandyan times, it is possible for us to follow one student in drawing a distinction between "necessary" chenas and "peripheral" chenas.[4] The former would be old chena which was the legitimate appurtenance of a paddy field or the legitimate and adequate stretch of village chena. The "peripheral" chena, on the other hand, would have been the end product of expansion of individual or village chena beyond their immediate needs, by cultivation of the virgin (and, generally, unsequestered) forest

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1. Braybrooke Memo. pp 164-172.; Bailey 1857 Memo. pp 332-333.; see infra. pp 192-93.

2. Idem.

3. John Davy. An Account of the Interior of Ceylon. (1821 Lon.). passim.

4. Jayawardena. op.cit. pp 46-47.

in the neighbourhood - thus of marginal value and situated on the periphery. This is, in fact, an economic and geographical distinction. The distinction however could well be an arbitrary modern classification. Whether the villager thought in such terms is doubtful, for, to him expansion of his chena would bring a greater initial crop as well as provide a greater period of rest for his old chena. On the other hand one can argue that the individual villager could distinguish between the nugagaha hena cultivated by his family over a long period, and the polgahahena[1] more recently cultivated, and the village between proximate chena and the outer fringe.[2] It is admitted however that with any increase of population such "peripheral" chena would become economically "necessary".

It is to the events of the two decades after the subjugation of the Kandyan Provinces by 1818 that we must now turn as crucial to any review of the Waste Lands Ordinance of 1840. The garu of administrator did not sit all that well on the British and was characterised by much inexperience that necessitated cautious groping. This was but natural given the limited number of personnel at their disposal, the nature of the terrain and the lack of communications. Their hold was weak and tenuous, their knowledge limited and superficial. Inevitably they tended to rely on some of the old Kandyan chiefs and headmen, much as they distrusted them. One could not expect these men to sympathise with the British. It is likely that they sought to pursue their own individual interests, if not that of their villages. False information could easily be supplied and important facts withheld. Concentrating on the building of roads and strengthening their

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1. Nugaha: nuga tree; Polgaha: coconut tree.

2. Letter from Jayawardena - H.W.Roberts. Jan 1964.

military hold over the interior,[1] moreover, the administrators of the time had no clearly evolved policies in several spheres. One of these spheres was that of unchenaed forest of old.

One could have surmised that the Kandyans would have taken advantage of these circumstances to expand their chenas, once the old restraints were neglected. This is in fact what happened; and an interesting picture is unfolded both in Turnour's letters and later by Braybrooke - a picture of extensive encroachments (i.e. mostly chenaing) into forests, of vague and illdefined "native claims" to many virgin forests.[2] This tale is confirmed by Ward as well as Bailey. Sequestered forest itself had "ceased to be sacred".[3] In a sense the administration seems to have inadvertently encouraged this sort of activity for, at the outset, they had given permission for the clearing of forests bordering the main roads.[4] It is true that a Proclamation of 1821 prohibited any new chenaing without a licence, but this law was never enforced.[5] They did not have the machinery to do so. Nor do they seem to have tried to create it. The officials reviewing the case in 1859 called this a policy of "indulgence", a "liberal" policy. But in fact it was not so much liberality as extreme laxness flowing from an understandable shortsightedness and inefficacy.

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1. Governor Barnes (1823-31) was a great road builder. The Colombo-Kandy road was not completed till 1831 but this opened up only one stretch of the interior.

2. Braybrooke Memo. pp 164-172, and Appendices.

3. CO 54/345.Ward - Newcastle.46. 29 Aug 1859.
Bailey 1857 Memo. pp 332-333.
Bailey 1859 Memo. pp 130-133.

4. Braybrooke Memo. pp 164-167. [In the Maritime Provinces North had recognised Vanu-ia Paravany Rights (Rights by Clearing). Both he and his successors also made land grants to natives.-Colvin R.De Silva. Ceylon under the British Occupation, 1795-1833.1st ed.(1942.Cbo.)Vol.II.pp 368-69. These steps would have encouraged encroachment in these regions too.]

5. Bailey 1859 Memo. pp 130-33.

In these circumstances the consequence was a considerable extension of the belts of 'peripheral' chena. It is clear that in some instances, if not in the majority, the villagers would have been aware that their claims were unfounded; the most blatant examples being when they encroached on forest that had been strictly sequestered.[1] Moreover, a land-grabber could be equally as tenacious of his acquisition as an old homesteader. Kandyans generally were "most fearful of invasion" by the Crown of land thus claimed or acquired.[2] As Bailey put it, in some cases,

> [the] possession of Chena land so disproportionately great [had]... become traditional in the different families which [had] been suffered to call it theirs, that the [existing] representatives of them... [believed] that their claims [were] true and just. 3

In fact one has some reason to doubt the picture of a Kandyan villager who thought in terms of the rights of usage and was entirely at sea with the new concepts of individual ownership,[4] as far as the period under review goes. As we have seen, individualistic concepts were spreading in late Kandyan times and the trend seems to have continued more than apace in the nineteenth century. Thus whereas "joint cultivation and possession of hēn land in common still remain[ed]" in the service villages and in districts away from the main stream of development such as Nuwarakalawiya

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1. Bailey 1859 Memo. pp 132-33.
   Braybrooke Memo.App.C. Turnour - Col.Sec.102. 1 April 1837. pp 264-67. This would force a considerable modification of the view that the villagers were not aware that they were encroaching on Crown land. [L.J.de S.Seneviratne. "Land Tenure in the Kandyan Provinces." Cey.Economic Journal.Vol.IX. (1937). p 37.]

2. R.F.C. C.R.Buller[G.A.Central Province] - Col.Sec.577. Sept 1846. p 135.

3. Bailey 1857 Memo. pp 332-333.

4. This view can be seen in L.J.de S.Seneviratne. "Land Tenure in the Kandyan Provinces." Cey.Economic Journal.Vol.IX. (1937). p 37.
   Vandendriesen. History of the Coffee Industry. op.cit.pp160-164.

and "remote parts" of Kurunegala,[1] in

> the Kandyan coffee districts, ignorance of the real tenure [i.e. the former practice] [had] led to individuals being allowed to encroach upon the common property to so large an extent, or even to sell portions of it to coffee planters and other outsiders, that there [were] probably very few villages in which the common right [had] not been almost entirely extinguished. 2

One suspects that the headmen themselves led this process for they were apt to sell village land for personal profit or usurp former gabadagam (Royal Villages) to themselves.[3] The picture presents a striking similarity to Burma in British times where the Burmese themselves encroached on village commons because "freer to disregard customary social obligations", "with the result that common land tended to disappear to the detriment of social life".[4] These facts, then, suggest that the Kandyans were by no means slow in picking up individualistic concepts of ownership.

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1. 1871 Admin.Reports.Service Tenures Commission. J.P.Dickson. 22 March 1872. p 370.
Ibid. Nuwarakalawiya.T.W.Rhys-Davids.Acting A.G.A. 16 July 1872. pp 90-91.

2. Ibid. p 91. Thus in Sabaragamuwa though joint cultivation continued to the twentieth century chenas were claimed against the Crown whereas in Nuwarakalawiya no such claims were put forward. [Lal Jayawardena: penultimate draft of his thesis (kindly shown to writer) pp 17-18, based on a Land Settlement Officer's report in 1928.] That the villagers did sell land to planters, etc. in the 1840's is undoubted [for eg: CO 54/237.Torrington - Grey.54. 17 July 1847, and Encl.].

3. 1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl.4.Report of the Surveyor-General. 23 March 1865. p 125.
CO 54/264.Torrington - Grey.Confidential. 13 Nov 1849. Encl. Report of C.R.Buller: encl. C.R.Buller - Col.Sec. 27 June 1843 [Cf. Chiefs in the Gold Coast. Meek. op.cit. pp 291-292.]

4. Furnivall. Colonial Policy and Practice.(1956.New York). pp 105-106.

## 11. Government's Aims and Methods.

Awakened to the inherent dangers of such encroachments and claims in the 1830's, urged largely by George Turnour the Government Agent of the Central Province, Government moved to provide the certainty of title which these claims threatened. Ordinance 7 of 1835 enabled land-owners or applicants for land to apply for Edictile Citations calling upon the world at large to declare interest in the particular land, if any, within a specified period.[1] When planning this Ordinance Turnour's proposals did show considerable consideration for safeguarding the interests of villagers owning private chena but sought to eliminate vague claims and to give capitalists a clear title.[2] In the event the Ordinance 7

> proved a failure, for when, in 1836, its machinery was called in action, it was found inapplicable in cases of waste and unoccupied land. 3

Nevertheless this Ordinance is of significance as the precursor of the land legislation of 1840-1841 and as revealing similar motives and aims. In view of the twentieth century strictures on the intentions of the British officials in this sphere, their aims and methods will have to be studied in detail. Motivation research in this instance, will have to be directed particularly on the working of the mind of George Turnour. Having entered the Civil Service in 1817 and served most of the time in the Kandyan Provinces, fluent in Sinhalese and Pali, having done much work in

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1. Jayawardena. op.cit. pp 45-47.

2. Ibid. The discussion here is based on CO 54/147.[Governor]. Horton - Glenelg.31. 9 Feb 1836. Encl.Extracts from the Proceedings of the Board of Commission [for the Central Province?]. 3 Feb 1833, 25 June 1833 and is spiced with a quotation or two from Turnour.

3. Bailey 1859 Memo. pp 135-136.

connection with the Kandyan land tenures,[1] and regarded as a "native-welfare" conscious official,[2] Turnour was not only responsible for raising the whole issue before Government but also appears to have had a large hand in drafting the Ordinances 5 and 12 of 1840.[3] He certainly merits our spotlight.

To Turnour the extensive chenaing of forests was encroachment. Chenaing was considered a useless and wasteful form of cultivation "threatening the destruction of the Government forests some of which contain[ed] valuable timber".[4] But the protection of the timber and forest resources was only of secondary consideration at this stage (unlike in the late 1850's and in the early

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1. J.P.Lewis. List of Inscriptions on Tombstones and Monuments in Ceylon of historical or local interest. (1913 Obo.). pp 320-21.
J.F.Toussaint. Annals of the Ceylon Civil Service. (1935 Obo.). pp 57,68,69.
Report of the Temple Lands Commissioners on the Progress and Results of the Commission. 24 June 1859. pp 8-10.

2. Bailey 1859 Memo. pp 133-140.

3. Acting Col.Sec. from December 1838-February 1841 [Jayawardena op.cit. p 39fn.] according to Bailey it was Turnour who drew up the Ordinance [Bailey 1859 Memo. pp 137-140.] and since Bailey, Braybrooke and company had access to all the original correspondence(and sent the more important ones as appendices in 1859)one tends to accept this view. (The originals not having been found, as yet, in the Ceylon Archives - Jayawardena. op.cit. p 40fn.) On the other hand it was the job of the Queen's Advocate to draw up Ordinances and W.O.Carr, the Acting Queen's Advocate, certainly had a hand in the Ordinances. [CO 54/180.Mackenzie - Russell.121. 13 July 1840.Encl.Turnour - [Carr].114. 21 Nov 1839, and Carr - Col.Sec.[Turnour].12. 13 Jan 1840. For finding this valuable series of correspondence tucked away within a despatch of no connection to this subject I am indebted to K.M.De Silva.]
That is more, as first advertised, Ordinance 5 of 1840 had the notorious Clause 5("objective-tests" clause), but not the "half-improved value"clause nor the "no-claim certificate" clause, but these were subsequently included in the Gazette advertisements [CO 58/18."Government Gazette." 23 Nov 1840, etc. and CO 58/19."Government Gazette." 4 Jan 1840.] If Turnour was responsible for Clause 5 it is unlikely he was responsible for the others - or vice versa.

4. Braybrooke Memo.App.G.Turnour - Col.Sec.no number. 28 Nov. 1837. pp 280-81.

1870's in particular). He was far more concerned with the fact that the actual encroachments and claims were contributing to great uncertainty of tenure. For one thing the villagers were deliberately setting up claims to Crown land which prospective planters had bought or were preparing to buy.[1] For another they even sold Crown land privately to some over-eager capitalists on the ground that it was theirs.[2] Since the existing laws against encroachments were utterly inadequate, he considered new legislation essential, for otherwise

> the Government [would] invariably be placed in the position of Plaintiff in a Civil Action, and be, consequently, compelled to prove a title, which I need hardly add, would be a matter of considerable difficulty.[3]

This warning, in fact, came to pass. In 1837 itself a decision of the Supreme Court in an appellate case from the District Court of Tangalle threw the onus of proving its title on the Crown.[4] The implications to the Government were serious. Vast areas could fall to native claims. A Maha Mudaliyar did in fact grab the opportunity and lay claim to 8,000 acres:[5] a claim granted

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1. Braybrooke Memo.App.A.Turnour - Col.Sec.279. 15 Oct 1836. pp 252-56.
   J.P.C. Tennent's Report.App.C.R.Buller - Col.Sec.379. 15 May 1845. p 121.
   Jayawardena. op.cit. pp 45-47.

2. Braybrooke Memo.App.A.Turnour-Col.Sec.279.15 Oct 1836.pp252-56
   CO 54/237.Torrington - Grey.54. 17 July 1847.

3. Braybrooke Memo.App.B.Turnour - Col.Sec. 5. 11 Jan 1837 pp 261-62.

4. For this point I am indebted to Kingsley De Silva. See CO 54/180.Mackenzie - Russell.121. 13 July 1840. Encl. [Fuisne - Justice's Verdict in Appeal].Tangalle. 29 March 1837. as well as other enclosures, especially J.Finwoodie[A.G.A.Matara] - A.A.Galle.263. 17 May 1837. Note that at this stage and till the early 1840's capitalists were involved in opening up coffee or sugar plantations in the interior of the Galle, Matara, Kalutara and Negombo districts besides the Kandyan Highlands.

5. CO 54/180.Mackenzie - Russell.121. Encl.G.H.Cripps,Acting G.A.Galle - Col.Sec.150. 2 Aug 1838.

by the District Court. The way was open for local claimants; and such claims would render "the selecting of a sufficient extent of connected Government land to form a Coffee Estate in, almost impracticable".[1] There was, in turn, the possibility that the "natives" would refuse to sell their lands to the planters[2] and the probability that they could not provide adequate titles for such lands if they did condescend to sell. It was these events and these circumstances in fact, that prodded officials to think of administrative and legislative solutions, and which led to the Ordinances 5 and 12 of 1840.

Throughout the correspondence, then, runs an important strand of thought. English capitalists were seeking land;[3] such confusion as to titles was a positive hindrance; suitable forest was limited; the destruction of such forest for the "comparatively valueless" chena was "to the ultimate prevention of the formation of coffee plantations from which more wealth would be created in the colony".[4] In fact, in the early 1830's Government had been aroused from its lethargy in this sphere only because of the advent of a few pioneering planters. Its first response was the ineffectual and limited Ordinance No.7 of 1835. The logical

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1. CO 54/180.Mackenzie - Russell.121. Encl.G.H.Cripps - Col.Sec. 543. 9 Sept 1839. [See K.M.De Silva. "Studies in British Land Policy - 1." Cey.Jour.of Hist.& Social Studies.Vol.7.(Jan. - June 1964.) pp 30-32 for a detailed description of the Judicial decision in Tangalle, the consequent events and the implications as viewed by the officials.]

2. E.F.C.Tennent's Report.App.C.R.Buller - Col.Sec.379. 15 May 1845. p 121.
Braybrooke Memo.App.A.Turnour - Col.Sec.279. 15 Oct 1836. pp 252-56.

3. CO 54/178.Mackenzie - Russell.31. 10 Feb 1840.
Braybrooke Memo.App.G.Turnour - Col.Sec.no number. 28 Nov 1837. passim.

4. Ibid. pp 280-81,284-85. To Turnour "suitable forest" at this stage was unchenaed forest near the few roads then existing and on ground sufficiently level to avoid excessive erosion.

conclusion was the land legislation of the 1840's based on the theme expounded and expanded (largely) by Turnour in the intervening years. Thus capitalist enterprise in general and the opening of coffee and sugar plantations were an important background factor. The forests were, now, far more valuable to the British than they had been before or in Kandyan times.

Yet another thread can be discerned. Exasperation - exasperation based on the conviction, and the fact, that many of the "native" claims were unreasonable and preposterous;[1] and in association with the belief that "native" parole testimony was unreliable.[2]

In the specific cases which Turnour brought before Government for decision he shows conclusively how and why they were unreasonable.[3] In general, he believed the villagers were encroaching on Crown lands. This view rested on his basic conviction that the rights of usage which the villager possessed were, in Kandyan times, "a privilege ... [held] on sufferance only" - ownership resting in the Crown.[4] But it was also based on the observable fact that the claims to chena appurtenances were above and beyond that which could be legitimately needed as appurtenances to the existing fields.[5] In fact chiefs and headmen were distrusted as being in collusion with the people.[6] Thus "native"

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1. Bailey 1859 Memo. pp 130-33.
   Braybrooke Memo.App.C. Turnour - Col.Sec.102. 1 April 1837.
2. Ibid. App.E. Turnour - Col.Sec.381. 1 Sept 1837. p 274.
3. For eg: Ibid. App.C. pp 264-67. This was true of many "native claims" throughout the century. Less biased officials like Bailey, Gregory, Lushington, etc. make the same accusation.
4. Ibid. App.D. Turnour - Col.Sec.227. 24 June 1837.
5. By implication in Turnour's correspondence. Explicitly in Bailey 1857 Memo. pp 332-33.
6. Braybrooke Memo. pp 199-200. Braybrooke calls it "culpable negligence and fraudulent collusion". Turnour himself distrusted the headmen on this point.

parole testimony was viewed as a form of evidence which Government should counter.[1] Such chords of thought and the basic refrain of secure titles are illustrated in his statement that

> it [was] unreasonable to expect that a speculator should invest his capital on land his title to which [was] not satisfactorily established, and the establishment of which [was] dependant entirely on the oral testimony of neighbouring native Inhabitants who [were] all interested in impugning the right of the Crown. 2

Stemming from his antipathy to chena cultivation per se, Turnour could be quite brusque towards local claims:

> [land should not] be hastily abandoned to natives who cannot at present be induced to raise any other produce than dry grain. 3

The whole atmosphere of official thought, moreover, is strongly spiced by a fact of immense significance. The officials themselves were beginning to indulge in coffee planting and by the end of 1840 were heavily involved in it. This is an established fact.[4] Turnour himself purchased 1,583 acres in

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1. Jayawardena. op.cit. pp 59-61, stresses this as one of the ingredients of Turnour's plan - and thereby involving deliberate exclusion of prescriptive rights.

2. Draybrooke Memo.App.E. Turnour - Col.Sec. 1 Sept 1837. p 274.

3. CO 54/147.Horton - Gleneby.31. 9 Feb 1836. Encl.Extract of Diary of the Kandy Cutcherry. 19 Dec[1833?]. [For this quotation and reference I am wholly in debt to Jayawardena: penultimate draft of thesis. pp 44-45.]
[In his thesis, Ian Vandendriesen admits that "Large numbers of [Kandyans] were probably guilty of encroachment and the Crown's attitude towards them was in every sense perfectly justifiable". History of the Coffee Industry in Ceylon.(1954 Lon.).Ph.D.Economic History. p 160.]

4. For a list of officials who owned plantation-land, and for their extent, see App.A.infra. pp 415-16. Dundas' prohibition of officials holding land had been abolished in 1810 and 1812 [G.C.Mendis[ed].The Colebrooke - Cameron Papers.(1956 Oxford) Vol.1. pp 32,32fn.,45; and Vol.II. pp 314-15.] At least by September 1840 the Colonial Office was fully aware of the Civil Servants'involvement in planting. [CO 57/9.Executive Council Minutes. 24 March 1841. (Proposed draft of despatch from Mackenzie - Russell in reply to Russell - Mackenzie.123. 8 Sept 1840)]

association with Colonel Lindsay on 18th June 1836,[1] and made further purchases in 1838.[2] By the end of 1840 Turnour and the Acting Government Agent of the Western Province, Wodehouse, had 2,217 and 2,135 acres respectively, while the Governor, Mackenzie had 1,120 acres.[3] Additional proof of the official bias is seen in the Colonial Secretary, Anstruther's support for Ordinance 2 of 1840 respecting temple lands on the ground that the question was

> much connected with the interests of the planters and that the Ordinance gave room for Government to authorise incumbents of temple lands to alienate them if they so wished.[4]

The air being so tainted one is naturally justified in suspecting official bias. The climate of official opinion was hardly conducive for a just solution to what was a complex, as well as crucial, problem.

The subject was brought before the Colonial Office for the first time in July 1839. Presenting the problem, Mackenzie stated that the "burden of proof should lie on the private party". Mackenzie sought to combat the encroachments and claims by executive measures rather than legislation; by the obvious solution of a comprehensive survey; by the impracticable idea of a sedentary

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1. Tropical Agriculturist. Vol. XVII. No. 12. (1st June 1898). Anon. "A Pioneer Planter in Ceylon and a Soldier Planter." p 799. Ceylon Almanac and compendium of useful information for 1844. (1844 Cbo.). p 226.

2. CO 54/240. Campbell - Gladstone. 10 March 1840.

3. See App. A. infra. pp 415-16.

4. CO 54/185. Anstruther - Russell. 23 Nov 1840. Encl. Confidential Memo. 23 Nov 1840. Anstruther was on leave in England. [The official bias is vividly brought out by K.M. De Silva in "Studies in British Land Policy - 1." Cey. Jour. of Hist. & Social Studies. Vol. 7. (Jan-June 1964). pp 29-30.]

Commission to unravel the boundaries[1] - a scheme which altogether failed to realise the magnitude of the task. Fortuitously, in London, this despatch was diverted from its normal track by Gairdner, into the hands of a Captain Gascoigne who had worked on surveys in Ceylon.[2] This outsider, Gascoigne, perceived that the scheme was far from efficacious. He called it "illdigested", remarking among other things that few natives would have retained their valid titles, and that both Crown and private party was suffering from "the same evil" of insecure titles. His views and suggestions were conveyed to Ceylon.[3]

In the meanwhile Colombo had produced a legislative solution. Turnour had been harping on this all along, probably considering the alternative of a survey as impossible given the means available.[4] Thus a complex scheme in the shape of Ordinance 5 of 1840 had been charted out. The first clause gave the District Court powers of summary ejectment over individuals who had encroached on land without any pretence of title. The fifth clause proclaimed state overproprietorship over all "Forest, Waste, unoccupied and uncultivated Lands" excepting in the Kandyan

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1. CO 54/171.Mackenzie - Marquis of Normanby.26. 16 July 1839. Note that Mackenzie was far from able [K.M.De Silva. Development of social policy in Ceylon,1840-55.(1961 Lon.).Ph.D. History. p 25? ].
2. CO 54/171.Mackenzie - Normanby.26. 16 July 1839. Minute by Gairdner [a principal clerk]. Gascoigne had been in the Quarter-Master General's Department in Ceylon.
3. Ibid. Memo by Captain Gascoigne.nd. [probably Oct 1839]. Ibid. Draft of reply. Russell - Mackenzie.30. 25 Nov 1839. [Both Mackenzie's despatch and Gascoigne's views receive comprehensive treatment in K.M.De Silva. "Studies in British Land Policy - 1." Cey.Jour.of Hist.& Social Studies.Vol.7. (Jan-June 1964). pp 32-35.]
4. No direct evidence that he considered a survey impracticable. But Mackenzie broached the survey idea in July 1839 when Turnour was Col.Sec. Thus one can reasonably surmise that the Government had dropped the idea after considering it.

Provinces where private ownership was recognised providing the claimants could adduce certain proofs.[1] The seventh clause permitted prescriptive claims after ten years provided the claimant paid half the improved value of the land and provided the land was neither Forest, Waste, unoccupied and uncultivated (i.e. not to apply to chenas but to mudland or garden).[2] This, the "half-the-improved value" clause, was never meant to be a privilege to chena-cultivators and was purely for the benefit of those who acwoddwnized land.[3]

One of the salient features is that both forest and chena were presumed to belong to the Crown. It would appear that they were trying to meet the case of an official who standing on chenaed ground, in say 1845, would not have been able to distinguish between a recent illegal encroachment and legitimate old chena; not to have presumed all chena to be the Crown's would have opened the door considerably to successful encroachments even after 1840. It was in order to make things difficult for new encroachers and for the local people in general that parole evidence of title and prescriptive rights were deliberately eliminated,[4] and this represents another important 'ingredient'

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1. Supra. pp 182-83. Hereafter referred to as "the objective-tests" clause to facilitate identification - the term being that used by Jayawardena and retained for convenience sake.

2. See App.C. infra. p 420. Dubbed "the half the improved value" clause to facilitate identification; the same clause is termed "the Cinnamon Gardens" clause by Jayawardena but the former is preferred because more descriptive of its nature.

3. CO 54/190.Campbell - Russell.110. 15 Nov 1841. Encl.Mooyart [G.A.Western Province] - Col.Sec. 2 Aug 1841.
CO 54/345.Ward - Newcastle.46. 29 Aug 1859. Encl.Morgan [Queen's Advocate] - Col.Sec.59. 12 May 1858.

4. That Turnour wanted to counter parole evidence in this instance is mentioned elsewhere. R.P.C. Tennent's Report.App.12. Extract of letter.C.R.Buller - Col.Sec.302. 26 April 1845. pp 119-121.

in Turnour's recipe. At the same time, according to one analysis, another ingredient was their desire to protect the genuine "native" owner of chena land and to fulfil this "an objective test' in the form of clause 5 was devised to/him[help] "rebut the Crown's presumption to chena land";[1] but the interpretation of intent here is a controversial one which comes under consideration later, though it is true that for some ill-explained reason the architects of this clause considered it a "liberal provision".[2] It is well to note that this interpretation of Turnour's motives stresses the fact that Ordinance 5 rather than the amended version - Ordinance 12 of 1840 - contained the essential portion of Turnour's scheme.

The despatch conveying this Ordinance[3] ran on the normal channels to meet with a sharp objection from the Law-Officers in England. To them, the first clause, specifying summary ejectment on any allegation and "giving no effect whatever to prescription", was intolerable. Prescriptive rights were ordered.[4] Opening the

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1. Jayawardena. op.cit. pp 59-60.

2. Braybrooke Memo.App.1. Anstruther [Col.Sec.] - G.A. ? 139. 21 April 1841. According to Braybrooke (p 183) this letter was drafted by Turnour.

3. CO 54/178.Mackenzie - Russell.31. 10 Feb 1840. Mackenzie's despatches, whether by accident or design, enclosed none of Turnour's correspondence; nor was any allusion made to the decisions of the Judiciary in the Tangalle cases. This is highly suspicious. It has even been said of the Ceylonese authorities of this period, that "they deliberately and consistently misled the Colonial Office on these ordinances". [K.M.De Silva."Studies in British Land Policy-1."op.cit. pp 40,33-34.] There is circumstantial evidence both for and against this view but it is difficult to be conclusive.

4. CO 54/184.The Law Officers - Russell. 8 June 1840; and draft of reply. Russell - Mackenzie.98. 15 June 1840. At a later date, reviewing the sequence of events and the reasoning of the home authorities in 1840, the Emigration Commissioner summed up the Law Officers' objection: "...because it gives unlimited power of summary ejectment without any reference to length of possession". CO 54/210.Campbell - Stanley.15.24 Jan 1844. Memo. by Murdoch. 21 March 1844.

door to parole testimony as it did this was just what Colombo had not wanted. But prescriptive rights of thirty years were dutifully added, some other alterations inserted and a new Ordinance, Ordinance 12 of 1840, was sent back to alien land.[1]

Nevertheless the Law-Officers took exception to it, as before, on technical and liberal grounds:

> [where] there has been a recent encroachment in the property of the Crown, the summary proceedings authorized by the first section may be very necessary and proper, but where there has been a quiet enjoyment for any considerable period the title to the land ought to be tried by the ordinary process and rules of law. They observe that this Ordinance enacts that where there has not been an uninterrupted possession of thirty years the party may be turned out of possession brevi manu and left, afterwards, to make out his title as he may. That thirty years may be a very fair period of prescription for some purposes but that the period for this summary proceeding ought not, in their opinion, to exceed two years or five years at most.[2]

Accepting this opinion, Lord Russell in the Colonial Office amended Ordinance 12 by Order-in-Council (that of 11th August 1841) rather than sending it back for amendment: substituting five years for thirty in clause 1.[3]

Thus in effect the period of prescriptive rights, as well as that in which summary ejectment could take place, was reduced to five years. This error, strange to say, was not noticed in Ceylon till 1844; whereupon they quickly brought it to London's notice and requested permission to amend the amendment. The very

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1. CO 54/182.Mackenzie - Russell.183. 9 Dec 1840; and Encl. Ordinance 12 of 1840. See App.D. infra. pp 421-23.

2. CO 54/193.Law Officers - Russell. 26 Feb 1841. Emphasis added.

3. Ibid. Minute by Russell.nd. There was some confusion as to the Law-Officer's intentions and Gairdner's first draft even amended clause 8 (the "half-the-improved value" clause) but on Stephen's query this was omitted. [Minute by Stephen. 2 July 1841; Minute by Gairdner. 3 July 1841; and rough drafts of the Order-in-Council.]

fact that this request was readily assented to[1] proves that the Law-Officers and home authorities were tilting at that feature of the Ordinance which allowed the process of summary ejectment even after two to five years, but were not against a thirty year prescriptive period per se.[2] (as is implicit in the "conspiracy theory"[3]).

But Ordinance 12 of 1840 merits closer attention both from its importance as well as the fact that a further alteration was made in 1841.

When Ordinance 5 of 1840 was referred back Turnour had to swallow the bitter pill of prescriptive rights ordered by London. But he sought to restrict it to mudland and garden. He carefully inserted the phrase "uninterrupted possession of such land" when prescriptive rights were recognised in clause 1. At the same time the proviso at the end of the "half-the-improved value" clause in Ordinance 5 was turned into a new clause which stipulated that both clause 1 and the "half-the-improved value" clause were not applicable to lands mentioned in the "objective-tests" clause [i.e. forest, waste, etc.]. This new clause was clause 9

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1. CO 54/210.Campbell - Stanley.15. 24 Jan 1844 and Minute by Stephen. 23 March 1844. However by some oversight the amendment was never made (it could only have been made by Order-in-Council in England). CO 54/237.Torrington - Grey.45. 7 July 1847.

2. See CO 54/475.Gregory - Kimberley.15. 27 March 1872. Encl. Morgan [Queen's Advocate] - Col.Sec.82. 1 March 1872. [In effect what the authorities in England would have agreed to and the situation brought about by Ordinance 12 as amended would have been thus: (a) under 5 years: summary ejectment possible (b) waste land 5-30 years: ejectment by the ordinary processes of law (c) eswedduwized lands 10-30 years: the "half-the-improved value" clause applies (d) all lands after 30 years: prescriptive rights assured and no claim certificates under clause 7 of Ordinance 12 could be issued.]

3. Vendendriesen. "Land Sales Policy-Part II." Univ.of Cey. Review. op.cit. pp 39-42. [see infra. p.210.]

of Ordinance 12 and its aim was to deny prescriptive rights to waste land. The "objective-tests" clause remained the same in proposition but it was clause 6 of Ordinance 12.[1]

However Turnour, and the others responsible, failed to perceive a lethal error in the wording of clause 9. By denying clause 1 and its thirty year prescriptive rights to chena and forest lands, clause 9 at the same time, denied the Crown the process of summary ejectment against such lands since clause 1 established that process too. They had unintentionally nullified one of the major aims of the Ordinance - the prevention of encroachments. This error was spotted in 1841 by Wodehouse and it was remedied by Ordinance 9 of that year.[2] Clause 9 was reworded so that the processes relating to ejectment could be applied to forest, waste and chena.[3]

This was not the sole error in Ordinance 12. The "objectives" clause, as we have published, demanded impossible proofs; it also was characterised by an ambiguity of wording which had, and in the field of historical interpretation still has, unfortunate consequences. If one student's analysis of Turnour's intention is correct, Wodehouse was interpreting the clause in a different light the very next year itself.[4] Certainly by 1846

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1. For the full version of Ordinance 12 of 1840 alongside Ordinance 5, *app.f. infra.* pp 421-23.

2. A 5s/10.Campbell - Russell.110. 19 Nov 1841; and Encl. Wodehouse, Acting G.A.Western Province - Col.Sec.539. 22 July 1841; and Encl.Ordinance 9 of 1841.

3. *p.f. infra.* p 423fn.[2].

4. Jayawardena. *op.cit.* pp 73-76. This is rather surprising. Wodehouse was Lieutenant Col.Sec. - and therefore under Turnour from 1838 - from October 1833 to February 1841 and at the same time was clerk to both the Executive and Legislative Councils, and should have known what was going on. [Ab 59/50. Blue Book 1838. p 40; and 59/52.Blue Book 1840. p 45; *I.L.C. Reports from Committees.*Vol.III.(1849.) Second Report from the Select Committee on Ceylon. [Wodehouse's evidence]. 19 June 1849. pp 97, 102.]

both Buller and Wodehouse were complaining of the existing uncertainty as to the reading of the Ordinance as a whole,[1] and later officials were perplexed by the "objective-tests" clause in particular.[2] The ambiguity in this very same clause is reflected in another way. It demanded proof "of customary Taxes, dues or Services having been rendered <u>within</u> twenty years". Turnour intended this to mean any such taxes or services rendered <u>in any one year</u> in the twenty years preceding the Ordinance;[3] and this was the manner in which these proofs were taken into consideration,[4] but it is far from clear in the wording.

One fact burns vividly from the words of the Ordinance. It was badly drafted. The uncertainty of Buller and others in later years, the darkness and confusion regarding intent and method which has bedevilled near contemporaries and modern students alike, the ebb and flow of controversy, all, stem largely from this fact.

Keeping this in view, and having sketched the unconducive strands of official opinion in Ceylon as well as the sequence of Government measures with their series of errors, and the disconnected responses in London to the steps proposed, one is now in a position to consider the several interpretations on the official motives and methods. It is intended to make this scrutiny as brief as possible.

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1. <u>R.P.C.</u> C.R.Buller - Col.Sec.577. Sept 1846. p 135.
<u>CO 54/238</u>.Torrington - Grey.Confidential. 16 Aug 1847. Encl. Wodehouse [G.A.Western Province] - Col.Sec. [Tennent]. Confidential. 6 March 1846.

2. For eg: <u>1872 Admin.Reports</u>.Kegalla. A.A.King,Acting A.G.A. 5 June 1873. pp 34-35.

3. Braybrooke Memo.App.1.Anstruther - G.A.? 139. 21 April 1841. drafted by Turnour. Emphasis added.

4. <u>Idem.</u>
Braybrooke Memo. pp 194-96.

One interpretation can be labelled the "conspiracy theory". Its exponent contrasts the careful attention paid by the Colonial Office to indigenous rights in 1839 and its insistence on prescriptive rights when Ordinance 5 of 1840 arrived, with their ready acceptance of Ordinance 9 of 1841. He believes Ordinance 9 of 1841 aimed at counter-acting the amendments imposed on Ordinance 12 by the Order-in-Council of 1841. He conjectures

> that Mackenzie in a secret despatch home [convinced the home authorities] that his proposals were in keeping with the interests of British capital. 1

This web of conjecture can be demolished on several grounds, but a few would suffice. (a) It was Campbell not Mackenzie who was responsible for Ordinance 9 of 1841.[2] (b) This Ordinance merely amended a defect in the wording (if a lethal one) of clause 9 of Ordinance 12. The intentions were the same.[3] (c) The Order-in-Council and the despatch containing the first intimation of the fate of Ordinance 12 only reached Ceylon on 21st October 1841, by which time Ordinance 9 of 1841 had already been passed in the Legislative Council (by 12th October).[4] How, then, can one argue that this Ordinance was rushed through to defeat the amendment imposed by the Order-in-Council? (d) It may be added that this theory of a ruse wholly misconceives the attitude

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1. Vandendriesen. "Land Sales Policy-Part II." Univ.of Cey.Review. op.cit. pp 39-42.

2. CO 54/190.Campbell - Russell.110. 15 Nov 1841. Lt.Colonel Colin Campbell was Governor from 5 April 1841. It was Wodehouse who brought the error to his notice. Turnour had nothing to do with the matter, having ceased to act as Colonial Secretary by March.

3. See App.D. infra. p 423, and compare clause 9 of Ordinance 12 with the clause substituted by Ordinance 9 of 1841.

4. For this point, and for the specific dates, I am entirely indebted to Jayawardena. op.cit. p 37. [based on an examination of records in the Ceylon Government Archives].

of men like James Stephen and Lord John Russell in believing that they would participate in underhand activities of this sort and carefully destroy all evidence. Any such intimation on Mackenzie's part would, one can argue, have brought the very opposite reaction[1] - the more so because in the Colonial Office his stock was very low.[2]

The "conspiracy theory" is neither plausible nor valid.

This theory was undoubtedly influenced by the fact that the official approach was spiced with exasperation and with personal interest in the coffee enterprise. Most of the official correspondence reveals an overwhelming concern with the protection of Crown interests.[3] Both Mackenzie and Anstruther emphasised the view that the burden of proof should be thrown on the private

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1. Note on CO 54/396.Emigration Commissioners - Elliot. 11 Oct 1864 "Memo on Ceylon Land Instructions by Fredric Rogers. 13 Oct 1864. "The fact is that long ago this department had a desperate battle to fight to put down Colonial land jobbery and ruinous free grants and the Governors being the parties in a great measure to blame and having control of Land as Crown [P...?] it was natural to fill Commissions with prohibitions calculated to break down the evil."

2. Opinion of K.M.De Silva. Conveyed in private letter. 10 July 1963. In fact Stephen was rather hostile to Mackenzie.
CO 54/160.Mackenzie - Glenelg(private letter). 12 Feb 1838.
Minute by Stephen. 8 May 1838.
[For detailed criticisms of the "conspiracy theory" see Jayawardena. op.cit. pp 35-40 and K.M.De Silva. "Studies in British Land Policy-1." op.cit. pp 38-40.]

3. See Braybrooke Memo.Appendices. [The Turnour correspondence]. passim. as well as App.F.Anstruther - G.A.Central Province [i.e.Turnour]. 17 Oct 1837. pp 276-77. Only in one letter. [App.A.Turnour - Col.Sec.279. 15 Oct 1856. pp 253-55] does Turnour speak of "having due regard for the rights of the natives, whose titles to high lands, except from the circumstances of occasional possession, is, for the most part as undefined as that of the Crown". See also CO 54/180.Mackenzie - Russell.121. 13 July 1840 and Enclosures re the Supreme Court verdict of 1837.

party.[1] Above all the ominous cloud of official participation in plantation enterprises hangs over the landscape. Such factors form the basis of another interpretation: the "planter-official theory".[2] No conjecture of a ruse is adumbrated. The Colonial Office is not implicated. The local officials are accused of a land policy "which favoured the plantation interests against the peasants",[3] and intended "to make it difficult for [the Kandyan peasants] to prove title";[4] and of legislation which led to the expropriation of forest, chenas and village commons.

What can we say of this refrain? The answer: the melody keeps striking one false key. It is admitted that the climate of official opinion was highly biased. But the fact remains that any such bias could operate, literally and figuratively, only on a limited acreage. By 1837 chena land (whether old chena or virgin forest recently cultivated) was considered unsuitable for coffee plantations. This is explicitly stated in Turnour's correspondence of 1837.[5] Prior to this time the few pioneer planters had sought only chena land because it was easier to

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1. CO 54/171. Mackenzie - Normanby. 26. 16 July 1839.
   CO 54/185. Anstruther - Under Secretary of State. 23 Nov 1840.
   He was on leave in England from 1838.

2. Both this label and the label "conspiracy theory" are used by Jayawardena, [op. cit. passim]. I continue to do so for convenience sake.

3. K.M. De Silva. Development of social policy in Ceylon 1840-55. (1961 Lon.). Ph.D. History. p 17.
   See also A.A. Wickremesinghe. Land Tenure in the Kandyan Provinces. (1924 Cbo.). pp 15-16.

4. K.M. De Silva. Private letter to me. 10 July 1963.

5. Draybrooke Memo. App. G. Turnour - Col. Sec. n.s. 28 Nov 1837. p 280.
   See also D. Wilson [as Chairmen of a Petition Committee]. Facts connected with the present conditon and wants of Ceylon [1847? Cbo.?]. p 2. [re 1836.]

clear[1] but by 1836-37 swung round to a contrary opinion and began opening up virgin forest. As early as 1836 many were making purchases in the Pussellawa forest - aptly termed "Black Forest" - which was above 3,000 feet,[2] and by 1839 the phenomenal yield from Henry Byrde's small clearing "caused a rush into Pussellawa".[3] Strange to say, prevailing opinion considered only "virgin forest land" suitable even for sugar cultivation and condemned chena land as unsuitable.[4] Few even considered the requisite of soil: "the mere fact of forest trees being on it was to many persons sufficient evidence of the land being good" complained a planter

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1. The use of chenas in this early period was first brought to my attention by Jayawardena. op.cit. pp 47,52-55. But see B.P.P. Reports from Committees.Vol.XII, (1850). Second Report from the Select Committee on Ceylon. Ackland's evidence. 5 June 1849. pp 20,23. Q.3245. "Do the coffee planters generally seek for chana land [sic] or forest land? - They used to seek for chana land [sic] because they were not aware that it was not suitable for coffee, and it cost them less money to clear; now they seek rather for heavy forest land." Ackland participated in opening up some of the pioneer plantations in the early 1830's [ibid. p 19].

2. Tropical Agriculturist.Vol.VIII.(Sept 1888). "Pioneers of the Planting Enterprise: F.N.Sabonadiere and William Augustus Sabonadiere." pp 148-49.

3. Idem.
Ibid.Vol.XVI.(1896-97). "Pioneers of the Planting Enterprise: Lt.Col.Henry C.Byrde." [reminiscences]. p 589.
Jayawardena. op.cit. pp 42,52-55.
The land sales before 1839-40 were: 1835, 431 acres; 1836, 3019; 1837, 3661; 1838, 401; 1839, 9570. [R.Wilson. 'Facts connected with the present condition and wants of Ceylon. [1847? Cbo?]. p 2]. According to a planter "there were only some eight to ten estates" in 1839. [W.Austin. "General views on the commencement and progress of coffee planting in Ceylon" in Lee's edition of Ribeyro's History of Ceylon.(1847 Cbo.). p 226]. But this seems slightly short of the impressions conveyed in other sources and does not tally with the 27,985 acres sold up to the end of that year.

4. J.Lambert. "Remarks on the cultivation of the sugar-cane in the island of Ceylon." Colombo Magazine.(June 1841). p 446.

a few years later.[1] Nevertheless, it is implicit in some of the later writing that experiments were still made in cultivating coffee on chena and patana. What is more, even if exaggerated one has to consider the kernel of truth in another planter's statement that the "first adventurers" did not "so much an [dream] of [hill estates] until all the available low lands were brought [sic] up".[2] But soon the complete failure of these estates forced contemporaries to the absolute conclusion that/"no land in Ceylon [was] suitable for coffee except forest land".[3] What is more, in "the original forest" there was but little "undergrowth of weeds" and weeding was a less troublesome item of expenditure at the outset unlike on the chenas or the "low estates".[4] However other factors like the type of soil and the elevation did count:

> the only well-ascertained fact is the almost universal failure of Estates in the lower range of hills ... [soil is a vital factor] ... and where this primary essential is combined with an altitude of 3000 to 4500 feet [and] a sheltered aspect ... there is the best security against failure. [5]

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1. W.Austin. op.cit. p 224.
2. CO 59/16."The Examiner." 19 June 1852. "On Coffee Planting in Ceylon." C.R.Rigg.
3. B.P.P.Reports from Committees.Vol.VIII.Part.1. (1851). Third Report from the Select Committee on Ceylon (1850 Session). Tennent's evidence. 22 April 1850. p 247.
   CO 54/234.Campbell - Grey.44. 6 March 1847. "[Only forest is suitable for coffee] all attempts to raise it successfully on other lands having failed."
   CO 59/24."Colombo Observer." 1 Oct 1855.
4. CO 54/248.Torrington - Grey.Confidential. 5 July 1848.
   CO 59/16."The Examiner." 19 June 1852. "On Coffee Planting in Ceylon." C.R.Rigg.
5. CO 54/248.Torrington - Grey.120. 4 July 1848. Both Austin and Rigg also emphasise the soil factor and significantly considered the best soil "the dark chocolate, or nearly black soil" which could "generally" be found only "beyond 3000 feet" in their opinion. [CO 59/16."The Examiner." 19 June 1852. "On Coffee Planting in Ceylon." C.RRigg; W.Austin.op.cit.pp224-26]

'vas in the mid-1850's a planter affirmed that chena was not suitable for coffee cultivation[1] and the strength of this opinion was such that revisionists had to expend considerable effort to change opinion in planting circles. This attempt to change opinion and to grow coffee on chena only began with the dawn of the era of intensive manuring, and dates from around 1852-55.[2] Thus, from 1837 to the mid-1850's, erudite opinion favoured coffee on virgin forest only; and Ordinances 5 and 12 fall comfortably within this span.

The implication is important. The basis of the "planter-official theory" is undermined. Neither planter nor planter official could wish to expropriate the chena lands of the peasant. The contrary thesis that they would take a strong line against any future encroachments on virgin forest, yet grant private rights to existing chenas,[3] gains a foundation. Humour had been to indulge in concern for native rights to old chenas and yet serve the plantation interest by preserving forest.

The lack of demand for chena land in the 1840's needs qualification however. In the first place within European circles in Ceylon in the 1840's there was a boom-period atmosphere which could be summarised thus: 'the resources are abundant, the potential great; this is an eldorado'.[4] Hence there were numerous

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1. T.E.Lewis. Coffee Planting in Ceylon: Past and Present. (1855.Cbo.). pp 12fn.,37-38.

2. C.O. 59/25."Colombo Observer." 12 June 1856.
C.O. 54/315.Ward - Newcastle.46. 29 Aug 1850.
Infra. pp 251-52.

3. Jayawardena. op.cit. pp 42,59-74; and Braybrooke Memo. pp 194-196. Emphasis added.

4. S.P.Vl of 1862.[Report of Committee on the Roads 1842.] Minutes of Evidence. p 141 as an example; or J.W.Bennett. Ceylon and its Capabilities.(1843.Lon.). passim.

ventures afoot. Some planters had ideas of opening up fresh[1] and there is at least one example of an estate having paddy fields.[2] Some definitely had pasturage as adjuncts to their estates,[3] their cattle being utilised both for a supply of manure and conveyance of crops.[4] However there is every indication that such pasture was generally on pateum rather than chena,[5] though chena too was used for pastoral purposes in some instances;[6] and sometimes the plantation pasture was on cleared forest land.[7]
In the second place from mid-1841 Government surveyors were responsible for choosing the lots,[8] and they tended to choose blocks

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1. CO 54/225.Campbell - Gladstone.97. 6 July 1846. Eg: of a planter seeking land for stock-rearing and vegeteble cultivation.

2. CO 59/9."Ceylon Times," 16 Jan 1855. Deltotte Estate put up for sale (an old one).

3. CO 58/20."Govt. Gazette." 6 March 1841. p 144.
CO 59/9."Ceylon Times." 27 June 1854 and 23 Jan 1855. [Advertisements of old estates.]

4. J.Capper.Old Ceylon: Sketches of Life in the Olden Time. (1878 Lon.). pp 13-14. This portion was written in 1846.
CO 59/24."Colombo Observer." 18 Oct 1855. Planting Report. Matale West.

5. J.W.Ferguson.Plantation Gazetteer.(1859 Cbo.). pp lxxix, lxxxiv,xcviii. [potena was considered unsuitable for coffee (CO 59/24.'Colombo Observer.' 1 Oct 1855) till about the mid-1860's when it was found that some potena could be utilised if manure was carefully used (A.Dickman.The Ceylon Civil Service Manual.(1865 Cbo.). p 228).]

6. R.F.3. Tennent's Report.App.10.Surveyor-General - Col.Sec.200. 13 Oct 1846. p 117.
CO 59/24."Colombo Observer." 6 Dec 1855.

7. William Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870,Lon.). p 120. [The first edition was in 1866. Rarely was the whole of a purchase brought under coffee; usually around half was. pp 210-11.]

8. D.F.P. Third Report. op.cit. pp 246,353.740.

according to surveying convenience and included bone with beef[1] - hence possibly chena land as well.

Certainly there are some occasions when chena land (in moderate sized lots) were advertised for sale though these are exceptional and contrast with the proportion of forest that was advertised.[2] There are also several instances where chena land is seen to have been part of an estate.[3]

But the fact remains that there was no general desire for chena lands for coffee culture in 1839-40. The planter-officials could afford to be munificent regarding claims to chenas. With this fact and its implication in mind, one student comes out with an unatomised and closely argued reconstruction of Turnour's aims and methods.

On this reading, Turnour overlooked the fact that chena sown with fine grain did not render any tax or service. Therefore, while proclaiming state-overproprietorship over chena and forest, he designed the "objective-tests" clause as a liberal method by which legitimate possessors of chena could prove their title, yet combating future squatters and claimants at the same time. His plan hinged on this clause. The clause, he felt, was more than adequate for the present possessors of chena land. The "half-the

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1. CO 59/9."Ceylon Times." 21 July 1854. Article taken from "The Examiner".
Millie.Thirty Years Ago.(1878.Cbo.) Chapter XX.no pagination.

2. CO 59/24."Govt.Gazettes.[1845]." pp 11,80,95,432,436. See App.K.Section B. infra. pp 425-26.

3. A.M.Ferguson[ed]. Pioneers of the Planting Enterprise. (1904.Cbo.) Vol.i. "William Rudd." [by a relative]. p 60.
William Boyd. "Autobiography of a Periya Durai." Chapter 25.
Cey. Literary Register.Vol.iii. (Aug 1888).
E.F.C. Tennent's Report.App.12. C.N.Buller - Col.Sec.379. 15 May 1845. p 121.
CO 59/24. "Colombo Observer." 6 Dec 1855.
A.M.Ferguson. Planters Gazetteer.(1859.Cbo.)pp xcviii,cliv.

improved value" clause was not meant for such land. It was a privilege intended for individuals who asweddumized land but as far as chena lands went, to ask them to pay half the improved value was a liability; hence the proviso exempting land mentioned in the "objective tests" clause from its operation. Later when forced to concede prescriptive rights by the Colonial Office Turnour felt that clause 1 too became a liability for such possessors of chena land. Hence clause 9 in the amended Ordinance [i.e.Ordinance 12] stipulated not only that the "half-the-improved value" clause but also that clause 1 (regarding prescription) was not applicable to lands mentioned in the "objective tests"clause.[1]

> Thus his conclusion is that
>
> official intentions in 1840-41 were clearly benevolent towards the chena proprietor though the legislation which resulted could in fact be used harshly against him.

This was the result of "the ambiguous formulation" of the "objective tests"clause'.

> The confusion about Ordinance 12 arose because of the difficulty of reconciling its twin aspects - of conceding chena and protecting forest without distinguishing sharply between existing 'old'chena and future 'new' chena [i.e.forest] in existing forest. 2

What is more, that Turnour did not intend to dispossess existing occupants of chena seems to be proved by the fact that he did not insist on the proofs required from chenas sown with fine grain once he found them to be non-existent; and by the fact that he allowed "prescription administratively while not altering the law".[3]

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1. Jayawardena. op.cit. pp 42-80. [The summary given here cannot but be brief and inadequate. Note that the exponents of malevolent design argue, or imply, that both clause 1 and the "half-the-improved value" clause were privileges which were denied to proprietors of chena by clause 9. Thus Jayawardena argues the contrary.]
2. Jayawardena. op.cit. pp 75-76,79,82.
3. Ibid. p 82.

It is not intended to scrutinise the merits and demerits of detail in this ingenious reconstruction. On the one hand there are several queries one can cast into this stream of interpretation - queries which spread some stains on its surface. On the other hand, there are several aspects of this turbulent stream which, by inference or otherwise, gain confirmation in Turnour's correspondence or in contemporary official sources. But one query is well-worth mention. It relates to a basic assumption in the above thesis: the assumption that Turnour was unaware that chenas sown with fine grain were not liable, in the Kandyan Provinces in British times, to any services or taxes.[1] The fact is that he knew this full well.[2] Either, therefore, the architects of the Ordinance were guilty of a gross oversight, or, some other explanation is called for. It is difficult to comprehend how they felt the "objective-tests" clause was "a most liberal provision".[3]

But thrust and counter thrust as to malevolent or benevolent intentions on the part of Turnour and others can be fruitfully

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1. On this theory Turnour came to realise this only when the petition of the inhabitants of Sabaragamuwa (Braybrooke Memo. App.in App.H. [Petition] 3 Nov 1840) reached him [Jayawardena op.cit. pp 80-82]. The fact that he subsequently ordered the test to be dropped is circumstantial proof of the assumption that he did not know this basic fact till then.

2. Braybrooke Memo.App.C.Turnour - Col.Sec.102. 1 April 1857. p 265. [It is only fair to note that Jayawardena himself brought this proof to my notice in the summer of 1964; quite understandably this stray reference had escaped my notice (and his) originally, but in my pen-ultimate drafts it was argued that it was impossible for a man of Turnour's experience not to know such a basic fact.]

3. Braybrooke Memo.App.I.Anstruther - C.A? 139. 21 April 1841. [Apparently Turnour believed that, de jure, Government had the right to tax all chenas. But since the "objective-tests" clause asked for proofs based on the practice in the decades before 1840, the clause ought to have been based on the de facto position.]

by-passed and the question viewed from another angle: by asking the simple question - in the circumstances prevailing in the late 1830's, what alternatives were the officials faced with?

The best method of resolving the problem of ill-defined claims and extensive encroachments would have been a cadastral survey in alliance with an itinerant Commission on the lines of the Temple Lands Commission of the 1850's.[1] But this would have been a work of time; and a gigantic task for which the colony had neither the money nor the personnel. On the perennial rock of how to reconcile speed in developing a colony with efficiency, this obvious solution came to grief.

Precluding this remedy what was the alternative? The Crown could presume the forests and the chenas to be its possession. Or, the "native" claims and encroachments could be recognised.

But the latter alternative would not have provided land on secure titles for the capitalists - or for anyone for that matter. In the first place, the villagers could refuse to sell their land. In the second, even if they were willing to sell, they could not often make out a secure title; the very vagueness of their claims, conflicting peasant claims for the same land, and the highly sub-divided ownership or occupancy practices, precluded sales with secure titles. The whole principle of certainty of tenure would be undermined. This left the first alternative.

The fact that needs stress is that Turnour did consider these two alternatives. That of recognising the Kandyan claims, he felt, was no solution at all: existing confusion would be worse confounded. That of the Crown entering and taking possession he considered far from satisfactory either: the "natives" could combat many an inch of the Crown claims, and given parole testimony,

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1. Note that in 1868 with a staff probably double that of 1840 the Surveyor-General concluded that it would take 80 years to survey the island while with 120 more men he could have it done in 7 years (CO 54/436.Hodgson - Buckingham and Chandos. 23. 24 July 1868.Encl.Fyers - Col.Sec.103. 22 June 1868).

the scales were weighted on their side; therefore capitalists would not fare all that well with Crown land either.[1] In the event, Government sought a way out of this dilemma by adopting the latter alternative and nullifying "native" parole testimony altogether by omitting prescriptive rights. Thus was Ordinance 5 of 1840 conceived; but London's meddling hand necessitated further twists and turns and Ordinance 12 of 1840.

In the circumstances the 1840 legislation seems justifiable.[2] This does not excuse the ambivalent and careless formulation of Ordinance 12 and the "objective-tests" clause in particular; nor necessarily justify the spirit in which the officials approached the problem. The interpretation of benevolent intent would have it that Turnour sought to protect the villagers'rights in so far as was fair and consistent with Crown rights; it is also possible to argue that if he was not concerned about the peasant interest a much more straight-forward Ordinance which placed the Crown in an unassailable position could have been formulated. The fact remains that the officials in general seemed far more concerned with Crown rights, with opening up the country - and were in quite a hurry.

To reiterate the object of the Waste Lands legislation of

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1. Braybrooke Memo.App.G.Turnour - Col.Sec.no number. 28 Nov 1837. pp 282-89.

2. Substantially a similar view in L.J.de S.Seneviratne."Land Tenure in the Kandyan Provinces." Cey.Economic Journal.lX. (1937). pp 44-45. "It seems to me that [the 'objective-tests' clause] is easily understood on the basis that the sole aim of the Crown was to protect the forests. The Crown had no interest in depriving a person of a forest or waste land if he was really entitled to it.... In the case of chenas, however, the Crown, while it had no intention of taking away those that had always been possessed by private parties, at the same time had no intention of giving up forest land that had recently been converted into chenas. Viewed from this angle the Ordinance does not seem to have been an unfair piece of legislation."

1840-41 however, the basic and interrelated aims were: the provision of security of tenure, the protection of the Crown forests from the encroachments and claims, and by these means to establish a suitable foundation for agricultural improvement with the sale of forest land to planters especially in mind; this meant a definition of Crown and private rights in land especially all Waste Land.

Framed in the light of the alternatives available and the limits set by harsh necessity the mantle one cloaks Turnour with seems of lesser importance. But one naturally asks why he did not amend the Ordinance once he saw his tests to be unsatisfactory. Bailey himself was perplexed by this omission[1] and Turnour's failure to clarify a defective law is inexcusable. The explanation, of course, lies in the fact that he sought to modify the defects of the Ordinance in its application, introducing prescriptive rights and parole testimony for chenas administratively, rather than legislatively. Though legislation to this effect would have weakened the Crown's position and that of the principle of security of tenure, this, to put it mildly, was a most slipshod and dangerous attitude. Though Torrington and Wodehouse came close to making amendments in 1847,[2] the succeeding Administrations, together with Turnour, must bear the charge of permitting a highly defective and ambiguous law to remain on the statute books. Any malaise affecting Government and planters would have been quickly exorcised - as indeed, did Ordinance 9 of 1841 remedy one error, and despatch 15 of 24th January 1844 request an amendment for another: both relating to Government

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1. Bailey 1859 Memo. p 147.

2. CO 54/237. Torrington - Grey. 45. 7 July 1847. This despatch, however, was chiefly concerned with the Government position. Clauses 1 and 7 were considered to be worded too "vaguely". Any legislation at this stage would therefore have been of little benefit to the peasant.

interests. Not so, however, was the fate of clause 6 - the wording of which was a cancer bearing on the peasant. Neither opportunity of altering this clause was utilised.

Having said so much respecting the letter of the Ordinance and the intentions of its architects it is time to turn to the working of the Ordinance in the three decades that followed.

## 111. Waste Lands Policy in Operation.

### A. Main Lines of Policy.

One critic on Government policy in its practice and impact maintains that in the 1840's and 1850's, policy was repressive, that the land policy in general and the expropriation of chenas in particular was a major cause of the rebellion in 1848.[1] Most modern students consider the legislation to have had disastrous effects and caused much expropriation of peasant chenas. All seem to assume that the letter of the Ordinance was carried out to the hilt.[2]

The letter of the Ordinance, and particularly the "objective-tests" clause, as we have seen, was harsh. The fact remains that the Ordinance was not carried out according to the letter.

As far as chena land sown with hill-paddy went prescriptive claims were not recognised but proof of dues rendered in <u>any one year</u> in the period 1818 to 1840 sufficed to give a title.[3] As

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1. Vandendriesen. "Land Sales Policy-Part 11." <u>Univ.of Cey.Review op.cit.</u> pp 42-45.
2. For eg: the Kandyan Peasantry Commission, B.H.Farmer, H.M. Leake, the Ceylon Planning Secretariat [<u>supra</u>.ppl81-2]. For an useful precis of these views see Jayawardena. <u>op.cit.</u> pp 4-9.
3. Braybrooke Memo. pp 194-96.
   C.G.A.Lot 41/163.Flanderka - Dyke.288. 30 Aug 1855. Encl.C. Flanderka - Dyke. 4 July 1854 which states that payment of tax "for any one year within 20 years would apparently under the sixth clause of the Ordinance 12 of 1840 constitute the land private land". [Emphasis added.]

for those sown with fine grain, Government did not demand that Kandyans should adduce proofs of taxes, dues or services. Prescriptive claims to such chenas (presumably based on sporadic cultivation and oral testimony) were recognised.

> These instructions [in Turnour's letter to the Government Agent, Galle, No.58] were not intended to convey an explanation of the construction to be put on the encroachment Ordinance as its correct reading but as the authority for the Government Agents to forego the enforcement of the proviso contained in the 9th clause and to permit Kandyans to establish their title by prescription in regard to lands which can only be periodically cultivated, and which are not subject to any tax to Government. 1

A Circular of 27th May, 1841 so explained the situation to the Government Agents.[2] So Wright penned:

> The difficulty arises from [the] undefined nature [of private chenas] and it is only by a long continued possession known and shown by their frequent or repeated cultivation at intervals of 6, 8 or 10 years that furnishes the requisite evidence of ownership - not the payment of taxes, for taxes were never due. 3

However it would appear that in theory policy leaned towards permitting peasents to use their chenas rather than recognising freehold rights:

> Government has so far relaxed the rule as to admit the right to chena land that has been for 30 years possessed and periodically cultivated; but this is on indulgence and not a matter of right which could be established in

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1. Braybrooke Memo.App.I.Anstruther - G.A.? 139. 21 April 1841. (drafted by Turnour).
   See also ibid.App.H. Encl.Turnour - G.A.Galle.58. 5 Feb 1841.

2. C.G.A.Lot 41/163.Flanderka[A.G.A.Anuradhapura] - Dyke[G.A. Northern Province].288. 30 Aug 1855. Encl.C.Flanderka - Dyke. 4 July 1854, refers to this Circular as recognising prescriptive rights as "title" to chenas, besides proofs rendered by gannes or dues. [N.B. Full title seems to have been recognised.]

3. Godrington. Ancient Land Tenure and Revenue in Ceylon.(1938, Cbo.). p 45, quoting an experienced official Wright (father of W.D.Wright) in 1846.

a court of justice.[1]

The 1859 evidence explicitly reports the policy to have been that of allowing the "natives" to use but not to alienate "their chenas".[2]

Government's recognition of village and private chena gains support in other quarters. Lots advertised in Government Gazettes are sometimes described as being "bounded" by chena lands belonging to X village or by "lands claimed by natives".[3] The Surveyor-General spoke of villagers selling chena and pasture which they claimed "at their pleasure".[4]

> The real fact...was that the question as to the sale or otherwise of land rested in a great measure, in fact altogether, with the report or sanction of the [Ratemahatmaya - chief headman] of the district 5 -

and the chief headman relied on the subordinate headmen. To the extent that the headmen acted on the aversion to the intruding planters common to most Kandyans[6] in the 1830's and 1840's in particular, to the extent that they supported the vague and indeterminate claims and encroachments of individuals and villages,[7]

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1. N.F.C.Tennent's Report.App.12. T.W.Rogers [A.G.A.Badulla] - G.A. [Central Province.C.R.Buller]. 16 Dec 1844. p 119. See also C.R.Buller - Col.Sec. 26 April 1845. p 121.

2. Braybrooke Memo. Encl.F.Layard [A.G.A.Badulla] - G.A.[Central Province.Braybrooke].158. 29 April 1859. pp 243-44. Ibid. Encl.A.O.Brodie [A.G.A.Matale] - [Braybrooke].152. 18 April 1859. pp 236-39. Emphasis added.

3. For eg: CO 58/19."Govt.Gazette." 12 Dec 1840. p 958. See also App.E.Section C. infra.pp426-8. But this is in contradiction to the impression given by a planter, Layard. B.P.P.Reports from Committees.Vol.XII.(1850). Second Report of the Select Committee on Ceylon. H.L.Layard's evidence.10 July 1849.p 226.

4. CO 54/240.Torrington - Grey.150. 8 Nov 1847. Encl.W.H.Simms - Viscount Torrington. 6 Oct 1847.

5. Millie. Thirty Years Ago.(1878.Cbo.).Chapter XX.no pagination

6. Idem.

7. Braybrooke Memo.App.E.Turnour [G.A.Central Province] - Col. Sec.381. 1 Sept 1837, is/among several examples.

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to that extent would the land be reported as private or encumbered. To the extent that planters won "the ear" of particular headmen,[1] the chances of purchasing land, even village land, were very good. The distinct impression left on one's mind is that headmen were generally averse to village lands falling into the hands of Europeans and rather connived to keep them in local hands,[2] though in some instances they usurped village land for themselves and sold them at a profit.[3] It is true that Government Agents universally were distrustful of the headmen's reports in this sphere but their knowledge of the ground was so limited that they had, perforce, to lean on them.

The role of the headmen was crucial not merely before the sale of any particular lot but in Government's combat against encroachments. Aimed though Ordinance 12 was, at encroachments, Government only moved against "flagrant and barefaced encroachments"[4] while in Dry Zone areas like Nuwarakalawiya they allowed "any forest [to be] cleared by the people for chena"[5] - further indication perhaps of a reasonable policy in the practice but also a reflection of inadequate control. In the 1840's and 1850's in particular they were all but babes in the Kandyan territories as far as preventing encroachments went. In the event, the numerous lamentations at the usurpation of Crown land emanating

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1. Millie. Thirty Years Ago. (1878. Cbo.). Chapter XX.

2. 1872 Admin. Reports. Kegalla. A.A.King. 5 June 1873. pp 32-33. C.1202. "Colombo Observer." 12 June 1865. Letter to Editor from "The Little Unwashed" [a planter]. nd.

3. CO 54/264. Torrington - Grey. Confidential. 13 Nov 1849. Encl. Report of C.R.Buller. Encl. C.R.Buller [G.A.Central Province] - Col.Sec. 27 June 1843.

4. Bailey 1857 Memo. p 332. See also CO 54/345. Ward - Newcastle 46. 29 Aug 1859, which encloses Bailey's memorandum.

5. C.G.A. 41/163. Flanderka - Dyke. 288. 30 Aug 1855. Encl. C. Flanderka - Dyke. 4 July 1854.

from the several babes in the several corners of the interior[1] are not surprising. The people of Batticoloa and Sabaragamuwa seemed to have earned the dubious fame of being the worst offenders[2] but encroachments were universal.[3]

Encroachments were largely for the purpose of chena cultivation; but in some instances the land was converted into garden or paddy field; in others timber was the object. Excepting the latter case, such encroachments opened the door to prescriptive claims to the land, given any failure on the part of Government (not uncommon) in discovering or preventing such acts. Ordinance 12 of 1840 was a positive boon to squatters and encroachers in this respect: clauses 1 and 7 being instruments which enabled them to establish prescriptive titles; and in this field the Kandyan Provinces were much better off than the Maritime Provinces for in practice they could claim chena lands sown with fine grain as well.[4] In both regions ten years occupation was sufficient to give them a prescriptive title on payment of half the improved value through the 8th clause of Ordinance 12;[5] but

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1. H.F.C. C.R.Buller - Col.Sec.302. 26 April 1846, pp 119-120.
   CO 54/332.Ward - Labouchere.21. 30 Jan 1858.
   CO 54/329.Ward - Labouchere.76. 5 May 1857. Encl.Captain Fossett [Surveyor-General] - Col.Sec.36. 1 May 1857.
   CO 54/402.Robinson - Cardwell.56. 13 June 1865. Encl.in Encl. 4. H.S.O.Russell [A.G.A.Ratnapura] - G.A.Western Province.281 28 June 1864.
2. V.S.M.Ward.Minute on Bintenne.The Batticoloa Irrigation Works the Southern Province and Ouvah[sic].nd. [early 1858]. p 258.
3. CO 54/333.Ward - Labouchere.32. 27 Feb 1858. Governor's Addresses.Vol.11.Gregory. 30 July 1873. pp 311-12.
4. Supra. Pp 185, 223-24.
5. In the Western Province between 1858 and 1871, 3418 lots amounting to 7,249 acres were sold for £10,825-15-3 under this clause. [1871 Admin.Reports.[Colombo District and Western Province]C.P.Layard,G.A.nd.App.C. p 13.] This clause does not seem to have been used much in the Central Province but in the North-Western Province and Trincomalee District one has evidence that such gains occured.[Ibid.Trincomalee District. R.W.D.Moir,A.G.A. 26 April 1872.App.D.p 204;1870 Admin.Reports Survey Dept.Lt.Col.J.G.Jervois(Acting Surveyor-General). 13 May 1871. pp 205-206.]

the local peoples were gaining prescriptive titles without any such payment, through "no-claim certificates" issued in accordance with the 7th clause.[1] A result of successful encroachments in the period after 1840 as well as those between 1818 and 1840, these gains were on a scale sufficient to create furrows in official foreheads at the wholesale loss of revenue entailed and at the "demoralization" thus reflected.[2] Prescriptive gains were not limited to chenas however, nor were they due solely to any failure of detection on Government's part. Successful squatting occured under Government's very nose in the several bazaar towns that were springing up in the interior as well as in the case of boutiques along the highroads. Ward graphically sketched this process in the town of Kutele and asserted that Government had lost much land already and that they would lose more if the Survey Department could not give titles to the squatters.

> The give rights which must be respected and the Survey comes when the evil no longer admits of a remedy. 3

Thus fairness in Government policy had something to do with the facility with which people gained prescriptive ownership. It is true that there were too many cases for the Agents to carry out evictions but Government felt that the squatters were entitled to buy such land and had only so encroached because the Survey Department

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1. These certificates were viewed as a means of quieting possession and giving certainty of tenure [1868 Admin.Reports. (Colombo District and Western Province)C.P.Layard. 31 July 1869. p 6.]. In the period 1858-71 in the Western Province 18,722 lots representing roughly 40,459 acres were granted on this basis [1871 Admin.Reports.(Colombo District and Western Province)C.P.Layard,G.A.nd.App.C. p 13.]. In the Central Province from 1868-72, 166 lots representing over 710 acres were thus granted [1872 Admin.Reports.(Kandy District and Central Province)J.Parsons,G.A. 15 June 1873. p 47.].

2. CO 54/413.Robinson - Cardwell.158. 23 July 1866. Encl.C.P. Layard [G.A.Western Province] - Col.Sec.547. 23 Sept 1867. CO 54/333.Ward - Labouchere.22. 6 Feb 1858.

3. Ibid. Ward - Labouchere.32. 27 Feb 1858.

did not cope with their applications.[1] Thus Government was circumscribed by a shortcoming of its own making - shortage of staff in the Survey Department; a shortcoming which only Ward began to remedy. The fault was not purely that of the indigenous folk. Government's failure to meet with legitimate demands for land prompted some of the encroachment.

But in general Government was helpless:

> So easy is it ... to make a claim or pretension among a people so reckless of truth ... and so cautious are the Crown lawyers in contesting a case in which any claims or pretensions, however frivolous, are preferred, that I am not aware of one single instance in which a summary case has ever been conducted to a decision in any court within the central province. 2

The villagers were adept in the art of encroachment - sometimes barefaced, sometimes under the cover of legitimate licenses or land in their possession. Graphic sketches of how they did so are as numerous as amusing.[3] They even forged sannas and placed the Executive in considerable difficulty in distinguishing the false from the legitimate.[4] Encroachments in this manner ate into potential coffee land and it is not surprising that planter and journalist kept urging Government to prevent them - blithely convinced that all local claims had no legal basis and highly

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1. 1855 Blue Book Reports.Ward - Labouchere.94. 9 June 1856. pp 326-27.
   Governor's Addresses.Vol.11.Gregory. 30 July 1873. pp 311-12.

2. E.F.C. Tennent's Report.App.12.C.R.Buller - Col.Sec.[Tennent] 302. 29 April 1846. pp 119-120.

3. For eg: 1864 Blue Book Reports.Robinson - Cardwell.134. 16 Sept 1865. Encl.4.Report of the Surveyor-General. 23 March 1865. p 125. Cf. The capabilities in chicanery displayed by the Indian ryot. P.Moon.Strangers in India.(1944.Lon.).pp 51,53

4. CO 54/477.Gregory - Kimberley.144. 17 Aug 1872.
   CO 54/483.W.E.T.Sharpe[A.G.A.] - Kimberley. 30 Oct 1872.

critical of Government Agents for "wink[ing]" at them.[1]

The scales would have been doubly weighted in favour of 'encroachers' in localities where the headmen were in collusion with the people. One finds numerous complaints on this head.[2] In this field, as in most, Government policy at the grass roots hinged largely on this 'feudal' group, and on this question Government was particularly vulnerable:

> [It] is to be apprehended that the right reserved to the Crown under Clause 6 of Ordinance 12 of 1840 is too rarely recognised by headmen and taxers [assessors] in the case of chenas. In the absence of any sort of decision as to the relative boundaries of Crown and private land, the virtual settlement of important claims has been tacitly left to the discretion, or rather the caprice, of the minor officials. 3

It would seem that where such collusion took place, the headmen and their relatives were the greatest gainers.[4] Certain it is that headmen families in particular had successfully usurped land in former gabadagam while they also expanded their large nindagam properties into adjoining Crown land.[5] Even where there was no collusion one could not always expect unpaid headmen to enforce properly the difficult and odious task - the odium "often taking the shape of persecution" - of combatting encroachments.[6] Even

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1. C.1204."Ceylon Times." 17 April 1863.
   CO 57/22.Executive Council Minutes. 4 Sept 1855. Minute by Gibson. 4 Sept 1855. p 185.
   C.1202."Colombo Observer." 6 Oct 1864.
2. For eg: CO 54/180.Mackenzie - Russell.121. 13 July 1840. Encl Petition of [certain Sinhalese inhabitants of Hetara District] 26 Aug 1839.
   CO 54/333.Ward - Labouchere.22. 6 Feb 1858.
   C.1204."Ceylon Times." 17 April 1863. p 244.
3. CO 54/402.Robinson - Cardwell.56. 13 June 1865. Encl.in Encl. 4.Russell [AGA.Sabaragamuwa] - G.A.Western Province.281. 28 June 1864.
4. CO 54/329.Ward - Labouchere 76. 5 May 1857.
5. 1864 Blue Book Reports, op cit. Encl.in Encl 7.[1864 Admin. Reports.Sabaragamuwa.] Birch. 30 March 1865. pp 138-39,144.
6. Ibid. Encl.7.[1864 Admin.Report.Colombo District and Western Province.] C.P.Layard. 23 March 1865. p 130.

in 1873 an Agent could complain that Government was, "here, to a considerable extent, at the mercy of the headmen".[1] So too were individuals to some extent, for the uncertainty of tenure "[afforded] the means of extortion by the headmen, whose services must be secured whether the land [was] Crown or private".[2]

Finally some other factors aiding successful local encroachments could be noted. By the late 1850's the use of better manures enabled peasants to asweddumize plots which they had normally chenaed and thereby rendered prescriptive claims to such lands the easier.[3] The nature of the terrain, the difficult conditions of health in the Dry Zone, and inadequate communications in many an area, in turn, obviously made Government control difficult.

In the circumstances it is not surprising that, in the mid-1840's, officials were expressing disgust at the state of affairs. By some mischance the amendment to the period of prescription instituted by the Order-in-Council of 11th August, 1841 had not been made in England (though agreed to).[4] This fatal error, as Torrington reported in 1847, meant that

> the matter [remained]...as it [had] done ever since 1840, a question of doubt and difficulty which [had] laid the foundation for numerous encroachments...amounting in some instances to impossibility of ejecting the occupants. It [was] perfectly well-known to the natives that they [could not] be ejected by summary process (according to the Order-in-Council before mentioned) after five years undisturbed

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1. 1872 Admin. Reports. Kegalla. A.A. King. A.G.A. 5 June 1873. pp 32-33.

2. Ibid. Saburagamuwa. D.H. Atherton. Acting A.G.A. 31 March 1873. pp 27-28.

3. CO 54/413. Robinson - Cardwell. 158. 23 July 1866. Encl. C.P. Layard - Col.Sec. 547. 23 Sept 1865.
S.C. XVI of 1867. Report of a Sub-Committee of the Legislative Council appointed to report upon the Bill "an Ordinance to promote the maintenance and extension of Paddy Cultivation in the Island". 21 Dec 1867. Resume [of the Answers received to Queries]. Q.2. p 14.

4. CO 54/237. Torrington - Grey. 45. 7 July 1847.

> possession; they also [knew] that a process before the District Court for their ejectment after that period [was] likely to be undecided for two or three years, during which interval, abundant opportunity [was] offered for getting up testimony either to prove all they could wish to establish or sufficient at all events to delay the final decision of the cause indefinitely. 1

Thus it was that Government planned a "more comprehensive measure of a stringent kind".[2] But nothing came of it; presumably being swallowed up by the 1848 rebellion and its aftermath.

The mural unfolded in the foregoing pages makes several things clear regarding policy in the 1840's and 1850's. In the field Government had to tread carefully and found it very difficult to prevent encroachments. What is more they moderated the application of Ordinance 12 and did much, at the administrative level, to lubricate its working, though themselves finding it unsatisfactory. The mural also has its moral: it serves to illustrate a pitfall into which many modern critics have freely stepped: that of assuming that practice followed the dry bones of the law.

On the other hand it is true that there was <u>some</u> loss of land (whether village or private) as a result of Government's claims. There is a considerable body of evidence - ranging from grievances presented by the chiefs and priests, from evidence given by witnesses before the British parliamentary committee in its post-mortem on the 1848 rebellion, to stray references by officials and unofficials - to support this fact.[3] Much of the evidence

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1. CO 54/237.Torrington - Grey.45. 7 July 1847.
2. <u>Idem</u>
3. For e.g. CO 54/238.Torrington - Grey.73. 12 Aug 1847. Encl.2. Notes on the First Conference [between] H.E.Viscount Torrington and a deputation of Chiefs and Priests. W.D.Bernard. [Torrington's Private Sec.]. 29 July 1847; CO 54/261.Torrington - Grey.173. 7 Dec 1849. Encl.C.Stewart, Deputy Queen's Advocate, Kandy - Col.Sec. 22 Nov 1849; <u>B.P.P.</u>Reports from Committees.Vol.XII.(1850). Second Report from the Select Committee on Ceylon. <u>passim</u>.
   See <u>infra</u>. pp 274-78. Emphasis added.

(ord little to indicate the degree but Layard stated that Government had claimed land "to a very large extent".[1] Our study of Government policy in its application, of the nature of the demand for coffee land and other evidence contradicts this.[2] But to speak thus is to anticipate; while an analysis of this evidence has its rightful place in the separate fold of inquiry into the bearing of waste lands policy on the rebellion. At this point what is salient is that such loss of land strongly suggests a strict implementation of Ordinance 12 of 1840. The evidence, however, must be appraised in the light of the local people's tendency to misrepresent and exaggerate issues in this sphere,[3] and in the light of their tendency, alluded to earlier, to be "more fearful of the invasion" of rights acquired without legal basis "from the tacit permission" allowed them in former years to the Crown forests.[4]

It is also true that the administrators of the 1840's and early 1850's were themselves rather uncertain and confused as to the import of the legislation. No less a person than C.R.Buller, Government Agent of the Central Province was guilty of "[misrepresenting] the sixth clause, giving it a construction more favorable to Government than it is held to bear".[5] Both Tennent and Buller tended to interpret Ordinance 12 according to its

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1. B.P.P. op.cit. Second Report. H.L.Layard's evidence. 10 July 1849. p 226. Layard was a planter and a merchant.

2. Infra. pp 279ff.

3. For instance the memorial of 1859 presented by some planters and many "natives" [infra. pp 257-59. ] misrepresented certain facts - some of which could not have been unintentional. [Braybrooke Memo. passim. as well as Bailey 1859 Memo. pp 148-149.]

4. B.P.C. C.R.Buller - Col.Sec.577.nd. Sept 1846. p 135. - supra. p 194.

5. Bailey 1859 Memo. p 157.

letter;[1] Torrington, as we saw, called for "a new and more comprehensive measure of a stringent kind".[2] Uncertainty is reflected in Buller's complaint "that even the Crown [had] hesitated in regard to the precise reading of some of its clauses".[3] Buller had misunderstood several aspects of the whole chena question. Other officials too were confused.[4]

In the 1840's and early 1850's then, officials bedevilled as they were by the ambivalence of Ordinance 12, had a very muddled understanding as to how the legislation should be interpreted and implemented. Nevertheless, the Circular of 27th May 1841, Turnour's letter of 5th February 1841, the attestations of sincere men like Bailey, Ward and others in 1859 and the other corroborative evidence described earlier is so strong as to enable one to stand by the view that the Ordinance was not enforced according to its letter. The confusion among officials, strict interpretations and the complaints of loss of land merely qualify this view, indicating some variation in the degree of moderated application both in time and place.

Thus we can say with Brodie:

> it is ... a most erroneous idea that Civilians have been blind to the hardships which might be inflicted on the people by a too rigid adherence to existing statutes nor am I aware that such hardships have actually been inflicted .... When ... it is proved that on many successive

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1. R.F.C. Tennent's Report. 22 Oct 1846. p 99.
   Ibid. App.12. C.R.Buller - Col.Sec.302. 26 April 1845.

2. CO 54/237. Torrington - Grey.45. 7 July 1847.

3. R.F.C. C.R.Buller - Col.Sec.577.nd. Sept 1846. p 135.

4. For e.g. two A.G.A.'s of Badulla took variant views of clause 6 [R.F.C. App.12.Mercer - G.A.Central Province. 12 Sept 1846. p 123.] and the A.G.A.Anuradhapura was rather uncertain as to how the Ordinance and subsequent orders should be interpreted [C.G.A.Lot 41/163.Flanderka - Dyke.288. 30 Aug 1855 and Encl. C.Flanderka - Dyke. 4 July 1854.]

> occasions the same land has been cultivated even with crops which pay no tax - then I believe Government has invariably, or almost invariably, withdrawn all claim ...[1]

If we may hammer this nail in by quoting Bailey:

> ... and so generally is it felt that the law imposes too severe restrictions on the possessor of Chena lands, that no Revenue Officer attempts to act according to the letter, and the Government has, till recently, been almost passive in the matter. [2]

Government then, moderated the implementation of the letter. As Murdoch in England concluded from the mass of papers sent in 1859, the "provisions ... which would press most heavily on the natives were not therefore brought into operation".[3]

Nevertheless the Ordinance did place Government in a favourable position: "it [was] difficult to conceive any measure calculated to provide Government with greater facilities in the assertion of their rights".[4] If they allowed the peasants the use of their chenas in many cases this was in the nature of "indulgence"; thus as of concession and not as of right. The peasants could not freely alienate their chenas in theory (though in the practice this did happen).[5] What is more, there were inherent dangers for peasants of the future in allowing a defective law to remain on the statute books. The practice could well grow to accord with the law. It is highly significant that the Government Agents of the early 1870's were totally unaware of the Circular of 1841. Thus one spoke of the Ordinance 12 of 1840 as "[vesting] the title to [chena] lands in the Crown, unless the

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1. Braybrooke Memo. Encl.Brodie.A.G.A.Matale - Braybrooke.152 18 April 1859. pp 237-38.

2. Bailey 1857 Memo. p 332.

3. CO 54/348. Murdoch - Merivale. 27 Oct 1859.

4. CO 54/345. Ward - Newcastle.46. 29 Aug 1859. Encl.6.Morgan [Queen's Advocate] - Col.Sec.59. 12 May 1858.

5. Bailey 1859 Memo. pp 148-51.

claimants are able to produce a Sannas or grant";[1] and he was not alone in making such a strict interpretation of the letter of the law.[2] Another, King, complained of the "obscurity" and the "equivocal" nature of clause 6 (the "objective-tests" clause) and virtually knotted himself in his efforts to unravel its meaning.[3]

The late 1860's and early 1870's present us with some useful though rather confusing evidence regarding Government policy in practice during the preceding period (undefined); given the nature of the subject and the predilections and ambitions of local peoples, lawyers, and officials, it is not a matter for surprise that this evidence is at times contradictory. Keeping what has been gathered earlier in mind, one has to thread one's way carefully and closely through this evidence merely to arrive at conclusions, which are somewhat tentative, as to what policy was pursued towards the "chena question" in the Kandyan Provinces (as before, the peripheral question of licensed chena cultivation on acknowledged Crown land is not considered under the term "chena question").

One feature emerging from this evidence is that, as before, the people were allowed to use but were not given clear title to much of the chena to which they laid claim. Because the oft-proposed survey settlement had not been undertaken, the question remained in an "open state" and was "dealt with ... in a highly inconsistent and spasmodic manner".[4] This seems to have been with regard to claims presented by individuals to chenas un-attached to paddy fields; that is to say to chenas which were not appurtenant to specific pieces of mudland. In general the right

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1. 1871 Admin. Reports.Kegalla. L.F.Lee,Acting A.G.A.nd. pp 29-30

2. Ibid. Nuwarekalawiya.T.W.Rhys-Davids,Acting A.G.A 16 July 1872. p 90.

3. 1872 Admin. Reports.Kegalla. A.A.King,Acting A.G.A. 5 June 1873. p 35.

4. Idem.

of the peasants to chenas appurtenant to their paddy fields does not seem to have been disputed by Government.

> In all the Central Province chena is admitted on certain recognised principles. Every paddy field has attached to it a piece of high land, technically known as its appurtenance, and no proof is required to establish a private right to this appurtenance, which is, in ordinary cases, in the proportion of three to one to the mudland .... In some districts, where the chenas are poor, a larger e extent is given. No objection whatever exists to these appurtenances nor to the cultivation of Chena on Crown land by license, care being taken that no encroachment is allowed on land containing valuable timber .... But the subject is embroiled by constant encroachments beyond the legitimate appurtenance and by claims against the Crown - some fraudulent, some legitimate. 1

The picture, here, could not be clearer. Forgotten though the Circular of 1841 was, the new generation of officials seem to have received the tradition of recognising the peasants' rights to appurtenant chena which that Circular gave scope for. Given Gregory's statement above, in fact, it seems difficult to build up any case of extensive expropriation of appurtenant chena by the Crown. Equally significant it points to a crucial distinction between the types of chena as far as practice went, between appurtenant and non-appurtenant chena - a distinction that does not seem to have been clearly drawn in the 1840's but which seems to have developed by 1872.

Nevertheless one has suspicions that the picture drawn by Gregory is over-simplified and too favourable to Government. In 1868 one Agent suggested that Government should waive its claim to appurtenant chena[2] - a request that was perhaps unlikely if it

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1. S.P.XV of 1873.Papers relating to the cultivation and survey of chena lands. Introduction, p 5. This "Introduction" was largely a chunk taken out of one of Gregory's despatches. CO 54/487.Gregory - Kimberley.237. 31 July 1873.

2. 1868 Admin. Reports.Kegalla.G.E.Worthington.nd. [1869]. p 32.

was recognised policy. Other evidence indicates that there was "suppression" of chena cultivation by officials leading to much "dissatisfaction" among the people.[1] This was possibly with regard to licensed chenaing on Crown land which, in the late 1860's, Government strongly discouraged;[2] yet Dickson protested against the fact that "at times" Government attempted to "refuse to allow the cultivation of hen altogether".[3] These suspicions, however, are possibly explained by the fact that the chena question was dealt with in an inconsistent manner and, seemingly, depended on the particular Government Agents in charge. As another official said:

> The question involved was one of proprietory and had to be dealt with cauticously inasmuch as a great portion of the chena land is claimed and has been held from time immemorial as appurtenances of the paddy fields. Even in the royal sannes [their extent is not well defined] although six times the extent of high land is generally granted as appurtenances of the fields described. 4

Several pieces of evidence support the view that Government policy gave room for the Kandyans to retain their chena land. Criticism levelled at the Executive by planting circles for postponing sales of allotments whenever "native claims" pertaining to them were put forward, and for giving credence to

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1. 1868 Admin. Reports. Sabaragamuwa. F.R.Saunders. nd. [1869]. p 22. Also suggests surrendering "the presumed right of the Crown to all chena or waste land".
   1871 Admin. Reports. Kegalla. L.F.Lee. Acting A.G.A. nd. [1872]. pp 29-30.

2. Infra. pp 266-68.

3. 1870 Admin. Reports. Service Tenures Commission. J.F.Dickson. 29 April 1871. p 286fn. Moreover Lee wrote "I have warned the people that they must take out licenses for cultivation, and I have told them that I cannot admit their right to hen unless they can produce sannases." S.P.XV of 1873. op.cit. Encl.1. in No.3. L.F.Lee.A.G.A.Kegalla - G.A.Colombo.460. 30 Aug 1872. p 9.

4. 1872 Admin. Reports. Sabaragamuwa. E.Atherton. Acting A.G.A. 31 March 1873. pp 27-28.

headmen's reports reveals that claims were not lightly treated and points to a wary policy.[1] The case of an extensive stretch of land claimed by a headman on a sannas which the Executive considered dubious indicates more: both in 1845 and the early 1860's the Government Agents challenged the claims under this sannas, came to the conclusion that the forest land claimed under it was Crown but recognised the claimant's title to the forest recently cultivated and the other cultivated land (including some chena).[2] Once again official reluctance to give up virgin forest and willingness to permit chenas to remain in local hands is revealed. One can also cite an instance when a portion of land sold to a planter was rescinded because the Government Agent "was quite satisfied as to the rights of the Villagers to the land within certain limits".[3] The orders given by the Assistant Agent in Kegalla (a seat of much trouble on this score) are of even greater significance. His Circular to headmen ran thus:

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1. C.1204. "Ceylon Times." 28 July 1863. p 476.
C.1202. "Colombo Observer." 12 June 1865. Letter to Editor from "The Little Unwashed". (a planter).nd: "...forests here, there and everywhere refused the Planters because an old drunken Ratemahatmeya says it ought to be kept. One particular piece adjoining Cannaverella Estate must not be sold because the lazy thieving Sinhalese can make their unfortunate wives climb the mountain's side and gather a few nuts ...."

2. CO 54/475.Gregory - Kimberley.66. 2 March 1872. Encl.Morgan - Col.Sec.99. 11 May 1870.
CO 54/477.Gregory - Kimberley.144. 17 Aug 1872. Encl.App. "Answers to Queries in Col.Secretary's letter. No.224 of 2 July 1872 respecting the claim of Don Hendrick Mudaliyar." J.F.Dickson.Acting G.A.Central Province.

3. CO 57/27.Executive Council Minutes. 19 Sept 1860. [In Muwarakalawiya too it seems that the right to "the surrounding jungle lands to a certain extent [surrounding the peddy fields]...without payment of rent" was granted. C.G.A.Lot 41/163.Flanderka - Dyke.186. 15 Aug 1856. Encl. [Land Revenue Report.]

All chenas under cultivation for the present season, except such as are licensed by the Crown, and except such as the headmen from their own experience and observation must know areillicitly cleared from high jungle, or from what in any other respect must be regarded as Crown land, are to be taxed at 1/14th, as in previous years. Provided that the Assistant Agent not withstanding such taxation at 1/14th (which might be regarded as a recognition of the lands being private) reserves the right to reclaim any chena which he may hereafter deem to be the property of Government. 1

By 1873 the instructions to headmen agreed on at the top-level in Colombo included the orders

> 3. Private hen cultivated with paddy liable to 1/14th tax bar in proclaimed villages [where it was to be 1/10th]. 4. The question of private right will be dealt with liberally. Land generally to be treated as private when cultivated regularly at stated intervals. 2

By 1873 then, policy at the administrative level had been chrystallized into a liberal and reasonable one. If before 1873 policy was not that clearly defined it appears that it ran on the same lines if more haphazardly. The canvas unfolded would appear to make it difficult to claim that Government expropriated even non-appurtenant chena to a marked degree let alone that of appurtenant chena. But one is brought sharply to earth by a headman's statement that "most of the highlands which were considered to be private property were declared Crown lands".[3] Was

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1. S.P.XV of 1873. op.cit. Encl.3 in No.3. King [Acting A.G.A. Kegalla] - G.A.Colombo.509. 8 Nov 1872. p 10.Emphasis added.

2. 1872 Admin. Reports.Sabaragamuwa.Atherton. 31 March 1873. pp 27-28.
Ibid. Kegalla.King. 5 June 1873. pp 34-35. [It is strange that much of the trouble was in Kegalla,where there were onby 4 estates, and in the large district of Sabaragamuwa where the acreage alienated could not have caused a pressure on village chena. Infra. p 318 and App. F. pp 437, 439.]

3. S.P.XVI of 1877.[Report of the Grain Tax Commission.] op.cit. App.1.No.47. Translation of Answers to Queries of the Grain Tax Commission forwarded by Halpe Ratamahathmaya of Katugampola Hatpattu.nd. p lxxix.

he upholding the illegitimate claims of his villagers or were there, in fact, considerable losses of private land whether appurtenant or not? The 1849-1850 evidence does after all indicate losses of "grazing land" and "chanies"[sic];[1] and chenas were used as pasture in the periods in which they were not under cultivation.[2] What is more in 1870-1872 Russell, the Government Agent of the Central Province and a man of much experience, stated that he was trying

> to prevent the sale of common pasture land on account of Government or by underhand bargain of private parties, but the evil of indiscriminate alienation of such land has already been carried so far that in many places no pasturage is left for villagers' cattle and in others beasts can be turned out to graze only at the risk of their straying into neighbouring coffee estates where they will be impounded or shot. 3

This evidence is strong prima-facie proof that Government policy was strict rather than liberal. One's conclusions that policy was temperate and the losses not marked have, perforce, to be tentative; but since the emphasis of this evidence is so much on the loss of "pasturage", it would seem that the losses were on the outer limits of the villages. The case indicating little loss of appurtenant chena, as distinct from the non-appurtenant, stands on firmer ground.

The distinction between appurtenant and non-appurtenant chena is of some significance. It would appear that the controversy between Government and people was rather over the latter. The evidence suggests that it was the rights to non-appurtenant chena that were generally left in an "open state", and that it was to these that Government tried to apply a policy of allowing the peasants to use the land rather than giving them alienable

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1. Infra. pp 274-78.
2. S.P.XVI of 1877.[Report of the Grain Tax Commission.] op.cit. Resume [of Answers received to questions]. Q.4. p 15.
3. 1871 Admin. Reports.[Kandy District and Central Province]. H.S.O.Russell. 23 March 1872. p 41.

rights. In cases where they were convinced the land was Crown land, however, Government was not slow in "assuming the right to the usufruct of the land".[1] Nevertheless Government could not effectively deal with all the encroachments and claims: "numbers of unsound claims [were] left unnoticed"; only "a few cases which [came] prominently before the notice of the [Government Agent were] severely dealt with".[2] In Nuwara Eliya, Fisher complained that, although successive Assistant Agents had investigated certain encroachments,

> each determining that they were Crown property and should be surveyed and sold, and in cases of encroachments of some years standing, Government [had] promised the holders of the land a survey ... and a speedy settlement of their claims ... years [had] elapsed

and no survey had been made.[3] This underlines three facts: that the Survey department continued to be a bugbear, that Government was reasonable and recognised prescriptive rights, and that it seems that Government did not always use clause 1 of Ordinance 12 to evict encroachers. As before so too now; King complained:

> [it] is impossible for the Crown to keep a watch upon its domains sufficiently close to prevent frequent and often audacious encroachments, on the part of natives under cover of a chena claim. The Government is here, to a considerable extent, at the mercy of its headmen. [4]

That in their attempts to prevent such encroachments Government did tread on local toes is not surprising. Lee reported that "[dissatisfaction was] felt amongst the people at the action

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1. 1872 Admin. Reports. Nuwara Eliya. B.F.Hartshorne.A.G.A. 29 March 1873. p 73.

2. Ibid. Kegalla. King. 5 June 1873. p 33.

3. 1870 Admin. Reports. Nuwara Eliya. F.C.Fisher.A.G.A. 7 July 1871. p 61.

4. 1872 Admin. Reports. Kegalla. 5 June 1873. pp 32-33.

taken by [him] (under orders) with reference to hen".[1] One can conjecture that such complaints emanated more with regard to action over non-appurtenant chena rather than appurtenant.

Thus the people were far from satisfied with Government policy however liberal it seemed to the contemporary official. In Kegalla "the people altogether [declined] to consider that hen are Crown property, and [would] not take out a licence for cultivation of hen which they [deemed] theirs".[2] The fact was that

> [the] popular notion [was] that every land that [did] not contain large forests [was] prima facie the property of the people, unless the contrary [could] be proved; so that when a chena clearing [was] put in question, it [was] thought sufficient answer to declare that there was no large jungle growing on the land. 3

In Matale they went even further and it "appeared ... to be the firm conviction of every Kandyan that all forest land [belonged], not to Government but to the natives".[4] In Kotmale, a district of high altitude, although there were "comparatively speaking such superior grazing grounds" and "abundance of suitable lands

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1. 1871 Admin. Reports. Kegalla. Lee.Acting A.G.A.nd. pp 29-30. See also S.P.XV of 1873. op cit. Sub.Encl. in Encl.2 of No.3. Col.Sec. - G.A.[Western Province].453. 19 Sept 1872. p 10. referring to certain petitions against the actions in Kegalla

2. S.P.XV of 1873. op cit. Encl.1 in No.3. Lee - G.A.[Western Province].460. 30 Aug 1872. p 9.

3. 1872 Admin. Reports. Kegalla. Acting A.G.A. 5 June 1873. pp 32-33. [One should note that there would have been much sequestered forest in Kegalla in Kandyan times as it was on the route to Colombo and near Kadugannawa Pass. It was not heavily planted with coffee, having only 3 estates in 1863, and 6, totalling 993 acres, in 1870. (See App.F.Section B. infra. p 437) Even at the turn of the century when tea and rubber were being increasingly planted in this region, the people had "plenty of chena lands of their own" (A.A.Wickremesinghe. Land Tenure in the Kandyan Provinces.(1924.Cbo.) pp 33-34 quoting several A.G.A.'s of the district.)]

4. 1872 Admin. Reports. Matale. R.Massie.Acting A.G.A. 25 Feb 1873. p 61.

near all villages", "the inhabitants [complained] bitterly of being deprived of the Lindula and... Patanas where they were formerly in the habit of driving up their buffaloes and leaving them for months...."[1] So Lionel Lee pointed out:

> [the] people ... appear to consider that they have acquired a title if they have cultivated the land once or twice within the past fifteen years; and they decline to accept any compromise. It cannot be denied that the people feel strongly on this subject and are dissatisfied with any action which tends to weaken their hold on the hen.

He even recommended that the Crown claims "be entirely abandoned" since Government "would gain much in the hearts of the people" if they did so.[2]

The very excesses of the people's claims however undoubtedly caused reluctance on Government's part to accede to such a request. So Birch reported that

> [the] people of [his] district ... [had] grown into the habit of claiming as their 'parveny' property, not the fair appurtenances of the fields but the entire high land, chenas or forests within the limits of the villages. [3]

Government was not willing to waive its claims without survey and settlement.[4] That task being largely in abeyance the subject remained, as before, unsettled.

If the people tended to demand too much and if Government seem to have applied Ordinance 12 moderately it is not meant to

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1. 1870 Admin. Reports. Nuwara Eliya. P.C.Fisher.A.G.A. 7 July 1871. p 65.

2. 1871 Admin. Reports. Kegalla. Lee.nd. pp 29-30.

3. 1864 Blue Book Reports. Robinson - Cardwell.134. 16 Sept 1865 Encl. in Encl.7. 1864 Admin. Reports. Sabaragamuwa. Birch. 30 March 1865. p 139.

4. Inference from 1872 Admin. Reports. Kegalla. King. 6 June 1873. pp 32-35. [Gregory despatched surveyors to Kegalla District in 1873, and by 1875 30,000 acres of chena land had been surveyed - S.P.XV of 1873. Papers relating to the cultivation and survey of chena land. pp 9,11; and Governor's Addresses Vol.11. Gregory. 8 Sept 1875. p 414.]

imply that there were no seizures of legitimately owned chena and grazing land (whether appurtenant or non-appurtenant) as distinct from large-scale expropriation. That such should occur was inevitable from the nature of the question:

> [the] peasants constantly [tried] to encroach on Crown forests, while the Revenue officers, in their anxiety to preserve the Crown property, occasionally [laid] claim to and [stopped] the cultivation of private hen. 1

This in turn contradicts the evidence of Layard, of Russell, and of the headman in 1877 which point to a large loss of land as a result of Government policy. But the evidence is not to be treated lightly. Hence our conclusion that appropriation of legitimately owned chena was exceptional must also be a circumspect one.

The whole state of affairs was unsatisfactory and stemmed from Government's failure to undertake a large-scale survey settlement. It was a subject of general complaint among district officials of the late 1860's. So Worthington felt

> the non-settlement of [the chena question] materially [retarded] the advancement of the country from the uncertainty of title - created by the Ordinance of 1840 in great measure. 2

It was a fact that "the rights of the Crown" itself "[were] seriously prejudiced; for, in the absence of a decision in the favour of the Crown, it [was] impossible to sell the land".[3] The villagers in turn had considerable ground for complaint in

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1. 1870 Admin. Reports. Service Tenures Commission. J.F.Dickson. 29 April 1871. p 266fn. Emphasis added. Dickson was not all that pro-Government on this issue. He considered chenas to be essential for survival in many villages and wrote in critical vein of an official who tried to suppress chena cultivation. [Idem.]

2. 1868 Admin. Reports. Kegalla. G.E.Worthington.nd. [1869] p 32. Ibid. Saberagamuwa. P.R.Saunders.nd. [1869] p 22.

3. 1872 Admin. Reports. Nuwara Eliya. B.F.Hartshorne. 29 March 1873. p 73.

that their interests were

> no less jeopardised by the undefined nature of their actual rights, no one being certain as to what he [might] sell, or what he might purchase free from the chance of dispute. 1

The situation fostered a great deal of litigation.[2] Thus it is no surprise, though highly significant, that the Service Tenure Commissioner found

> [the] position of the service tenants of the viharegam and devalagam [was], on the whole, better than that of the inhabitants of the ordinary villages, chiefly on account ... of their greater security and freedom in the cultivation of hen. 3

Interpretation and application of Ordinance apart, there was another sphere of executive policy and practice which had some bearing on the impact of Government Waste Lands policy - namely, that of creating reserves of chena and forest for the villagers. It is not certain at what date exactly this practice originated nor to what extent it was carried out. A modern writer seems to think this policy existed from the outset[4] but this is far from certain. It was certainly a practice by Ward's time.[5] Such reservations were usually on the representations of the headmen

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1. 1872 Admin. Reports. Kegalla. King. 5 June 1873. pp 32-33.

2. Bailey 1857 Memo. passim; see infra. p 257.

3. 1872 Admin. Reports. Service Tenures Commission. J.F.Dickson. 11 June 1873. App.A. Memorandum on the resumption of Vihara and Dewale land. p 449. See also 1870 Admin. Reports. [Dickson's report.] 23 April 1871. p 286.

4. L.J.de S.Seneviratne. "Land Tenure in the Kandyan Provinces." Cey.Economic Journal.Vol.IX. (1937) pp 45-46. He adds that these communal arrangements broke down because the villagers had imbibed private proprietary notions so strongly.

5. CO 57/22. Executive Council Minutes. 11 Dec 1856. This was to protect Crown timber from the "natives" but for an instance (in 1864) when it was for the use of the "natives" see G.P.11 of 1872. Reports on the Working of the Paddy Cultivation Ordinance (No.21 of 1867). Replies from the A.G.A., Nuwara Eliya, B.F.Hartshorne. 17 Sept 1872. p 30.

and were much to the chagrin of some planters.[1] But it was not until 1873 that this practice was made a strict one when Government showed great concern for forest preservation not only with native welfare in mind but with the objects of preventing soil erosion and preserving the dwindling Crown forests.[2] The 1873 correspondence leaves room for inference that reserves of forest for villages had not been made in a sufficient degree in the past. "The reservation of forest for the use of the natives used to be a somewhat sore subject both to them and the planters' and Government was not always wise in its choice of land for reservation, said a planter in 1878.[3]

Executive policy apart, that of the Judiciary seems to have had some influence in mitigating the operation of the Ordinance. Two writers of the twentieth century make explicit statements to this effect;[4] but the decisions readily available are scanty and legal decisions in general, in Ceylon of the nineteenth century, are not noted for their consistency. The evidence at hand is largely with regard to the latter part of the century but it is not entirely uninstructive. In 1879 the Supreme Court stipulated that chena land proved to be appurtenant and belonging to the claimant for a long time, even if irregularly cultivated, was not

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1. C.1202."Colombo Observer." 22 Oct 1866. "Notes from the Central Province." "Traveller." 11 Oct 1866. See also supra. pp229-30.Note that reservations were to protect the Kandyans' water-supply as well.

2. S.P.XXIX of 1873. Correspondence on the subject of THE CONSERVATION OF CROWN FORESTS. Gregory - Kimberley.237. 31 July 1873. pp 8-9. Strict orders were given to reserve crests of hills and wooded ravines, particularly in populated areas, when making sales of coffee land.

3. Willie. Thirty Years Ago. (1879.Cbo.) Chap. XX.

4. E.L.Brohier. Land Maps and Surveys. (1950.Cbo.) Vol.1.p 34fn. A.A.Wickremesinghe. Land Tenure in the Kandyan Provinces. (1924.Cbo.) pp 17-18.

to come under the meaning of clause 6 of Ordinance 12[1] (the "objective-tests" clause); and in 1893, they decided that the Crown's

> presumptive title [might] be rebutted by any of the ordinary proofs which would go to show that the land was not in fact the property of the Crown but of private individuals. [2]

Thus it is said that in the 1880's several Supreme Court decisions "relaxed what up to 1886 was certainly treated as the law of the land", and in effect, made it "practically impossible to decide what lands [were] Crown and what ... private".[3] This suggests that in the preceding period the Court had not interpreted the laws in such a manner. But what evidence one has points to the fact that in the period under our consideration too, the Judiciary tended to restrict the powers of the executive. A judgement in 1846 "placed the burden on the Crown of proving private title in proceeding under clause 1 of Ordinance 12", considerably weakening though not destroying the position of Government;[4] and it was probably this decision that drew Buller's indignant protest.[5]

As we have seen, in cases arising in the Southern Province in 1837 and 1839, the decisions of the Courts were a positive

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1. S.Rajaratnam. A Digest of Ceylon cases reported during the years 1820-1914. (1919.Jaffna.) p 239.

2. Idem. [No cognisance taken by us of cases after 1897 when another Waste Lands Ordinance was passed.]

3. Jayawardena. op.cit. p 132fn.2 quoting Lushington, a Government Agent, in June 1896. There is other evidence to show that at this time Supreme Court decisions had hindered the executive in their efforts to preserve forests. Tropical Agriculturist.Vol.XVI.No.1. (1 July 1896.) [Anon.] [no title] p 139.

4. Jayawardena: penultimate draft of thesis. pp 137-38 basing himself on Wickremesinghe. op.cit. pp 17-18.

5. P.P.S. C.R.Buller - Col.Sec.577. Sept 1846. p 135. Buller complained that it would nullify Ordinance 12.

hindrance to the Crown.[1] One District Judge's policy is of considerable interest in itself as well as evidence of a fair, flexible approach. Briefly summarised, in cases between conflicting "native" claims based on casual cultivations and unreliable evidence where there was "no written evidence of title...or other circumstances evidencing either a continuous hereditary descent or the use of the land as a subject of permanent private property", and where the land was not appurtenant to fields or "homesteads", he presumed that the land was Crown property and "as a rule of judgment" followed the policy of favouring the claimant who had brought the land under permanent cultivation.[2] He believed this rule was based "on sound legal principles as fully as it certainly does consist with natural equity and with public policy and the industrial interests of the country". It would seem, then, that the Judiciary did mitigate the implementation of Ordinance 12 throughout the nineteenth century. Executive policy was the crucial field however, and by itself the policy of the Judiciary could be held to mean little.[3]

As far as the availability of chena and pasture land went, there were other mitigating factors for the Kandyan peasant besides Government policy in the practice. In most regions the population was sparse and to some areas it spread only with the advent of the plantations -as we shall perceive later when this

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1. Supra. pp 198-99. See also 1868 Admin. Reports. Puttalam. W.C.Macready.A.G.A. 1 Feb 1869. pp 70-71.

2. 1868 Admin. Reports. Part.II. Report of the District Judge, Kandy. T.Berwick. 16 July 1869. pp 50-51. Emphasis added.

3. According to Jayawardena, [in conversation: summer, 1964] in the twentieth century the Judiciary interpreted the Waste lands Ordinance No.1 of 1897, so as to allow Government to claim the land; and the land was then distributed to the villagers, and the village protected from speculators, by the Land Settlement Officers.

important aspect is considered at greater length.[1] From 1836-37 till the mid-1850's the planters considered chena land as unsuitable for coffee culture and till the mid-1860's there was a much stronger opinion regarding the unsuitability of patena land.[2] Till 1862-64 Government freely permitted the villagers to chena Crown forest on licenses in most regions.[3] There were, therefore, several outlets. But the greatest one of all was the facility with which they could encroach on Crown land, forest or otherwise. It was their considerable frustration in countering encroachments that prodded Government to prepare amendments to what they considered the unsatisfactory Ordinance 12 of 1840 in the year 1847. But nothing came of it. Encroachments continued on an extensive scale right through the century and eventually proved to be one factor prompting the Waste lands Ordinance (No. 1) of 1897.[4]

This leads one to the major conclusion: Ordinance 12 failed to achieve one of its ends, that of preventing illicit encroachments. Another major conclusion: security of tenure had not been provided to the extent desired. Marred though it is by some ambivalence, it is true that the letter of the Ordinance favoured the Crown interests; that in the practice, the sahibs could deal some cards from a position of advantage; and that in practice too, a considerable amount of Crown land could be (and was) sold on secure titles. But there was "a great deal of waste land which [Government was] deterred from disposing of from fear of

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1. A.M.Ferguson. Plantation Gazetteer. (1859.Cbo.) pp lxxii-liii, cxxi.
   Infra. pp 309, ff.

2. Supra. pp 212-15.
   Tennent. Ceylon. 4th ed. (1860.Lon.) Vol.1. pp 24-25.
   C.Dickman. The Ceylon Civil Service Manual. (1865.Cbo.)p 228.

3. Infra. p 266.

4. Jayawardena. op.cit. pp 131-32.

litigation".[1] There was much confusion still as to what land was Crown and what private, and many conflicting "native" claims to the same pieces of land.[2]

Current thinking, therefore, is misplaced in so far as it gives the impression that Ordinance 12 completely safeguarded the interests of the Crown. The grapes of this Ordinance were both sweet and sour. To Buller, Wodehouse and Torrington it was mostly sour - and it was from bitter experience that they expressed unreserved dissatisfaction at the position the Crown was placed in.[3] It was from experience that various revenue officials of the late 1860's complained of the prevailing uncertainty of tenure and the fact that the unsettled state of affairs provoked litigation among the local peoples. It was from experience that Bailey raised the very same points in 1857-58.[4]

B. Side Issues.

To go back in time: the 1850's saw several important trends and developments and culminated in some agitation for the repeal of Ordinance 12 from a combination of local people and a few planters; and these are deserving of some attention.

One salient development was the ability to grow coffee on some chena land. Though some reiterated that only forest was

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1. B.P.P. Reports from Committees. Vol.VIII. Part 1. (1851). Third Report from the Select Committee on Ceylon(1850 Session). Anstruther's evidence. 5 July 1850. p 737. Q. 8800.

2. CO 54/247.Torrington - Grey.57. 16 March 1848.
1872 Admin. Reports. Kegalla. King.Acting A.G.A. 5 June 1873. pp 32-35.

3. Supra. pp 229-32.

4. Bailey 1857 Memo. pp 324-25.

suitable for coffee culture,[1] by the mid-1850's it was being found that chenas too could be planted with coffee if intensive manuring was indulged in.[2] Thus two knowledgeable writers in the mid-1860's give the distinct impression that chena land had been so used to a fairly extensive degree.[3] Nevertheless it would seem that they were speaking in comparative terms and one cannot but incline to one student's conclusion that right through the coffee period the demand for chena was "marginal" and limited.[4] For one thing, Ferguson, in the same breadth, proclaimed that "such coffee [grown on chena] will soon wear out",[5] while an official affirmed in 1869 that "[as] regards coffee, it is now generally admitted that chena is not suited for its cultivation".[6] For another, only certain types of chena were considered suitable, those of low elevation in particular being regarded as unsuitable.[7] For another, coffee culture on chenas

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1. H.E.Lewis. Coffee Planting in Ceylon: Past and Present. (1855.Cbo.) pp 12fn., 37-38.
CO 59/24. "Colombo Observer." 1 Oct 1855.

2. CO 59/25. "Colombo Observer." 12 June 1856.
CO 54/345. Ward - Newcastle.46. 29 Aug 1859.

3. Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870.Lon.) p 10. [1st ed. 1866.]
A.M.Ferguson. The Ceylon Directory, Calendar and compendium of useful information. (1863.Cbo.) p 88.

4. Jayawardena. op.cit. pp 99-100.

5. A.M.Ferguson. The Ceylon Directory, Calendar and compendium of useful information. (1863.Cbo.) p 88.

6. 1868 Admin. Reports. Matara. E.Elliott.A.G.A. 28 Feb 1869. pp 232-33.
Also see C.1202. "Ceylon Observer." Supplement. 23 Jan 1869. "The Position of the Coffee Planting Enterprise in Ceylon", and C.1204. "Ceylon Times." 10 April 1863. Letter to editor from "Warder". n.d.

7. Braybrooke Memo. pp 230-31.
A.M.Ferguson. Plantation Gazetteer. (1859.Cbo.) p ciii. [a planter correspondent].

implied greater attention to weeding[1] and manuring[2] - both costly items and of significance to the planters, being as they were a body who expended much ink and fret on discussing modes of economical management of estates. Thus one can agree that forest was preferred to chena, especially as it was believed likely to produce better yields.

This brings us to the vital question relating to the extent of forest suited to coffee - i.e. below 5,000 feet and of tolerable soil and situation - that was available to prospective planters through the 1850's and 1860's. To the extent that forest was available they would, broadly speaking, be less inclined to purchase chena. The picture in the mid-1850's is confused. While some lamented that "in most districts" there were "no large tracts of available Crown forest" remaining for sale,[3] others affirmed that there was "plenty of land suitable for coffee".[4] The answer probably is that whereas "[in] some Districts ... the whole available Forest [had] been cleared and planted",[5] taking the Kandyan Highlands as a whole there was a considerable extent of suitable forest remaining. One must also

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1. Jayawardena. op.cit. pp 97, 105-107.
William Boyd. "Ceylon and its Pioneers." Cey. Literary Register. Vol.11. 32. (1888) no pagination.

2. Jayawardena. op.cit. On pages 101-109 he deals with various ecological factors that made chenas disadvantageous ground for coffee.

3. CO 59/9. "Ceylon Times." 21 July 1854. Memorial of the Planter's Association. 1 June 1854. See also CO 54/305. W.Simms[Surveyor-General] - Sec.of State. 4 Aug 1853 where it is stated: "In a District [the Central Province] in which the alienated land already forms so large a proportion of the whole."

4. CO 59/19. "The Examiner." 2 Jan 1856. Letter to Editor by "Lector" [clearly a planter]. See also Young Ceylon. Vol.11. No.4. (April 1951). "The History, Topography and Statistics of Kandy" by "T.A.P." [of Kandy]. p 89.

5. CO 59/24. "Colombo Observer." 1 Oct 1855. Overland Summary.

keep in mind the fact that a bottleneck in the Survey Department meant that an inadequate supply of land was put up for sale in the early and mid-1850's. As for the 1860's, a planter affirmed that "though [there was] a considerable extent of forest land ... yet available ... it [was] far removed from ... means of communication".[1] With the incentive provided by the process of threading the Hill-country with roads and the great incentive of the Colombo-Kandy railway project, however, new planting districts in hitherto inaccessible, highly elevated, sparsely peopled regions such as Dickoya, Maskeliya valley, and so on, were steadily opened up in the 1860's.[2] Thus a modern student concludes that right down to the 1870's there was a more than sufficient supply of primeval forest.[3] This is totally contradicted by Gregory in 1873, for though there was an "enormous extent of forest above [5,000 feet] ... the amount of forest still available for coffee [was] of small extent";[4] and this view has support in several

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1. Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870. Lon.) p 112. Robinson also stated that much forest remained "unreclaimed". [Governor's Addresses. Vol. II. 27 Sept 1865. p 57.] But others, in the mid-1860's, believed that the supply of suitable blocks of forest was very limited [C.1202. "Colombo Observer." 12 July 1864 and Supplement 15 Aug 1864].

2. Jayawardena. op.cit. pp 113, 114fn.
C.1202. "Colombo Observer." Supplement. 25 May 1865. Letter from T. Skinner - Col.Sec. printed. [There were also at least 90,000 acres of unplanted land in private hands which were suited for coffee. Ibid. Supplement. 18 July 1864.]

3. Jayawardena. op.cit. pp 97-99.

4. S.P.XXIX of 1873. Correspondence on the subject of the Conservation of Crown Forests. Gregory - Kimberley. 237. 31 July 1873. pp 8-9. On the Surveyor-General's rough estimate the disposition of lands in the Central Province was as follows:

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| Private Forest Standing | 85,475 acres |
| Planted Coffee Land | 210,170 acres |
| Private chenas and patenas | 100,000 acres |
| Unsold chenas, waste lands, forest and heavy jungle | 1,657,620 acres |

quarters.[1] His sketch was certainly true of Nuwara Eliya district and even of Dickoya.[2] This decreasing supply of forest would have induced some planters to seek for chena; but it is also true that in the 1860's the general demand for land was in the new planting districts rather than the old.[3]

Together with the modified shifts of emphasis in planters' tastes, in the 1850's, land values in general, and in chena land in particular, were "daily being more appreciated".[4] That in chenas is explained in part by the change in planting tastes itself. When allied to the revival of the coffee industry in this period and the inability of the Survey Department to serve up sufficient Crown forest to meet the demand, this meant a greater tendency, among planters, to purchase chenas from the local populace. Thirdly, the local people were expanding the cultivation of "native coffee" considerably and converting some of their chena into gardens for coffee, fruit and vegetables.[5] In the fourth place at this time the small-time capitalists - the Moors, the Chetties, the proctors, notaries, headmen and nouveaux riches

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1. C.1202. "Colombo Observer." Supplement. 15 Aug 1864.
1870 Admin. Reports. [Central Province and Kandy District].
H.S.O.Russell.G.A. 27 June 1871. pp 38-39.

2. Idem.
1872 Admin. Reports. Nuwara Eliya. Hartshorne. 29 March 1873.
p 67.

3. 1868 Admin. Reports. Part II. Report on the Survey Department
Captain Fyers. 26 May 1869. p 16 depicting regional land
sales in the Central Province in 1868. [Furthermore many old
estates were regularly put up for sale. At least 72 such
properties were advertised for sale between June 1864 and
31 Dec 1865 - C.1202. "Colombo Observer." passim.]

4. Bailey 1857 Memo. pp 324, 334.
CO 54/345. Ward - Newcastle.46. 29 Aug 1859.

5. CO 54/334. Ward - Stanley.27. 15 May 1858. Encl.Statement of
irrecoverable arrears [in which the G.A., Rawdon Power,deals
with reasons for the overestimation of the paddy revenue
1852-58]. n.d. pp 85-88.
Braybrooke Memo. pp 230-31.

among the Sinhalese - were beginning to invest more and more in land,[1] obviously causing some appreciation in prices.

In the meanwhile encroachment had reached such a scale that Government began to move against it. In the Central Province in 1852 Buller prohibited the cultivation of chenas "which had no satisfactory proofs of ownership"[2] but how far this stipulation was transmitted from paper to practice is uncertain. It was under Ward's energetic administration that more active steps were taken, partly it seems, as a result of pressure from the planters.[3] In Kegalla, it is said, the Crown

> began instituting case after case and [obtained] decrees for chenas belonging to private persons merely because they were unable in defence to produce the [evidence required] -

but this evidence is from an interested party.[4] In Batticoloa and Badulla certainly active steps were taken to combat encroachments and chenaing on Crown land.[5]

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1. 1858 Blue Book Reports. Ward - Lytton.135. 4 July 1859. p 103 S.P.III of 1860. Report, with Statistical Returns, of the operations of the Survey Department. Captain Sim. 30 Oct 1860 In the first 9 months of 1860, 60% of the land sales revenue was from "natives" in contrast to former years when 90% was from Europeans.
   CO 54/192. [Lt.Governor] O'Brien - Cardwell.197. Encl.12. Captain Sim - Col.Sec. 3 March 1864. In 1863 in the Central Province 3/7th of the land sales revenue was from "natives". In 1855 it had been almost nil. See also infra. pp 299-300.
2. CO 54/334. Ward - Stanley.27. 15 May 1858. Encl.Statement of irrecoverable arrears. Observations of [Rawdon Power] on Table one. n.d. [1858?] pp 85-88.
3. CO 57/22. Executive Council Minutes. 4 Sept 1855. Minute by Gibson. 4 Sept 1855.
4. CO 54/345. Ward - Newcastle.46. 29 Aug 1859. Encl.2. Report of "The Examiner". 16 Feb 1859 on a Public Meeting in Kandy [summarising Vanderwall's speech. Vanderwall was a Burgher lawyer in Kegalla, and therefore his evidence is not wholly reliable].
5. CO 54/345. Ward - Newcastle.46. 29 Aug 1859. Braybrooke Memo. Encl. F.Leyard[A.G.A.Badulla] - [Braybrooke] 158. 29 April 1859. pp 243-44. Emphasis added. [Batticoloa was not a planting area; the reason here was a desire to protect Crown timber.]

It was in this context and because of the unsatisfactory working of Ordinance 12 that Bailey took the chena question up in November 1857. "Native" litigation over paddy and garden land was bad enough but the chenas afforded "a constant and fertile source of disputes" as well. "Uncertain tenure of chena lands", he felt, was "the only source of discontent of the Kandyans". A speedy settlement was imperative. Clause 6 of Ordinance 12 should be repealed.[1] Such were his views, and his prescription - embodying, as it does, the idea of an itinerant Commission charged with settling claims and assigning a plot of chena to each field - reflects an equitable approach; but what is salient is that the question was under Ward's scrutiny by 1858, well before the planter-Kandyan agitation against Ordinance 12, in February 1859.

This agitation took the form of a public meeting in Kandy at which large numbers were present and a memorial requesting the repeal of the Ordinance was drawn up. The agitation was not sustained[2] and never was a significant movement. The planters who participated did not number over a dozen,[3] though some were eminent men.[4] This fact and their failure to press the case makes it very doubtful if they reflected the views of the planting body in general.

Nevertheless the combination of such opposing interests demands explanation. The planters concerned for their part seem

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1. Bailey 1857 Memo. pp 325-343.

2. CO 54/347. Ward - Newcastle.133. 14 Dec 1859: " ... a natural death".

3. Jayawardena. op.cit. App.C. p 350. There were at least 404 plantations by this time.

4. Captain Keith Jolly, Robert Tytler, Alex (Sandy) Brown for e.g. [CO 54/345. Ward - Newcastle.46. 29 Aug 1859. Encl.2. Report of "The Examiner" 16 Feb 1859 on a public meeting in Kandy.] Since the newspapers for the whole year are not found in Britain, however, a means of gaining more light on the movement remains to be studied.

to have been chafing at the fact that Kandyans could not give secure titles to some of the land they (the planters) had purchased or were eager to buy;[1] and were under a major misapprehension in thinking repeal would enable them to buy land more freely. (It would but without secure titles.) It has also been suggested that the planters concerned were those who were interested in buying chena land ( since, by then, some chena was considered suitable for coffee if manured).[2]

The local leaders of the agitation were certain chiefs and headmen as well as some proctors and advocates in the Central Province. Ward stated that they were vendors in land.[3] Given the increasing indigenous demand for land they were probably buyers as well. One can only conjecture about their motives. It seems possible that they were finding their activities in land-grabbing and land buying hindered by the increasing vigilance of Government. It seems probable that they desired the repeal of Ordinance 12 of 1840 so as to facilitate acquisition of more land from the peasants - land on which they could profitably grow coffee or which they could re-sell. The appreciating value of land, and the increasing demand for it in the 1850's, assume considerable meaning, and would seem to explain why the agitation originated when it did, in 1859. As for the support of the people, the chiefs could procure it easily for any cause; and the fact was that the chena question was one on which "the native mind [was] particularly sensitive"[4] and on which , as we

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1. CO 54/345. Ward - Newcastle.46. 29 Aug 1859.
   An European who had purchased land in Matale District from Kandyans only to find that it was Crown land was present at the meeting. [Braybrooke Memo. Encl. F.Layard(A.G.A.Badulla) - (Braybrooke).158. 29 April 1859. pp 246-48. - Layard having been A.G.A. ,Matale.]
2. Jayawardena. op.cit. App.C.
3. CO 54/345. Ward - Newcastle.46. 29 Aug 1859.
4. Braybrooke Memo. Encl. Layard - [Braybrooke].158. 29 April 1859. pp 246-48.

have seen, they refused any compromise.[1]

Confronted, as they were, with this memorial, how did Government react? What in fact was Government's prescription for the chena problem in the decade that followed?

It has been suggested that they artfully placated one of the groups - the planters - and therefore drove a wedge between the alliance; that the instrument of this policy was Ordinance 8 of 1863 which related to Registration of Titles and Deeds to Land.[2]

It is very likely that the officials sketched out to the planters what they saw to be the true implication: namely, how mistaken the planters were in thinking that repeal would mean more land available on secure titles.[3] But there is no evidence of such deliberate partiality as adduced above. Nor is it correct to view Ordinance 8 of 1863 as the direct outcome of the 1859 agitation. The idea of such a Registration Ordinance was conceived well before the agitation, around 1856-57.[4] Captain Gossett, then Surveyor-General, fathered this scheme in connection with the expansion of the Survey Department, and its chief aim, as we saw in an earlier chapter, was to help landowners (indigenous or European) and to encourage capitalists by providing secure titles.[5] While it had some bearing on the chena

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1. Supra. pp 242-44.
   1871 Admin. Reports. Kegalle. Lee.Acting A.G.A. n.d. pp 29-30

2. Vandendriesen. "Land Sales Policy Part II." Univ. of Cey. Review. Vol.XV. (Jan-April, 1957) pp 50-51.

3. CO 54/345. Ward - Newcastle.46. 29 Aug 1859.
   Bailey 1859 Memo. p 159.

4. CO 54/380. MacCarthy - Newcastle.185. 23 Oct 1863 (giving the history of the Ordinance).
   CO 54/333. Ward - Labouchere.3. 1 June 1858. Encl. [Ward's remarks on the report of a Select Committee of the Legislative Council.] n.d.

5. Idem.
   CO 54/380. MacCarthy - Newcastle.185. 23 Oct 1863. [The Legislative Council's Select Committee fully endorsed Gossett's idea in 1857.]

question, it was not a direct product of the question as a whole let alone the 1859 memorial in particular. As explicitly stated by Wright, nothing was done to implement the solutions broached by the officials in 1859[1] and it is not surprising that officials of the mid-1860's requested a Commission to settle the chena question[2] - which they would hardly have done if Ordinance 8 of 1863 was considered the answer.

With regard to the Memorial, all the officials, in one decided voice, proclaimed that the repeal of Ordinance 12 as requested would prove no solution. It would be a return to the chaos of the 1830's and make confusion worse confounded, provoking one of the very evils Government were (in 1859) keen to end, that of litigation.[3] Nevertheless they equally stressed the unsatisfactory nature of the prevailing conditions. In brief Braybrooke's thesis was: do not repeal, amend. Thus like Bailey in 1857, he desired some legislative change as one of the remedies. Significantly in 1859, Bailey's tone was more muffled; having in the interim scrutinised Turnour's correspondence in and around 1840, he did not repeat his assertion that the "objective-tests" clause should be repealed.[4] Equally salient is the fact that Braybrooke waxed strong on the need for amendments "not so much for the protection of native interests as for the protection of the Crown's right against systematic encroachment".[5] He did

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1. 1871 Admin. Reports. [Kurunegala District and North-Western Province] W.F.Wright.Acting G.A. April 1872. p 218. He was the A.G.A.Kandy in February 1859.

2. For e.g. 1864 Blue Book Reports. Robinson - Cardwell.134. 16 Sept 1864. Encl. [1864 Admin. Reports. Kandy District and Central Province.] F.B.Templer. 26 Aug 1865. pp 157-58.

3. CO 54/345. Ward - Newcastle.46. 29 Aug 1859; Braybrooke Memo. pp 206-209; Bailey 1859 Memo. p 159.

4. Bailey 1859 Memo. passim.

5. Braybrooke Memo. p 209.

not essay at specific amendments beyond stating his conviction that it would be impossible to satisfy the "natives" completely as they expected far too much.[1] He did, however, support the Buller - Bailey - Power suggestion of a Commission as a modus vivendi to disentangle Crown and private rights and to assign chenas to each field - a suggestion which amounted to an administrative means of attacking the problem.

Yet Ward was by no means certain what Government should do -

> [It] is almost impossible for me, in my present state of information upon the subject, to lay before Your Grace the principles upon which a Settlement ought to rest.

The question was "complicated" and "delicate". It was fruitless attempting action until they saw their "way clearly to a satisfactory issue".[2] Government, therefore, was in a dilemma. It must be admitted that at this stage, the problem was highly complicated and Ward's hesitancy is no matter for surprise. In the event nothing was done, either then or in the following decade, to grapple with this issue.[3] In 1861 some legislative action was agreed on[4] but no further steps seem to have been taken and Ordinance 12 remained unamended. Neither was the prescribed administrative remedy implemented, even though several officials reiterated the request for a Commission and a Survey, in the

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1. Braybrooke Memo. pp 211-12.

2. CO 54/345. Ward - Newcastle.46. 29 Aug 1856. [Braybrooke too spoke in similar strain. Note that Ward explicitly told London that the question could not be settled in England. The authorities there did not doubt this themselves. CO 54/348. Murdoch - Merivale. 27 Oct 1859.]

3. 1871 Admin. Reports. [Kurunegala District and North-Western Province.] Wright.Acting G.A. April 1872. p 218.

4. CO 57/29. Executive Council Minutes. 2 July 1861. [Clause 8 was the main target on this occasion.]

mid-1860's.[1] Around this time there was a rumour afoot that the Temple Lands Commissioner would be assigned to this task once his labours in defining the temple lands were completed.[2] But to a direct query to this effect the Colonial Secretary replied that "there was no intention to institute any such enquiry which would be embarrassing, not to say, useless" and conceived Ordinance 12 to be sufficient - a cloistered view which reads very quaintly in the light of what we have seen of Ordinance 12 and the complaints of officials in the field. He added that

> [all] proper means would be taken to preserve the rights of the Crown but the somewhat irregular course adopted in regard to Temple lands would not be resorted to. The evil to be guarded against was the conversion of Forest into Chena, and in addition to strict injunctions to the various Government Agents confiscation was provided for in the recent Timber Ordinance and severe penalties[sic]. It was not possible to check Chena cultivation all at once or altogether. In some districts it was all that the natives had to depend upon for subsistence. But every possible effort would be made to restrain the practice within the narrowest possible bounds - [3]

another indication of a policy that left the matter rather undefined but one that was not immoderate towards the local claims. The failure to adopt the administrative cure mooted, however, probably rested as much on the grounds of feasibility. Ward himself had raised doubts as to whether a Commission was practicable. He felt that the Civil Establishment had too much on its hands to take on additional tasks; and the lynch-pin, the Survey

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1. CO 54/402. Robinson - Cardwell.56. 13 June 1865. Encl. in Encl. Russell [A.G.A.Saberagamuwa] - Col.Sec. 28 June 1864. Supra. p 260.

2. C.1202. "Colombo Observer." 6 Oct 1864.

3. Ibid. 3 Nov 1864. Report on Proceedings of the Legislative Council. 2 Nov 1864. [Gibson's reply to John Capper's question.]

Department, in particular, had immense demands to meet.[1] The answer lies in the extreme costliness of such a scheme - a Survey of smallholdings in general being economically prohibitive;[2] in the manifest lengthiness of time involved; and in the fact that some officials - Governor MacCarthy in particular - revealed their limited range of vision by considering surveys financially unremunerative.[3] The answer, then, is that Government was shortsighted and too hidebound by the not uncommon straitjacket of economy. Given their emphasis on the principles of freehold rights and certainty of tenure and the evolution of individualism in the island, this omission was, to say the least, unfortunate. Stitches in time would have saved more than nine.

We can conclude that the administrators failed in delaying action on this important question. A self-confessedly harsh piece (potentially) of legislation remained unamended. In extenuation however, it could be said that the problem was perplexing, and the cures neither ready nor clear.

The foregoing picture of Government policy pertains largely to the Kandyan Provinces. In the Maritime Provinces chena land was acknowledged as Crown and even those cultivated with fine grain were liable to a tax. Nevertheless the operation of Ordinance 12 in the Matara district came in for severe criticism from some contemporaries. Ludovici was convinced that it had

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1. CO 54/345. Ward - Newcastle.46. 29 Aug 1859. Cf. Kenya Protectorate: in the period 1919-1922 a similar method of defining Crown and private lands and settling claims by a Court or Commission in conjunction with a rigorous survey was tried and found to be "unsatisfactory on account of its slowness, costliness and want of elasticity" [Meek. op.cit. pp 93-94.] but on the other hand in Ceylon in the 20th century the Land Settlement work went off well [Jayawardena. op.cit. Chap.IV. passim. and in conversation, summer 1964].

2. Supra. Chap. II. pp 64, 69.

3. Supra. p 154.

"been perverted into an engine of oppression and wrong"; that "native proprietors [had] been unjustly deprived of their ancestral possessions"; that despite protests from the local press Government had not altered their policy and were "utterly callous to the sufferings accumulated upon the enduring peasent"[1]. What is remarkable is that he accuses Government of consuming in this way, not only highland, but paddy and garden land as well. This suggests that they were in fact encroachments but Ludovici was convinced to the contrary and even protested to the Surveyor-General over some specific cases.[2] The crux of the matter is that he was certain that the claims were legitimate and tended to rely on the old Dutch thombo [land-register] extracts brought forward as evidence, whereas the Assistant Government Agents who investigated the cases thought otherwise.[3] As far as the highland (i.e. chena) was concerned the crux of the matter is the

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1. Leopold Ludovici. Rice Cultivation. (1867.Cbo.) pp 110, 113. Ludovici, a Burgher, was a former Government Sub-Assistant Surveyor. His experience seems largely limited to Matara District.

2. Ibid. pp 60-62, 111-116.

3. Ibid. pp 111-115. In one case Government's stand seems very hard. On the other hand, the extent of the land claimed in most of the other instances seems far too much to be bona fide; Elliott was the Agent most concerned and given the fact that he was native-welfare conscious and stood up for peasant rights in the sphere of chena cultivation [1868 Admin. Reports Matara. E.Elliott,A.G.A. 28 Feb 1869. pp 232-34] it seems difficult to believe Government was "callous" or altogether unfair. The thombo extracts were notoriously unreliable and often forged.- CO 54/296. John Owen - Pakington. 20 July 1852. "Remarks on Ceylon Land affairs as they at present exist more particularly in the Southern Province."[Owen had been a surveyor in Ceylon.]

legal right to what was termed Kanuhis pareveny land.[1] Ludovici, and much later, Le Mesurier, believed that from Dutch times such lands were private and hereditary,[2] and this opinion seems to have prevailed among all and sundry, officials excepted, in the 1860's. But the fact is that early commentators on the land tenures placed Kanuhis paraveny under the category of Crown land[3] and the official position was on this basis. As Elliott put it:

> [In Dutch times] under the "Kanui's Praveni" many families held a limited hereditary interest in large tracts of chena land but claims under this tenure have for some years past not been recognised. 4

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1. Kanu-his pareveny. ("Kanois parveny"): "The chena cultivation ... is conducted on a questionable tenure named Cannuis (Kanu-his or empty of stumps) Parveni the literal meaning of which is Right by Clearing; and evidently implies no other but an assumed title on a temporary possession of Crown lands, acquired generally speaking without the sanction of Government. As soon as a person clears and sows a portion of jungle [once in seven or eight years] he establishes an imaginary right to the same [vis-a-vis other individuals]." Colvin R.De Silva. Ceylon under the British occupation 1795-1833. 1st ed. (1942.Cbo.) Vol.II. pp 324-25 quoting Mooyart, Collector of Tangalle.

2. L.J.Le Mesurier. The Ceylon Land Claims. (1904.Lon.) pp 8-9. Ludovici does not mention the term Kanu-his pareveny but Le Mesurier, referring to the same actions by Elliott, does.

3. CO 59/1. "Colombo Journal." 15 Dec 1832. "On the different tenures of lands and modes of inheritance in Ceylon." Colvin R.De Silva.[op.cit. Vol.II. pp 324-25.] would seem to support this, but elsewhere [pp 367-68] he states that Governor North recognised such rights. North did so, [L.J.B.Turner "Some aspects of the economics of the Maritime Provinces 1798-1805." The Cey. Antiquary and Literary Register. Vol.IV. (April 1919) p 193.] but many of his measures were only on paper or were altered by the succeeding administrators. Brohier accepts the fact that ratmahara lands (including chenas) were classified as Crown lands in the Dutch thombos and that no chenas were recognised as private; [R.L.Brohier. Land, Maps and Surveys. (1950.Cey.) pp 13-14 and fn.5.] and Kanuis pareveny was a category of ratmahara.

4. 1868 Admin. Reports. Matara. E.Elliott.A.G.A. 28 Feb 1869. p 233.

It appears from Ludovici's book itself that Government policy was to recognise title to a portion of the land claimed and reject the rest.[1] Government's stand on this score may not have been liberal enough but they were apparently faced with extensive claims and it is difficult for us so to penetrate the veil of doubtful and scanty data as to achieve a positive verdict.

It remains to consider a change in policy in an auxiliary aspect of the chena question, the licensed chenaing of Crown land whether in the Kandyan Provinces or in the Maritime Districts. As briefly noticed before, in Ward's time, moves had been originated in Badulla and Batticoloa to restrict such cultivation. But it was only in the period 1863-1865 that this "privilege" - hitherto widespread - was gradually withdrawn in the Western Province[2] while peremptorily discontinued in Batticoloa District, the Southern and Central Provinces.[3] However, they did allow such licensed chenaing on Crown land in some regions; in the Central Province it was allowed within reason, "care being taken that no encroachment [was] allowed on land containing valuable

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1. Ludovici. op.cit. p lll. Significantly the specific claims cited were for a considerable extent of land and Ludovici's type-cases were certainly not ordinary peasant small-holders. Equally significantly, at a later date Elliott proposed a solution to this problem that was of quite a liberal, ad hoc nature and included a willingness "to admit the genuineness of all legible [thombo] extracts" [1872 Admin. Reports. Matara. E.Elliott. 25 March 1873. pp 181-82.].

2. CO 54/402. Robinson - Cardwell.56. 13 June 1865. Encl.3: Encl. in Encl. C.P.Layard [G.A.Western Province]. - A.G.A.Ratnapura. 380. 25 March 1863.

3. CO 54/404. Robinson - Cardwell.134. 16 Sept 1865. Encl. [1864 Admin. Report. Matara.] C.Liesching.A.G.A. 7 Feb 1865.
1863 Blue Book Reports. O'Brien - Cardwell.197. 30 Aug 1864. Encl. [1863 Admin. Report. Batticolon.] J.Morphew.A.G.A. 29 March 1864. p 121.
1864 Blue Book Reports. Robinson - Cardwell.56. 13 June 1865. Encl. [1864 Admin. Report. Kandy district and Central Province.] F.B.Templer.G.A. 26 Aug 1865. p 157.

timber"; and everywhere, exceptions were made in bad seasons.[1] Policy, moreover, hinged on the particular Government Agent in charge of a district. An arch crusader against chenaing like R.W.T.Morris invariably carried the restrictions far too far.[2] On the other hand, the Southern Province became a notable battle-ground on this score simply because several Assistant Agents rebelled against Government policy.[3] Morris' restrictions, in a year when the paddy crop failed and when there was "a 'famine of work'" as well, merely brought "semi-famine" to Kandaboda pattu (sub-district) and the Assistant Agent succeeded in getting his new head to relax the restrictions.[4] Many Agents were quite prepared to allow chenaing because they considered it essential in many areas.[5] Yet "no definite orders" to permit a form of controlled granting of licenses, as mooted by Elliott, could be squeezed out of Colombo.[6] Government rather tended to be against

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1. S.P.XV of 1873. Papers relating to the Cultivation and Survey of Chena Lands. Introduction. p 5.
   C.1202. "Ceylon Observer," 22 June 1868. Season Report 1st quarter 1868. Hambantota. T.Steele.A.G.A.
   1867 Admin. Reports. [Kandy District and Central Province.] F.W.Braybrooke. 23 June 1865. p 25.

2. 1868 Admin. Reports. Matara. E.Elliott.A.G.A. 28 Feb 1869. pp 232-34.
   1872 Admin. Reports. [Galle District and Southern Province.] R.W.T.Morris.Acting G.A. n.d. [1873] p 150.

3. CO 54/404. Robinson - Cardwell.134. 16 Sept 1865. Encl. [1864 Admin. Report. Matara.] C.Liesching.A.G.A. 7 Feb 1865.
   1868 Admin. Reports. Matara. E.Elliott. 28 Feb 1869. pp 232-34

4. Ibid. [Later Morris achieved the dubious distinction of causing starvation once again, in the "Wanny Hatpattu" of the North-Western Province. S.P.XVI of 1877. [Report of the Grain Tax Commission.] App.I. No.1. Replies from J.G.Jayetilleke of Kurunegala. p i.]

5. 1868 Admin. Reports. Hambantota. T.Steele.A.G.A. 15 April 1869. p 210.
   1870 Admin. Reports. [Galle District and Southern Province.] F.B.Templer.G.A. n.d. [1871] p 123.
   C.1210. "The Examiner." 22 Dec 1868. [re Braybrooke].

6. 1868 Admin. Reports. Matara. E.Elliott. 28 Feb 1869. pp 232-34

the granting of such licenses.[1] This attitude and the steps against licensed chenaing in the mid-1860's were animated in part by their fixed conviction that chenaing was "an unmixed evil", and its main product, Kurakkan (a form of fine grain), of little value;[2] and in equal part by an increasing desire to check the denudation of forests and the object of forcing peasants to extend paddy cultivation rather than that of fine grain.[3]

The preconceived dislike for chena cultivation was overdone. Paddy cultivation was certainly preferable but climate did not always render it within the bounds of possibility, while one of the "strongest argument[s against the total prohibition clamped down lay] in the absence of land available for paddy cultivation".[4] Kurakkan was better than no food at all;[5] where the whole of a locality was a sea of old chena and where chena was essential for survival in three out of four years, as in Hambantota, the restrictions were pointless and caused hardship.[6] Permission in exceptional seasons was inadequate. Moreover, from a want of ready money, the very peasants who relied on chena crops the most were those least able to pay for such licenses in advance.[7] Such restrictions merely extended the range of illicit chenaing.[8] On

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1. 1872 Admin. Reports. [Galle District and Southern Province.] F.W.T.Morris.Acting G.A. n.d. [1873] p 150. Governor's Addresses. Vol.11. Address of the Legislative Council in reply. 24 Aug 1864. p 49.
2. CO 54/402. Robinson - Cardwell.56. 13 June 1865. Encl. in Encl.4. H.S.O.Russell [A.G.A.Ratnapura] - G.A.Western Province.281. 28 June 1864.
3. Infra. pp 270-71.
4. Ludovici. Rice Cultivation. (1867.Cbo.) p 149.
5. Some held fine grain and Indian corn to be quite "nourishing foods" [1868 Admin. Reports. Hambantota. T.Steele.A.G.A. 15 April 1869. p 210.] but Government rather thought otherwise
6. 1868 Admin. Reports. Matara. E.Elliott. 28 Feb 1869. pp 232-34 Leonard Woolf. Diaries in Ceylon 1908-1911. (Cey. Historical Journal. Vol.IX. 1959-60.) pp 86, 117-18, 136.
7. Idem.
8. Idem.

many counts, then, they were neither liberal nor wise. A strong case could indeed be made against chenning in certain areas on the ground of forest preservation. But in a good section of the Southern Province much of the land was "fit for nothing else" and it was futile to expect a "spontaneous" regrowth of good timber on what had become old chena of long standing.[1] Furthermore in the Matara District chenaing did not produce "a most miserable return" as commonly believed, but was used for the systematic cultivation of fruit and vegetables rather than fine grain.[2] As Elliott argued:

> the abuse of the privilege [of chena cultivation under licenses] which has certainly done harm should be no reason for shutting one's eyes to its undoubted use. 3

These criticisms of Government policy, however, pertain largely to the Maritime Provinces and Dry Zone where there were few private chenas;[4] in the Kandyan Provinces (barring the North-Central Province of today) either private or village chena existed. Nor should it be forgotten that in neither group of areas did this aspect of Government policy prevent illicit chenaing and encroachments.

The 1860's are also noteworthy for the new dimensions and properties that had evolved on to the structure of thought vis-a-vis chena cultivation; therefore, as a final note, it is worth comparing Government's aims and motives regarding waste lands in the late 1860's with those of the late 1830's. In both periods there was a strong desire to combat encroachments,

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1. 1870 Admin. Reports. [Galle District and Southern Province.] F.B.Templer.G.A. n.d. p 123.
   Ludovici. op.cit. p 149.

2. 1868 Admin. Reports. Matara. E.Elliott. 28 Feb 1869. pp 232-34

3. Idem.

4. 1868 Admin. Reports. [Galle District and Southern Province.] J.Parsons.G.A. 31 July 1869. p 196.

toachieve conditions enabling certainty of tenure, and to reserve forests for the sale of coffee lands. Throughout, of course, they were governed by their belief that Kurakkan was an "inferior grain" and chenaing a form of culture that encouraged the "natives" in their indolence. Their antipathy to chenaing sprang from their inherent dislike for any form of laziness. From the 1860's if anything, these feelings took on a deeper hue and the general diatribe against chenaing increased in venom.[1] So Gregory penned:

> It is a wretched system in every respect, as bad for the cultivator as for the Government. It confirms his natural laziness and indifference. It discourages any attempts at permanent improvements. [2]

Therein is pinpointed another additional 'twist' in Government thinking: greater emphasis on the need to encourage "permanent" forms of cultivation. They believed that the peasant's inclination to chena had contributed to the decline of paddy cultivation and their moves to restrict chenaing were aimed at forcing him to adopt more permanent and "remunerative" crops, particularly paddy.[3] It could also be said that Bailey in the late 1850's

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1. CO 54/402. Robinson - Cardwell.56. 13 June 1865. Encl. in Encl.4. H.S.O.Russell [A.G.A.Ratnapura] - G.A.Western Province.281. 28 June 1864.
   1872 Admin. Reports. [Galle District and Southern Province.] R.W.T.Morris.Acting G.A. n.d. [1873] p 150.

2. S.P.XV of 1873. Papers relating to the Cultivation and Survey of Chena Lands. Introduction. p 5. [repeated from CO 54/487. Gregory - Kimberley.237. 31 July 1873.]

3. Governor's Addresses. Vol.II. Address of the Legislative Council in reply [to Governor's Opening Address]. 24 Aug 1864. p 49.
   Ludovici. op.cit. pp 46, 113.
   Cf. East Indies where Raffles attempted to convert the people of the Outer Residencees from ladang cultivation to sewah. [Bastin. op.cit. pp 99-100]. In Ceylon in the North-Central Province the restrictions on chena cultivation did in practice force the people to devote greater attention to irrigation and to paddy cultivation. [1871 Admin. Reports. Trincomalee. R.W.D.Moir.A.G.A. 26 April 1872. p 198.]

and other officials in the 1860's stressed the detrimental effects on"native"interests far more than Turnour did. In this period Government was particularly concerned about the prolific litigation which the chena question gave rise to. They were also less inclined to favour the planter and determined on alloting reserves despite an anticipated "outcry" from the planters.[1] Perhaps the most significant difference between the late 1830's and the late 1860's, however, was the addition of a virtually new dimension. Forest conservation as an end worthy in itself for climatic and ecological reasons received negligible attention before the 1840 legislation; and so the Timber Ordinance No. 24 of 1848 was conceived without reference to the need for forest preservation in the Highlands and without being linked to the chena question and encroachments.[2] In the late 1860's and early 1870's, on the other hand, forest denudation was considered to be occurring at too great a pace throughout the island; Government felt the local people suffered in consequence; and that soil erosion, the lack of firewood and the diminution of valuable Crown timber were equal cause for concern.[3] Chena cultivation

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1. CO 54/487. Gregory - Kimberley.237. 31 July 1873; and Encl. Col.Sec. - G.A.Central Province.300. 3 July 1873. The planters did "resent" Gregory's measures; and "pressure was exerted to make him alienate reserves". [B.Bastiampillai. "From Coffee to Tea in Ceylon. The Vicissitudes of a Colony's Plantation Economy." Cey. Jour. of Hist.& Social Studies. Vol.VII. (Jan - June 1964.) p 51.]

2. CO 54/257. Torrington - Grey.10. 10 Jan 1849.
CO 54/259. Torrington - Grey.74. 4 June 1849.

3. C.1202. "Ceylon Observer," 23 July 1868.
1864 Blue Book Reports. Robinson - Cardwell.134. Encl. [1864 Admin. Report. Kandy District and Central Province.] F.B.Templer.Acting G.A. pp 157-58.
CO 54/487. Gregory - Kimberley.237. 31 July 1873. [Note that these considerations were raised by the Government Agent of the Central Province in 1856 [CO 59/10. "Ceylon Times." 2 May 1856. Provincial Report from ... Kandy Proper. R.Power. 24 April 1856.] but did not receive all that much attention in Ward's time.]

was believed to be the chief cause but the sale of forest land without preserving adequate reserves was considered another.[1] Thus the chena question and forest conservation were inextricably linked in Government thinking.[2] This line of thought is of significance in that the "Waste Lands Tangle" comes within the orbit of the forest conservation measures of the 1870's and 1880's - measures beyond the realm of this study.

This chapter has dealt with both the background and the aims behind the waste lands legislation of 1840-41 and the manner in which Government implemented this legislation. It is the latter which is of greater consequence for the chapters which follow and in recapitulation our attention is devoted purely to the main features of policy in practice. Turnour himself ordered that the test prescribed in clause 6 (the "objective-tests" clause) should not be applied. Though there was some confusion and inconsistency in practice, throughout our period the officials tempered the manner in which the Ordinance was applied. Considerable attention was given to most Kandyan claims, but the very abundance of sweeping claims and flagrant encroachments made a general grant of all claims impossible - just as it had necessitated some legislation in 1840-41. Utilising Ordinance 12, steps were taken against some encroachments and some claims

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1. CO 54/487. Gregory - Kimberley.237. 31 July 1873.

2. Idem; see also S.P.IV of 1871. ... Douglas [Auditor-General] - Col.Sec. 6 June 1871, where, in a study on timber revenue one of the main "defects" was stated to be chena cultivation. [At about the same time - in 1875 - in Mauritius too an Ordinance to protect forests and watercourses was promulgated - H.M.Leake. "Studies in Tropical Land Tenure." Tropical Agriculture. Vol.X. No.4. (April 1933). p 112. - an Ordinance which was more stringent than Gregory's.].

were denied; but "numbers of unsound claims[were]left unnoticed"[1]. Dependence on the headmen and shortcomings in the Survey Department weighed heavily against Government. Friction with the people seems to have been largely over non-appurtenant chena. The Kandyans' rights to legitimate appurtenances seem to have been readily acknowledged without insistence on the letter of Ordinance 12 - both executively and judicially, for the Judiciary, too, tended to mitigate the operation of the Ordinance. From the 1860's at least, the executive began a policy of creating village reserves in some areas. Even with regard to non-appurtenant chena, the practice does not seem to have been illiberal but this conclusion is tentative. With regard to licensed cultivation on Crown chena, however, restrictions were pushed to an extreme in some areas in the mid and late 1860's. What is more, the lack of a well-defined practice on the chena question brought considerable insecurity of tenure for many a Kandyan occupent of non-appurtenant chena - and even to those with appurtenant chena. The very intricacy of the question meant that a few people suffered from expropriation of land that was legitimately claimed but the nature of executive policy in the practice would make this seem the exception rather than the rule.

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1. Supra, p 242.

# Chapter Five

# THE IMPACT OF WASTE LANDS POLICY

## 1. Waste Lands Policy and the 1848 Rebellion

Before studying the impact of policy and practice during the Coffee Period as a whole, one must consider whether it brought an immediate detonation in the form of insurrections in 1848, and scrutinise the thesis that the land policy and the consequent expropriation of chena and village land was a major cause of the rebellion. Convinced that the 1840-41 legislation was malevolent in intent (the "conspiracy theory"), this interpretation assumes rather than proves that the intentions were carried into effect, argues that the Kandyan peasants lost their chena and pasture land as a result, and concludes: "it is clear that [the legislation] had injuriously affected the Kandyans in respect of their chenas and other lands and that there was a close connection between the land problem and the revolt".[1] The stress, in this critique, is on the loss of chena lands in particular and no distinction is drawn between appurtenant and non-appurtenant chena.

This postulation is not without force and one can introduce additional evidence of imposing effect to its credit side. Campbell himself mentioned that the "[natives were dissatisfied with the administration of justice and to a] much lesser degree with the encroachments of European settlers upon lands belonging to Natives or claimed by them;" adding, "the [planters often] endeavour to have lands belonging to Natives put up for sale as

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1. Vandendriesen "Land Sales Policy Part II", Univ. of Cey. Review, op.cit. pp 42-44. Elsewhere he treats the chena question as the main cause of the 1848 rebellion and states that the armed forces "soon compelled a bitter acceptance of the new [i.e. 1840-41] legislation". ["Some trends in the economic history of Ceylon in the 'modern' period". Cey. Jour. of Hist. & Social Studies, Vol.3 (Jan-June 1960), p.6.]

Crown lands".[1] The foregoing thesis, however, is largely founded on the views of many local witnesses who came before the British Parliamentary Committee inquiring into the 1848 rebellion; and as such these views need close scrutiny. To quote an extract from Ackland's views:

> The natives became dissatisfied from the circumstances of the Europeans settling among them and purchasing from the Government their lands. When I say their lands I mean not merely the forest lands, but lands which the natives, although they held no titles to them, were accustomed to consider their own, the chanies [sic] and common lands. There were a great many disputes constantly between the natives and the parties applying to purchase land; ... The Governor, unless the natives could show a title to it, was anxious to sell as much land as possible; and I do not think in all cases as much leniency was shown as perhaps ought to have been shown.[2]

adding later:

> There is less difficulty in regard to the natives now in Europeans going into the distant forests. The disputes arise upon planters planting land anywhere round the native villages, the lands which the natives claim for their cattle to graze on.[3]

Most of the evidence is in the same strain and speaks largely in terms of disputes over, or losses of, "pasturage" or "grazing land". Now, both these terms include chena land, for chena land was used for pasture. But not all pasture was chena; some was forest; much was patena. In fact it seems implicit in much of the evidence that the disputes were over

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1. CO 54/196. Campbell - Stanley. 56. 18 April 1846. Possible inference here: Government did not always favour the planter's attempts. [For another reference to land disputes see CO 54/194. Colebrooke - Russell. 6 Jan 1841.]

2. B.P.P. Reports from Committee, Vol. XII (1850). Second Report from the Select Committee on Ceylon. Ackland's evidence. 5 June 1849. p 12. Q.3088. [Ackland was a merchant and planter.]

3. Ibid. p 23. Q.3241. Emphasis added. Also see Col. J. Forbes' evidence [p 274] and (a planter) H.L. Layard's [p 25] and Col. J. Forbes, Recent disturbances and military executions in Ceylon.(1850, Lon.) pp 8, 27.

land on the periphery of many villages - whether 'horizontally' in the sense of distance or 'vertically' in the sense of elevation or both. As the Chief Justice proclaimed

> [t]he contiguity of coffee estates to their lands and houses has necessarily circumscribed the boundaries within which their cattle used to graze before, and the wild range of patnas to which their cattle had free access had become from the same cause appropriated to other purposes and their buffaloes and bullocks, upon straying into coffee estates, happened to be seized and pounded.[1]

Thus the evidence would suggest that where loss of village land occurred, it was not so much loss of appurtenant chenas but of non-appurtenant chena and pasture land.

It is of some significance too that both Ackland and Forbes were pioneer planters whose activity included the span of years before 1836-37 when chena rather than forest was sought.[2] Ackland in fact refers to the burning of estate property which occurred on his first estate in 1834-35.[3] Thus to the question "Are the plantations likely to interfere with the natives as they have done?" Ackland replied:

> I think any lands which have been planted have either been given up, or the thing has been settled by this time tolerably well; ...[4]

On the other hand, Layard was a planter in the 1840's; his evidence gives the distinct impression that Government indiscriminately claimed land to which "the natives could not establish a legal claim"; and in his view the causes of the 1848 disturbances

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1. B.P.P. Reports from Committees. VIII, Part 2 (1851). Third Report from the Select Committee on Ceylon (1850 Session). Tennent's evidence. [Tennent reading Sir A. Oliphant's speech from the bench on the occasion of the trial of the rebels. Aug 1848] p 171.
2. B.P.P. op.cit. Second Report. pp 1, 19, 23 (Ackland); 274 (Forbes). [Up to 1836 inclusive only five-six estates had been opened and around 5000 acres purchased. Sir T.Villiers, Mercantile Lore (1940.Cbo.) p 103 and supra. p213fn3]
3. Ibid. p 19. Q.3188. Regarding the date, see infra. p320fn8.
4. Ibid. Q.3246; he continued "but the native has been dissatisfied; he has had causes to be dissatisfied, and they may have rankled in his mind".

> were, in the first instance, the encroachment by the Europeans as well as by Government, upon the lands and forests hitherto affording free and unmolested pasturage to the cattle belonging to the natives, which lands were available also for the extension of their cultivation.[1]

An official stationed in Kandy thought that

> it may be that the ... acquisition by strangers of the forests in which the ancestors of the natives used to range, [has] caused dissatisfaction ... more particularly in respect of Chenas, heretofore cultivated occasionally by them and of the occupation of which they are now deprived.[2]

This reveals that there was some loss of cultivated or cultivable chena as well as non-chena pasturage (i.e. patena and forest); in any case chena which was used for pasture could invariably be cultivated at intervals.

One can reinforce this evidence further. As jotted down by Torrington's private secretary in 1847, when a deputation before the Governor of the foremost priests and chiefs listed their grievances, one was the demand for <u>wannas</u> made by Ordinance 12 and the fact that Government "claimed all uncultivated land";[3] while Buller stated that a cause of discontent as alleged "by the people themselves" was the "sale of chenas and grazing lands".

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1. B.P.P. <u>op.cit.</u> Second Report. H.L. Layard's evidence. 10 July 1849. p 226. Layard added that these encroachments by Europeans began around 1840-41 which is manifestly wrong (it was earlier); nor can anyone accept his view that "the next cause was the growing indifference of the people to Buddhism ...". Moreover besides what we know of Government policy as exemplified in the orders given in 1841, inference from the <u>Government Gazettes</u> [<u>supra</u>. p 225.] contradicts his evidence that "natives" had to establish a legal claim.
2. CO 54/261. Torrington - Grey. 173. 7 Dec 1849. Encl. C. Stewart [Deputy Queen's Advocate, Kandy] - Col. Sec. 22 Nov 1849.
3. CO 54/238. Torrington - Grey. 73. 12 Aug 1847. Encl.2: Notes on the First Conference [between] Viscount Torrington and a Deputation of Chiefs and Priests. D. Bernard. 29 July 1847.

though denying it himself.[1] Though the chiefs were not noted for their propensity to present the truth, evidence such as that of Layard and Stewart indicates that in this instance the smoke was not without its fire. Layard himself believed that the peasants had lost land to a large extent because of the Crown claims and sales, but as we shall soon see, there is evidence to the contrary; thus the extent to which peasants had lost land by 1848 must be considered a moot point. The extent to which the land actually lost was appurtenant chena is as uncertain. Nor have we the means of appraising the degree to which this grievance ranked in Kandyan minds in comparison with those against the administration of justice and the Buddhist policy of Government.[2]

On the credit side of this interpretation moreover, one has some instances in the 1840's when chena lands were part of a plantation.[3] This, of course, merely admits the possibility of expropriation for they need not have been legitimate appurtenances cruelly grabbed by Government but could well have been either such appurtenances or new encroachments legally or illegally sold to planters by the local people themselves. But chena within plantations of this decade do not seem to have been that general. Nor, as we have seen, was the sale of chenas by Government the general rule.[4]

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1. B.P.P. Reports from Committees. VIII.(1851). Third Report. App. Report on the Kandyan Rebellion by C.R. Buller Esq. C.A. 13 Nov 1849. p 211.

2. CO 54/238. Torrington - Grey. 73. 12 Aug 1847. Encl.2: Notes on the First Conference ... D. Bernard. 29 July 1847. As Tennent analysed these grievances raised by the deputation four of the seven heads "had reference to the judicial system" [B.P.P. op.cit. Third Report. Tennent's evidence, 25 March 1850. p 393]. The list of grievances was composed of both minnows and whales. One was a complaint against the imperfect attention to education in the Kandyan Provinces - hardly a real hardship. The main discussion at this meeting, moreover, was Government policy in trying to sever the connection of the State to Buddhism. For the fact that the administration of justice and the Buddhist policy were important causes of dissatisfaction see infra p 287.

3. Supra. p 217.

4. Supra. p 217.

Many arguments can in fact be brought against the thesis that expropriation of Kandyan land, and of chena land in particular, occurred to an extensive extent. This in turn would modify to a considerable extent the inference that expropriation was a major cause of discontent in 1848.

In the first place, the fact that chenas were considered unsuitable for coffee is of vital significance: significance so obvious that elaboration is not necessary. In the second place, despite some muddle and some strict interpretations of the law among officials of the 1840's, the facts indicate that Government tempered the application of the letter of Ordinance 12. In fact, they were utterly dissatisfied with the extent to which it protected Crown interests in practice. They were often reduced to helplessness. They were "at the mercy of the headmen"; and thus one has the equally significant fact that neither Ordinance nor administrative measures succeeded in preventing extensive encroachments; that, broadly speaking, Government could not - not merely did not - prevent this. At the root level, the odds were weighted in favour of the Kandyans.[1]

Of great significance too was the sparseness of population in the Kandyan Provinces. For what it is worth the census of 1821 found the Kandyans to number 256,835.[2] The equally unreliable statistics of the 1840's place the population of the Central Province in 1846 (including other racial groups) at 34.38 per square mile;[3] but an average can be misleading and

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1. Supra. pp 225, ff.
2. Return of the Population of the Island of Ceylon.(1827. Cbo.) p 149. The population of the Central Province, with Hintenne included, was 90,761.
3. Area in square miles taken as 5,550 in accordance with the 1921 Census [as in Jayawardena op.cit. App.D. pp 365-73], and population, exclusive of 13,435 "aliens" and military men, as 190,849. [CO 59/57. Blue Book. 1846. p 637]. In the Blue Book the square miles were reckoned as 3,016 and the density works out as 67·73. Note that the population figures of 1846 were exactly similar to those for 1843-45. [CO 59/82. Blue Book. 1871]. On Jayawardena's derived table for the number of Kandyans in the Central Province, the 1851 figure rests at 151,651 [op.cit. pp 116-17].

some regions had a much greater density. But broadly speaking, the population was sparse and this factor assumes greater import when viewed in conjunction with the amount of land alienated to the planters in this period and in association with the abundance of high land available. Up to the year 1846 inclusive, Government sold around 280,000 acres throughout Ceylon.[1] This includes some land sold to the local populace and land purchased by planters in the maritime districts. Of this only 52,722½ acres are said to have been actually planted with coffee.[2] Even if much of the unplanted land in European hands was out of the Kandyans' reach, it is not surprising that a writer of the time scoffed at Forbes' exaggerated accusation (that the villagers had hardly any pasture lands left) on these very grounds.[3] But the picture presented by these figures is very general. What gives them greater meaning is the fact that Simms, the Surveyor-General, spoke of "a superfluity" of land available in the Kandyan Provinces for "native" highland cultivation and clearly believed that there was no clash for land (generally) between planters and Kandyans.[4] What is more, he assumed throughout,

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1. 272,059 acres said D. Wilson [Facts connected with the present condition and wants of Ceylon [1847? Cbo?] p 2]. 449 square miles (287,060 acres) said a Surveyor-General [R.F.C. Tennent's Report. App. Simms - Col.Sec. 200. 13 Oct 1846. pp 117-18]. According to the 1921 Census the Central Province, Kegalla and Kurunegala Districts (thus leaving Sabaragamuwa out) totalled 7,045 square miles; but Simms talks of "the 3,400 square miles of highland" - noting that 330 square miles of forest remained unsold in Kotmale and Sabaragamuwa, 90 in Matale and Dumbara (the regions of rebellion) and 18 in Uva besides 800 square miles of "elevated patina and chena land" [Idem.].
2. K.M. De Silva. Development of social policy in Ceylon (1961. Lon.). Ph.D. History p 469 fn 1. [Nigg placed it at 50,070¾ acres. CO 59/16. "The Examiner". 16 June 1852. "On Coffee Planting in Ceylon"].
3. "Colonist". A few remarks upon Col. Forbes' Pamphlet on Recent Disturbances in Ceylon in a letter to Sir R. Peel (1850. Cbo.) p 3.
4. CO 54/240. Torrington - Grey. 150. 8 Nov 1847. Encl. W.H. Simms - H.E. Viscount Torrington. Emphasis added. The letter pertains to the land tax and this information is incidental. It is also discriminatory for he states that in the Maritime Provinces the picture was different "inasmuch as the villages are more continuous and the highland is frequently not more than sufficient to supply the demands of the Inhabitants".

Fn 5 Cont'd.
2000-5000 ft. said W.D. Forsyth - "Coffee Planting in Mexico and Guatemala by an old Ceylon Planter".
Tropical Agriculturist. Vol. XII. (1 Nov 1892) p 503.

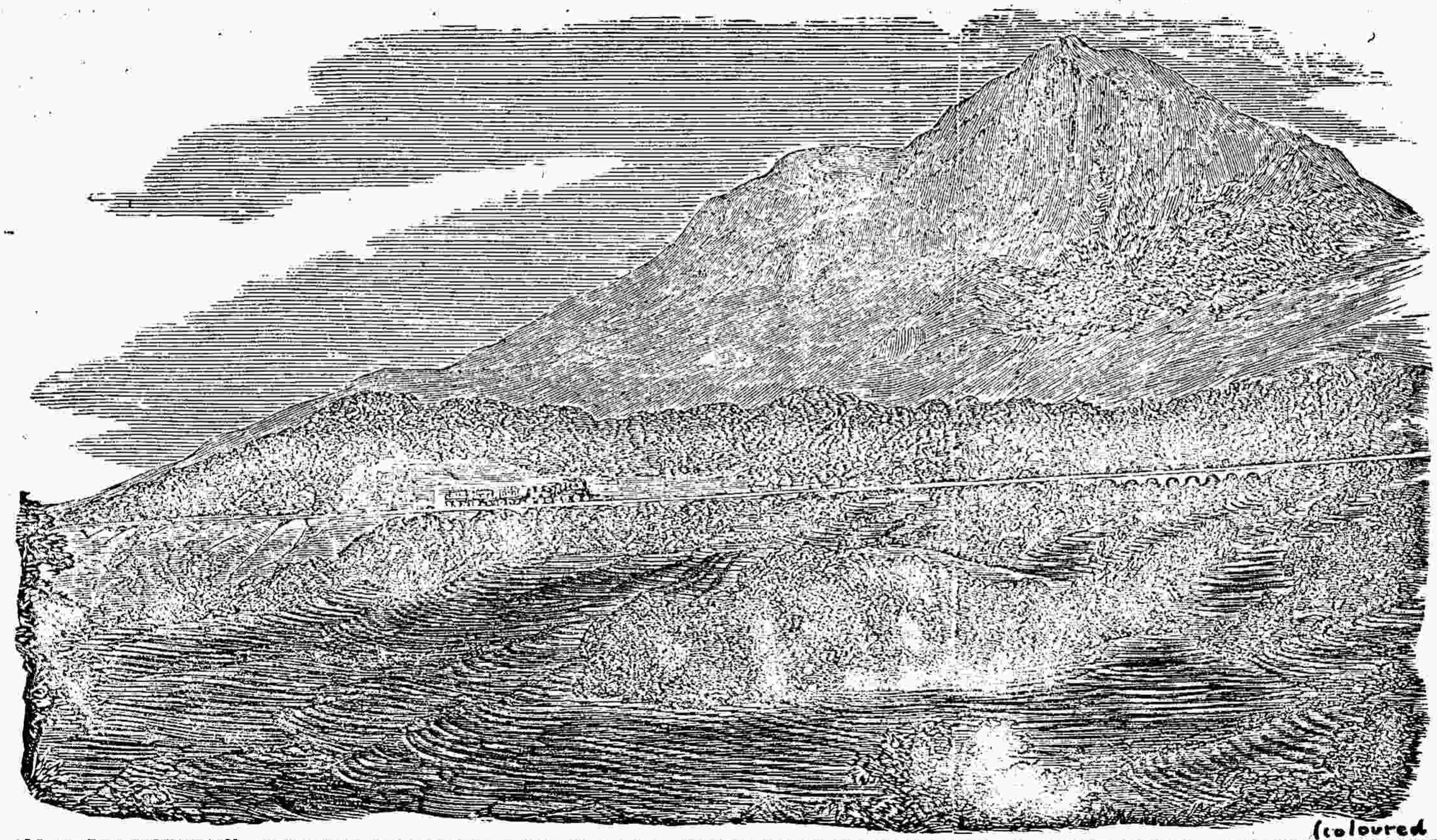
that "elevated forest lands available for coffee" were "over" the land on which "native" products grew, and that

> around the villages ... an indefinite extent of land of both these characters [chenas and pasture] [was] supposed to appertain to every village, which the inhabitants claim[ed] as their property and [sold] at their pleasure [, while the] higher lands [had] generally been sold by the Crown [to the coffee planters].[1]

Thus against the foregoing thesis we have a factor of vital importance: that of elevation. Simms clearly believed "native" products and plantation coffee in the Hill-Country to be grown at different elevations. On a later occasion he observed that late in 1852 he found "the public taste [had] recently undergone an alteration, lands under 3,000 feet in elevation above the sea being sought instead of the more elevated tracts which had been previously in demand".[2] This coincides remarkably with the time in which planters began to try coffee culture on chenas but what is salient here is that lands above the 3,000 foot contour were preferred in the 1840's; and this is confirmed by another source.[3] Nevertheless the planters were not all that discriminatory in their choice of land,[4] and many plantations were below 3,000 feet - some in the Dumbara Valley, Kurunegala and Kegalla even between 800 and 1,500 feet.[5] Data provided

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1. CO 54/240. Torrington - Grey. 150. 8 Nov 1847. Encl. W.H. Simms - H.E. Viscount Torrington. 6 Nov 1847.
2. CO 54/303. Anderson - Newcastle. 190. 22 Dec 1853. Encl. Simms - Newcastle. 13 Dec 1853.
3. Lt. De Butts. Rambles in Ceylon (1841. Lon.) p 107. Pussellawa is cited as an ideal district.
4. CO 59/16. "The Examiner". 19 June 1852. "On Coffee Planting in Ceylon". C.R. Rigg. Supra. p 214
5. W. Sabonsdiere. The Coffee Planter of Ceylon. (1870. Lon.) p 7. As for the Coffee Period as a whole, there are some slightly discrepant views as to between what elevations coffee was generally grown.
   1500-4000 ft. said W. Knighton - Forest Life in Ceylon. (1854. Lon.) p 116.
   2000-4000 ft. said a correspondent - CO 59/24. "Colombo Observer". 1 Oct 1855. Overland Summary.
   2000-3500 ft. said A.M. Ferguson - Summary of useful information regarding Ceylon. (1865. Cey.) p 8.
   2000-3500 ft. said W. Sabonsdiere - op.cit. p 7.
   1500-4000 ft. said T.D. Owen - First Years Work on a Coffee Plantation. (1877. Cbo.) p 2.
   2000-4000 ft. said G. Gardner - "Some general remarks on the flora of Ceylon" in Lee's edition of Ribeyro's History of Ceylon. (1847. Cey.) pp 214-216.



ALLAGALLA MOUNTAIN, WITH THE MEANGALLA ROCK GALLERY AND THE STONE VIADUCT ON THE RAILWAY INCLINE. RICE TERRACE BELOW (coloured green)
THE LINE; FOREST CLEARED AWAY FOR COFFEE CULTIVATION ABOVE.

[*From a Photograph by J. Lawton.*]

281 b.

in 1855 states that only four out of the twenty planting districts had coffee below 2000 feet, but one should add a couple of other districts to this list.[1] And what of chena cultivation by the local people? It is said to have been largely between 1000 and 2000 feet,[2] and another student states that the "typical Hill-country Kandyan settlements" were between 1000 and 2500 feet approximately.[3] It is difficult to fix an altitudinal limit that is uniformly applicable because of the variation between different regions. In the very wet areas in the southern and western portions of the Kandyan Highlands the lack of a long dry period renders chenaing difficult and it would appear that chena cultivation is largely at the lower levels around 1500 feet or less. On the eastern side and on the northern fringe of the Highlands, chenaing was possible at higher levels.[4] But the bulk of the coffee plantations were in the wetter sections and only Uva, Medamahanuwara, the Knuckles, Maduleima and parts of Dumbara and Matale districts fall within the latter. Given the level of the second peneplain and given Simms' reference to the different levels at which coffee and "native" products were grown, it would seem safe to take 3000 feet as a general, if arbitrary, level beyond which the Kandyans did not chena land in the early nineteenth century; and even

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1. CO 59/24. "Colombo Observer". 29 Nov 1855. The "planting districts" of that time were subsequently re-organised and sub-divided. The districts named were Matale, Kadugannawa - Gampola, Kuranegala and Dumbara Valley - but some other districts also had pasture below 2000 feet. See our visual test for further details, infra. pp 320-4, 431-4.
2. Jayawardena. op. cit. p 87 fn 4.
3. U.A. Gunasekara. Land Tenure in the Kandyan Provinces of Ceylon. (1959. Oxford). B.Litt. Thesis. pp 7,17. On this view the second peneplain was from 1700-1900 feet roughly and higher still was the third peneplain which was "until recent times hardly inhabited", and "the typical Kandyan areas "were on the second peneplain; their dependence on paddy cultivation "confined them to elevations less than 3000 feet". [Another student places the typical settlements between 1000 and 3000 feet. S.B.W. Wickremasekera. The Social and Political Organisation of the Kandyan Kingdom. (1961. Lon.). M.A. Anthropology. p 79.]
4. For these points I am indebted to Mr. Gerald Pieris, Asst. Lecturer, University of Ceylon, at present in Cambridge. [letter to me. 11 Feb 1965].

between 2000 and 3000 feet - particularly in the south and west - there could not have been much chenaed. It is to be noted that the slope of the terrain also bears on chena cultivation for the land has to be sufficiently flat even for terracing - and, often, with increasing elevation ruggedness increases and the slopes become increasingly acute.[1] Ruggedness would, however, have held less inhibitions for what the Kandyans called pasture land and such land (particularly patena) probably ranged higher than chena land.

One could add that where planters decided rationally - not that all of them thought things out that carefully - they would have chosen lots well away from the local populations and from cultivated or pastoral areas. Any proximity to such areas would maximise one of their greatest bugbears, cattle trespass, besides the other annoyance of coffee stealing;[2] and the further away they were the less would be the possibility of Kandyans challenging their title to the land. Government itself was anxious that plantations should be located in areas "supposed to be unincumbered by native claims".[3]

Thus both rational choice and prevailing conceptions as to the ecological needs of the coffee tree pointed to the siting of plantations at a high elevation and away from the local peoples.

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1. My version of a point made by Gerald Pieris. Letter to me. 11 Feb 1965.

2. This point is well-argued in Jayawardena. op. cit. p 87. fn 4. Note that one planter typified the planters' attitudes towards cattle trespass by labelling the "natives" as "encumbrances". [J. and A. Darling, publishers]. Extracts of letters from Ceylon on Courtship, Marriage, etcetera with a peep into Jungle Life (1848. Lon.) pp 80-81.

3. CO 54/147. Horton - Glenelg. 31. 9 Feb 1836. Encl. 19. Extract from the proceedings of the Board of Commissioners. 3 Feb 1833. Transcript of Turnour's evidence, as quoted by Jayawardena in his penultimate draft.

Yet another point can be made against the theory: most of the lots advertised in the Government Gazettes of this period - and therefore most of the estates bought from Government - were not in close proximity either to villagee, village chenas, village land, private property or paddy fields. The majority of plantations were not merely on forest land but do not seem to have directly bordered cultivated areas or lands "claimed by natives".[1]

Thus there is both circumstantial and direct evidence to indicate that there could not have been any marked expropriation of appurtenant chena land in the 1840's; and hence there is serious doubt whether even the grazing lands claimed by the Kandyans were appropriated by the Crown "to a very large extent", as made out by Layard. That some village commons - or land claimed as such - were lost is certain. Some of this was chena, some patena and some forest, for forests "were ... an easement to their paddy land" and used to pasture their cattle.[2] In the Kandy District at least they were reduced to a position where they complained of "not having grounds for the pasturage of their cattle".[3]

Thus on the one hand one can challenge the views that chena land was cruelly expropriated to a marked extent and that

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1. The advertisements named the lot, its situation and extent and described it as bounded on the north by, say, forest land, Mr. Smith's property, a stream (named), "village chena", a path, "lands claimed by natives", etc. as the case was, and on the east by ... etc. Hence they give some indication as to whether estates were adjacent to land claimed by villages or villagers, i.e. to cultivated or pastoral areas. For a sample study and a fuller analysis, see App. E. Section C. infra. pp426-8. Note that until June 1844 the planters were responsible for the choice of lots and these were then advertised prior to the fiction of auction.

2. B.P.P. Reports from Committees. VIII (1851). Third Report. Tennent's evidence. 25 March 1850. p 172.

3. CO 54/296. H.J. Staples [District Judge, Kandy] - Pakington. 17 Dec 1852. Encl. Memo. relative to Kandyan Affairs [by Staples] 5 Dec 1852. There was hardly any land sold between 1847 and 1852 during the depression and after and therefore this picture could be held to be largely true [of Kandy District at most] in 1847-48.

it had led to a declassé segment of Kandyan peasantry by the late 1840's.[1] This, in turn, leads us to doubt whether such losses of land as there were, were on a scale such as to cause economic hardship and on a scale sufficient to make it a major cause of the 1848 rebellion. But the fact is that our norms were not those of the Kandyan peasants of the day. Some of them not only had considerable ground for discontent over the loss of some or much of their grazing land, but considered the chena question in a serious light.[2] As we have seen, the chena question was one on which they would "accept no compromise". They even were altogether opposed to the sale of forests in their vicinity,[3] some of which were used as pasture; and Ordinance 12 of 1840 admittedly removed their right to use these forests (in theory). On the other hand, therefore, one has to admit that the policy towards waste lands had some hand in causing the discontent behind 1848.

It is, in fact, difficult to draw hard and fast lines between their grievances against the waste lands policy and loss of land, and that of their dislike of the spread of plantations in general. The plantations were a major factor in animating rebellion. The Kandyans disliked the intrusion of roads, estates and strangers into their hitherto secluded existence.[4] The

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1. Ralph Pieris. "Society and Ideology in Ceylon during a 'Time of Troubles' 1795-1850". Univ. of Cey. Review. Vol.X (Jan 1952) pp 87, 100 for latter view; Vandendriesen. "Land Sales Policy. Part II". Univ. of Cey. Review. op. cit. pp 39-42.

2. Yet when Kandyans streaming into Kandy on July 8th 1848 were interrogated at Katugastota ferry by the Sinhala Interpreter of Kandy there does not seem to have been any allusion to loss of chena though the plantations "figured prominently" and cattle trespass was mentioned. [K.M. De Silva. "The 'rebellion' of 1848 in Ceylon". Cey. Jour. of Hist.& Social Studies. Vol.7. July-Dec 1964. p 159.]

3. Millie. Thirty Years Ago (1878. Cbo.) Chap XX; B.P.P. op cit. Third Report. Tennent's evidence. 25 March 1850. p 172.

4. Ibid. Q.2549, 2618; B.P.P. XII.(1850) Second Report. op.cit. Bodehouse's evidence. 21 June 1849. Q's 4775-78, 4819, 4823.

arrogant behaviour[1] of the majority of these pioneering newcomers certainly did nought to enamour them to the peasant. Even if exceptional (and that is doubtful), a planter taking pot shots at village dogs - mongrels though they were[2] - could not but strike deep into the Kandyan heart. The sacking of a temple could not but arouse resentment.[3]

The most potent cause of friction was that of cattle and buffalo trespass for while the planter was annoyed at the damage done to the crops, his riposte of shooting or impounding the animals where possible was equally annoying to the peasants; and economically hurtful, if not ruinous, for cattle were not merely valued capital but invaluable in the cultivation of paddy. That this was a major and constant source of trouble is evident in the Chief Justice's speech quoted earlier, in numerous other sources[4] and in any reading of newspapers of the Coffee Period as a whole. As a result "very bitter were the feelings on it between the native and the European".[5] It seems possible to rank this problem above that of the loss of land insofar as one can measure the grievances of the Kandyans. It is, of course, true that this problem flew from the sale of land for the purchases of the planters "circumscribed" the limits within which the Kandyans could pasture their cattle[6] and trespass occurred

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1. CO 54/196. Campbell - Stanley. 56. 18 April 1846. K.M. De Silva. Development of social policy in Ceylon 1840-55. op.cit. p 17 quotes Torrington in a private letter. "Our coffee estates are a cause of deadly hatred to the Kandians ... The mass of the coffee planters, many of them the worst class of Englishman has ... tended to lower or degrade our caste and character in the eyes of the natives ... and [among] the Kandians a coffee planter is a term of reproach."
2. Two of the Pioneers. [First Author]. "Days of Old" (1878. Cbo) p 2.
3. Jayawardena. op.cit. p 92 citing Boyd. "The Autobiography of a Periya Durai". Note that some planters were former officers, NCO's or privates from the British Armies.
4. B.P.P. op.cit. XII. (1850). Second Report. Wodehouse's evidence. 21 June 1849. Q.4819; Pioneers of the Planting Enterprise. Vol.I (1894. Cbo.) p 58, quoting from William Nudd's article in a "Ceylon Observer" of 1867; CO 54/296. H.J. Staples - Pakington. 17 Dec 1852. Encl. Memo. relative to Kandyan Affairs. 5 Dec. 1852.
5. Two of the Pioneers. op.cit. p 14.
6. Supra. p 276.

to the extent that the estates were proximate to village or individual pasture land.

In the face of these several incendiary aspects arising from the contact between plantation, planter and peasant, instances of arson against estate buildings[1] are hardly matter for surprise, though capital incendiary, in turn, for any thesis on the Kandyans' heated dislike of planter and plantation. Many planters' bungalows were in fact sacked (though not burnt) in some areas during the course of the 1848 rebellion.[2]

The activities of the planters, therefore, were a major source of discontent. The fact that litigation often reduced parties to penury besides causing vexatious journeys of considerable distance to and from the courts or to contact notaries,[3] and dissatisfaction with the administration of justice compose another sphere of discontent[4] - equally or more a major cause of rebellion. The anti-Buddhist policy reflected in the views of many officials and unofficials of the time, as well as in Government policy towards the connection of the State with Buddhism, was a major cause as well.[5] The series of taxes

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1. CO 58/24. "Govt. Gazette". 1 Oct 1845. p 685 and 5 Sept 1845. p 587. (Three cases, two in the Southern Province).
2. B.P.P. VIII. Part II (1851). Third Report. Appendices. Police Magistrate Kandy - D. Bernard [Governor's private sec.]. 2 Aug 1848. pp 126-27 and [Four Planters] - Col. Drought. 11 Aug 1848. p 91.
3. CO 54/251. Torrington - Grey. 165. 15 Sept 1848. Encl.1. G.R. Buller - Col. Sec. 13 Sept 1848 [Memo. on the causes of the rebellion].
4. Ibid. Encl.2. [Translation of "an influential Buddhist priest's" views on the causes of the rebellion, having been sent on a tour of the disaffected areas by Government for this very purpose.] 28 Aug 1848; B.P.P. op. cit. XXI.(1850) Second Report. Sir H. Maddock's evidence. 12 June 1849. p 65 Q.3694-95.
5. CO 54/250. Torrington - Grey. 144. 14 Aug 1848; K.M. De Silva. "The 'rebellion' of 1848 in Ceylon". Soc. Jour. of Hist. & Social Studies. Vol.7. July-Dec 1864. pp 156-7.

instituted by Government in 1847-48 were another - and was both final spark and common denominator of the disturbances at the two distinct centres of occurrence.[1] But as the Colonial Office concluded in its own post-mortem, the whole tenor of British rule had been inimical and alien to the prejudices of the people.[2] The new changes being wrought in the Kandyan Provinces not only meant intrusion into hitherto isolated domains, but also brought inroads into treasured customs.[3] Resentment at innovations and a multiplicity of grievances spawned rebellion.

## II. Waste Lands Policy, the Plantations, and the Kandyan Peasantry

Rebellion apart, one must consider the general effects of the 1840-41 legislation and the growth of plantations during the period under review. Did "[many] a feudal [manor house disintegrate] on account of the demands made by the Crown upon their appurtenant 'jungle land'"?[4] Was "[many] a Kandyan village

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1. B.P.P. VIII. Part II (1851). Third Report. op.cit. Letter from DON. D. Wijesepinghe [sic] [a headman]. 8 July 1849. pp 107-108; K.M. De Silva. "The 'rebellion' of 1848 in Ceylon". Cey. Jour. of Hist. & Social Studies. Vol.7 July-Dec 1964. p 14. Contemporary official theory [as typified in B.P.P. op.cit. Third Report. Letter from A.O. Brodie [Magistrate] ... 12 Oct 1849. pp 197-198] stressed that the revolt was plotted prior to these taxes and that they were merely used as a handle by the chiefs and priests - the chiefs and priests being to Ceylon what the Russian bogey was vis-à-vis India.

2. CO 882/1. VI. [Memorandum on the Rebellion. probably by Strachey] n.d. pp 33-34, 36. See also B.P.P. op.cit. Third Report. Tennent's evidence. Q's. 2549-56, 2618.

3. Idem; CO 54/250. Torrington - Grey. 144. 14 Aug 1848.

4. Ralph Pieris. "Society and Ideology". Univ. of Cey. Review. op.cit. p 87. [We have translated the word "walauwa" as manor-house].

hemmed in" by plantations and "denied access to its customary pasture, forest and chenas"?[1] Was much land to which they had "legitimate claim" expropriated?[2] Was the "balance" of their agriculture rendered unstable[3] and the village ecology undermined? Did the direct and indirect results of the plantations lead to a "large landless or semi-landless class in the rural areas" "within a generation or two"?[4]

These criticisms and the question of the impact of British policy can best be resolved by investigating the following topics in turn:

A. The extent to which villagers lost or alienated chena land and other pasture land, and to what extent any such loss affected them; which in turn necessitates a consideration of the importance of chenas and of pasture land in village ecology.

B. The extent to which the villagers lost forest land which they had used and which also was potential chena land; and how hard this hit them, whether directly or indirectly. This involves a study of the importance of forest land in their ecology.

C. The question: was there much landlessness as a result? This in turn hinges not only on A and B, but also on the ratio of the population density - plantation acreage and elevation - and availability of paddy land, chena, pasture and forest land, in each particular locality: on which, unfortunately, no proper statistics are available.

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1. Farmer. Pioneer Peasant Colonization in Ceylon (1956. Lon.) p 91. See also the views of the Government Planning Secretariat. Six Years Programme of Investment, 1954-55. (1955. Cbo.) quoted in Jayawardena. op.cit. p 5, and of Sarkar and Tambiah. The Disintegrating Village. (1957. Cbo.) pp xi-xii.
2. H.M. Leake. "Further Studies in Tropical Land Tenure". Tropical Agriculture. Vol.15 (Nov 1939). p 14; Meek. Land Law and Custom in the Colonies (1949. Lon.) pp 12-13.
3. Sarkar and Tambiah. The Disintegrating Village. (1957. Cbo.) p xi.
4. Idem.

D. Based on the factors and findings enumerated above as well as on other considerations, the larger question: in what ways did the plantations and the plantation-economy affect the Kandyan peasantry?[1]

A.

To turn first to the importance of pastures in village ecology, a subject on which little is known: of Upper Burma it is said that "[v]illage welfare was closely bound up with rights of pasturage and fuel",[2] and a later Governor of Ceylon proclaimed that "the use of the waste for pasturage, for fuel and a hundred other things [was] really indispensable for" the villagers.[3] Russell was convinced that "scanty food and exposure to weather" suffered by the cattle of his time had had a "deteriorating effect";[4] he believed the fact that it was "no longer possible for the beasts to live in herds" - due to circumscribed pasture land - was the chief cause of their "degeneracy".[5] Thus it is tempting to build up a thesis that any serious limitation of pasture land meant a deterioration

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1. This excludes the peasantry of the Kalutara, Galle and Matara Districts in the South and West where a few sugar and coffee estates were opened in the early 1840's. Most of them were soon abandoned. Later in the mid-1860's coffee estates were opened in Morawaka Korale to the interior of the Galle-Matara Districts. Hence there was sustained impact. However, one is inclined to believe that in these regions a greater percentage-proportion of local land was lost in the initial spell of planting than in the Central Highlands. The estates certainly were far more proximate to, if not actually on, "native" holdings. [See CO 58/19,20, 24."Government Gazettes"]. Simms moreover spoke of insufficient land for garden and chena cultivation in the Maritime Provinces. [supra.p280fn4].
2. Furnivall. Colonial Policy and Practice. (1956. New York). p 107.
3. Jayawardena. op.cit. pp 16-17. quoting a private letter from Lord Stanmore (Arthur Gordon) in 1897.
4. 1871 Admin. Repts. [Kandy District and Central Provinces]. H.S.O. Russell. 23 March 1872. p 41.
5. 1869 Admin. Repts. [ibid.] 27 June 1870. p 39. Russell was an experienced official.

in the condition and numbers of local cattle and buffaloes; that as a result paddy cultivation was seriously affected[1] and an increased reliance on man-power rather than animal-power was forced on the peasant; that ... ad infinitum. Certainly the cattle in Ceylon in the late 1860's were said to be reduced in number and of smaller size than before.[2] But it remains a matter of doubt whether this was due to limited pasture or to what at face value seem the more probable causes - the influence of cattle diseases like rinderpest ("murrain" as it was then called), and continuous in-breeding.[3] Certainly cattle had deteriorated as well in areas away from the plantation centres and where there was much pasture. The foregoing picture, however, makes it fairly clear that pasture was a necessary supplement in Kandyan village ecology; any marked lack of pasture would be more than mere irritant.

Much or all of the chena land was used as pasture when it was not under cultivation;[4] but chenas had an added value in comparison with patena, forest and waste. At varying intervals, according to the soil conditions etcetera of the district, they were used to grow hill paddy or crops of fine grain. Of the Kandyan Highlands in general an official once stated that "chena cultivation [was] rarely resorted to by the natives

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1. After essaying this I found this view expressed by S.B.D. De Silva [Investment and Economic Growth in Ceylon . (1962. Lon.) Ph.D. Economics. pp 192-94]. He states that the loss of cattle was due to the deterioration of the irrigation works and the land legislation of the nineteenth century which he believed to have "drastically curtailed the traditional access of cultivators to forest and waste land". Note that his review pertains to the 19th and 20th centuries as a whole.
2. S.P. XX of 1870. Cattle Disease Commission. Oct 1869. App. Diary of First Journey.
3. These were dealt with in the Cattle Disease Commission's Report (S.P. XX of 1870). Also see 1871 Admin. Reports. Nuwara Eliya. P.C. Fisher. Acting AGA. 8 June 1872. p 61 for an example of high mortality from murrain.
4. S.P. XVI of 1877 [Report of the Grain Tax Commission]. Resume [of the Answers Received]. Q.4.

save when the crops of their mud lands fail".[1] This appears confirmed by the wide annual fluctuations in chena cultivation.[2] But other evidence renders this statement a sweeping verdict, if not wholly contradicting it. The fact was that when the Kandyans rice crops proved "as too often it [did], insufficient for his requirements" he had perforce to "eke it out by chenaing".[3] Thus in Sabaragamuwa though "most" of the people had a field, a garden and some chena, they could not subsist on their proprietary land alone but had to supplement their income by chenaing elsewhere and by work on estates.[4] That was not all. From Knox's time to the mid-nineteenth century some individuals or villages as a whole were entirely dependent on chena.[5] This was largely true of Sabaragamuwa and Walapane districts if not others;[6] and was certainly true of the vast expanse of Dry Zone lowlands within and without the Kandyan Provinces.[7]

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1. CO 54/334. Ward - Stanley. 27. 15 May 1858. Encl. Statement of Irrecoverable Arrears [Observations on Table two by R. Power. G.A. Central Province] pp 85-

2. Ibid.; and Encl. Ibid.

3. 1868 Admin. Repts. Nuwara Eliya. C. Liesching. 29 April 1869. p 50.

4. Ibid. Sabaragamuwa. F.R. Saunders. n.d. App: Extract from letter: Saunders - G.A. Cbo. 411. 26 Aug 1868. p 69. See also Braybke Memo. App. H. Encl. Memorial [addressed to Governor Mackenzie from] some inhabitants of Saffragam [sic] 3 Nov 1840.

5. Knox. op cit. p 69; Braybrooke Memo. pp 233-234; 1870 Admin. Repts. Service Tenures Commission. J.F. Dickson. 29 April 1871. p 286 fn : "In the hill country ... in some villages the peasants live entirely on the produce of their hen."

6. Braybrooke Memo. App. H. Encl. Memorial ... [from] ... Saffragam [sic]. 3 Nov 1840; CO 54/402. Robinson - Cardwell 134. 16 Sept 1865. Encl. [Admin. Rept. 1864] AGA Nuwara Eliya. 17 June 1865. He added that encroachments were more pronounced in localities dependent on fine grain.

7. A.O. Brodie. "Statistical and Topographical Account of the District of Noowerakalawiya"[sic] J.R.A.S. CB. (1856-58) pp 160-61; Anon. "Historical Sketch of the Vanni". Monthly Literary Register. Vol. I. p 265.

In the Dry Zone and to some extent in Sabaragamuwa all strata of the local population depended on chenas. But in general it was "a numerous and poor section of the population" who leant more heavily on such forms of cultivation;[1] i.e. the generality of peasants as distinct from the headmen, priests and the peasants with moderate extents of paddy fields.

Food crops apart, chenas in the Highlands were yielding increasing manna in the nineteenth century in the form of "native coffee". This had been grown in chena and garden from way back in time but its cultivation was being expanded enormously in the 1850's. "Native coffee" was enjoying just as much a boom as plantation coffee.[2] Improved methods of cultivation (like manuring) were being applied; and coffee cultivation was even replacing market gardening.[3] Low-countrymen, Moors and Chettiee, who were fast purchasing Kandyan land, seemed to lead in this venture but the Kandyans - or some of them at least - were not slow.[4] It would appear from some of the

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1. CO 54/345. Ward - Newcastle. 46. Encl.5. R. Power [G.A. Central Province] - Col Sec. 290. 14 April 1858. pp 318-19. But much would depend on the locality. In some, even the poorest peasant would have had a paddy field of sufficient extent.

2. 1857 Blue Bk. Rept. Ward - Lytton. 3. 5 July 1858. p 243. A.M. Ferguson. Plantation Gazetteer. (1859. Cbo.) pp xii-xlv. Vandendriesen. "Some aspects of the financing of commercial enterprise in 19th century Ceylon." Univ. of Cey. Review. Vol. XVIII, (July-Oct 1960) pp 213-14. Between 1849 and 1869 from one/third to one/fourth the total coffee exported was "native coffee". This excludes that consumed locally [N.B. There were several "natives" who owned big estates and grew plantation coffee.]

3. R.E. Lewis. "Rural Economy of the Singhalese". J.R.A.S. CB Vol IV. (1849) pp 42-43; C.G.A. "Colombo Observer". 5 Feb 1857. Season Report by R. Power, G.A. Central Province; A.M. Ferguson. Plantation Gazetteer (1859.Cbo.) pp xii-xlv. It certainly replaced fine grains in some areas [S.P. XVI of 1877 op.cit. App.I. No.56. Answers from C.A. Murray, A.G.A. Nuwara Eliya. p lxxxviii].

4. CO 59/10. "Ceylon Times". 2 May 1856. Provincial Report from the Central Province. Kandy Proper. R. Power. 24 April 1856.

evidence that there were some districts in which the local people did not grow much "native coffee",[1] but in 1873 Gregory was stating that "[there was] hardly a native in the Central Province who has not his patch of coffee".[2] Some of this was no doubt on garden land but some was on chena. Chena had clearly acquired added value in most local eyes.

It is evident therefore that any marked loss of individual or village chena was not a matter that would be treated lightly. Generally speaking it would entail economic hardship on the individual sufferers and strike a serious blow at village economy; there was more at stake than mere grazing lands for, comparatively speaking, chenas were more valuable than the patenas and forests (unless some of the forest was asweddumizable).

We arrive then at the questions: to what extent were the Kandyans deprived of their grazing lands and to what extent did they lose chenas in particular?

To take one type of pasture land: patena, which according to Ordinance 12 and in theory was ultimately vested in the Crown. There was no attempt by planters to grow coffee on patena until the mid-1860's and even then it was select and limited.[3] The planters did seek pasture land for their cattle[4] but usually there was an admixture of patena and other pasture land in the lots purchased; or they used some of the cleared forest land for the growth of guinea or Mauritius grass.[5]

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1. A.M. Ferguson. op.cit. pp xxi, lxxii, lxxix; 1867 Admin. Repts. Nuwara Eliya. A.A. King. 22 May 1868. p 50.
2. Governor's Addresses. Vol. II. Gregory. 30 July 1873. p 307.
3. C.1202. "Ceylon Observer". Supplement. 23 Jan 1869. The Position of the Coffee Planting Enterprise in Ceylon. C. Dickman. The Ceylon Civil Service Manual. 1st ed. (1865. Cbo.) p 228.
4. CO 59/24. "Colombo Observer". 18 Oct 1855. Planting Report. Matale West.
5. W. Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870. Lon.) pp 55, 120; CO 59/24, "Colombo Observer". 24 Dec 1855. Report for the Planters' Association. W.A. Swan. 12 Nov 1855; CO 59/25. "Colombo Observer". 26 June 1856. Article signed "C.A.B."

Taking pasture land in general, we already have seen that there is an imposing body of evidence to indicate that much of the village pasture was lost. We have the 1848-50 evidence that much pasture land was lost; we have the opinion of Staples the District Judge, Kandy, in 1852 that the people complained of lack of pasturage and a similar one in a newspaper in 1856;[1] and above all we have Russell's opinion in the late 1860's that the pasture ground of the Kandyans was growing more restricted yearly.[2] These references could well be taken as the general picture in the Kandyan Highlands as a whole.

On the other hand of Matale district in the mid-1860's it was said that "pasture exists in abundance for twenty or thirty times ... the present stock".[3] A close scrutiny of the varied descriptions of planting districts in Ferguson's Gazetteer of 1859 indicates that there was sufficient pasture for both planters and peasants in many of them.[4] Taking the Central Province as a whole, the statistics, for what they are worth, indicate 369,753 acres of "Pasture", 204,138 acres of "Uncultivated Land" as against 290,334 "Cultivated".[5] One wonders, therefore, whether the references cited above were sweeping

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1. CO 54/296. H.J. Staples - Pakington. 17 Dec 1852. Encl. Memo. relative to Kandyan Affairs. 5 Dec 1852; CO 59/25. "Colombo Observer". 7 April 1856.

2. 1869 Admin. Reports. [Kandy District and Central Province]. H.S.O. Russell. 27 June 1870. p 39. See supra. p 290. for quotation from his Admin. Report for 1871. Also see C.1202. "Ceylon Observer". 18 April 1876, which speaks of "some restrictions as to range of cattle feeding" as one of few grounds of complaint Kandyans could have against the greatly beneficial rule of Britain.

3. S.P. IV of 1867. Report of the Committee appointed by the Legislative Council to inquire into and report upon Irrigation Works and Rice Cultivation in the Island of Ceylon. App. Part I [Replies from] Sharpe, A.G.A. Matale. n.d. [1866] p 51.

4. A.M. Ferguson. Plantation Gazetteer. (1859.Cbo.) passim.

5. CO 59/81. Blue Book 1871. p 557.

generalizations from the particular. Significantly, both Staples and Russell were speaking from stations in the Kandy District, the most populated area. Of course, the official conception of what the term "pasture" was is a matter of doubt: it doubtless included all patena; but patena, or at least some patena, it seems, could not be used continually as pasture - being used seasonally and only after the manna grass was subject to a good burn.[1]

That some of the pasture land to which Layard, Russell and others referred to as being lost in one way or another was chena land is clear enough. We have suggested that this was probably non-appurtenant rather than appurtenant-chena but the question we must now endeavour to determine is the extent to which there was loss of chena, whatever the category. One form of reasoning has been that the letter of Ordinance 12 was followed strictly and that as a result much land was expropriated. But as we spent so much time in discussing, the facts demonstrate that this could not have been so. But it is too easy to focus attention on Government policy to the exclusion of other causal factors. There were other ingredients. Russell himself gives a clue; "the sale of common pasture land on account of Government or by underhand bargain of private parties".[2] We must consider therefore the sale of some or all of their land to planters by individual Kandyans themselves. This is a clearly established fact.[3] Some of this land, as we noticed, was

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1. CO 59/1. "Colombo Journal". 18 Feb 1832. Letter IV from "Timon". 12 Feb 1832. p 65; CO 59/24. "Colombo Observer". 1 Oct 1855. Overland Summary quoting a correspondent.

2. 1871 Admin. Reports [Kandy District and Central Province]. Russell, G.A. 23 March 1872. p 41.

3. CO 54/237. Torrington - Grey. 54. 17 July 1847. and Encl. Petition of William Newman. 24 June 1847; Bailey 1859 Memo. pp 148-151; 1871 Admin. Reports. Nuwarakalawiya. Rhys - Davids. Acting A.G.A. 16 July 1872. p 91.

former village common which they had usurped for themselves.[1] That some were encroachments successfully made on Crown land is certain. That some was chena and pasture land long-utilised by a family but sold for profit or to meet debts also seems likely.[2]

To what extent did these private sales to planters occur? There are no reliable or conclusive statistics on this point. But using three "approximate indices" to check the amount of land thus alienated <u>during the whole of the Coffee Period</u>, an economic historian concludes that such sales were insignificant. One index suggests 17,000-18,000 acres; another roughly 30,000; as against the "500,000 acres of unabandoned coffee taken from Crown forests". Thus

> [t]hese orders of magnitude taken together with the relatively meagre European involvement in the 1859 agitation, make it difficult to sustain the usual thesis that coffee plantations expanded by the acquisition of village chena.[3]

Taken as circumstantial evidence one cannot quarrel with this, but it is quite possible that concentrated alienation in a particular locality did limit village chena to the injury of its inhabitants. When, on the whole question of expropriation, the student voices his decided opinion that

> no real threat of expropriation confronted the chena proprietor right down to the close of the coffee period in the early eighties. The benevolence of official intentions guaranteed him against administrative eviction. The successful intervention of the Crown combined with the nature of the market forces (i.e. the preference for

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1. <u>1871 Admin. Reports.</u> Nuwarakalawiya. Rhys-Davies. Acting A.G.A. 16 July 1872. p 91.
2. Lawrie. <u>A Gazetteer of the Central Provinces</u>. (1896.Cbo.) Vol.I. pp 58, 392, 418-19; Bailey 1859 Memo. pp 148-51.
3. Jayawardena. <u>op.cit.</u> App.C. Private Sales of Chena Land for Coffee Planting. pp 346-64.

> forest and the availability of forest to prevent him from dispossessing himself through private sales of chena land,[1]

one can take up cudgels against, and raise qualifications, regarding several points.

In the first place the "benevolence" of official policy must not be overplayed. No doubt the application of Ordinance 12 was modified administratively, but the writings of C.R. Buller, Wodehouse and Torrington on the subject reflect anything but benevolence, and merely reflect frustration. The extreme antipathy of some officials to chena cultivation in any form makes it probable that in practice they stepped well beyond the borders of benevolence.

Secondly, we have already seen that his belief in the general availability of forest land for coffee was not true of the year 1873, even in new planting districts like Dickoya, but it is granted that, in the 1860's, the planters were concentrating on the new districts and there was some forest available.[2] It seems as if, in general, the range of choice and room only contracted around the early 1870's. But some districts had reached saturation point even by 1855[3] and in such regions established planters or newcomers desiring to expand or locate themselves would have had to seek for chena rather than forest.

In the third place, one cannot postulate that Government intervened "successfully ... to preserve chena for the peasant by preventing its sale".[4] It is granted that this seems to have been their intention. They were certainly opposed to the

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1. Jayawardena. op.cit. pp 112-114.
2. Supra. pp 254-55,
3. CO 59/24. "Colombo Observer". 1 Oct 1855.
4. Jayawardena. op.cit. pp 120-23,

alienation of village chenas or privately-used chenas to which the occupant could provide no proper title. But intention was a far cry from actuality.

> [Clauses 6 and 9 were] carefully explained to the people who were cautioned from time to time against alienating their chenas, so long as the law remained unaltered. But the high price of land and the readiness with which European and other speculators purchased land from Natives - although well aware that their vendors could give them no title - formed temptations too strong for the native to resist.1

Taken in isolation, the argument that the agitation of 1859 suggests that buyers and vendors were in fact being baulked by Government action[2] is circumstantial and flimsy; and cannot be accepted when matched against Bailey's statement, though one can admit that some sales may have been prevented by Government. If, as it seems, the sales of chena to planters were limited, the reasons for the agitation have to be sought elsewhere: in all possibility, the "nature of the market forces", in the form of specialized and limited demand for chena, was the chief reason.

In the fourth place, and most significantly, there has been no cognisance taken of a factor bearing on the success of Government's anti-alienation policy as well as the larger question of alienation by private sale: the fact that Russell's reference to "underhand bargain of private parties" reflects private sales among the local peoples themselves (i.e. including the foreign Chetties and the Tamil coolies in this group for convenience sake). From the late-1850's not only were "natives"[3] purchasing far more Crown land than before,[4] but

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1. Bailey 1859 Memo. pp 148-51.
2. Jayawardena. op. cit. pp 113-14.
3. This term was used by Europeans in referring to all non-white people in Ceylon. Thus it included the Chetties and the immigrant coolies from South India and Parsees who were not native to Ceylon. Most of the Moors were native but cannot really be classed with the Sinhalese. In fact as far as the Kandyan Provinces go, even the low-country Sinhalese were "foreigners".
4. Supra. p 256.

numerous transactions of land were taking place between themselves from the early 1850's at least.[1] The purchases of land were undoubtedly stimulated by the profits in 'native coffee' cultivation and in market-gardening, and by appreciating land values. Purchases apart, there is evidence to indicate that some lands were sold for debt - debt which had arisen because of litigation or for reasons unspecified.[2] The category of people who were thus acquiring land is of considerable import. Chetties, Moors and Low-country Sinhalese were in the forefront.[3] Evidence suggests strongly that some Kandyan headmen were beneficiaries in various ways.[4] So too were proctors and notaries;[5] and clerks.[6] What is remarkable is that the Tamil immigrant coolies were also participants:

> in the case of their highlands [the Kandyans] either sell or let them to Malabars and Low-country Singhalese, ... I find the country literally studded with small patches of coffee on which families of Malabars are located. In some instances these lots [i.e. the Kandyans'] have been sold to Chetties and Moormen,

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1. CO 54/345. Ward - Newcastle. 46. 28 Aug 1859; Bailey 1857 Memo. p 334.
2. Lawrie. A Gazetteer of the Central Province (1896. Cbo.) Vol I. pp 40, 58, 62, 419.
3. 1858 Blue Book Reports. Ward - Lytton. 135. 4 July 1859. p 103. Bailey 1857 Memo. p 334. CO 54/333. Ward - Labouchere. 4. 8 Jan 1858.
4. CO 59/9. "Ceylon Times". 17 Feb 1854. Letter to the Editor by "Truth". 10 Feb 1854. [a writer from Saberagamuwa - not all that reliable]; 1864 Blue Book Reports. Robinson - Cardwell. 134. Encl. in Encl.7 [1864 Admin. Reports. Saberagamuwa]. Birch. 30 March 1865. pp 138-41; Lawrie. op cit. Vol.I. pp 58, 382. Vol.II. p 541.
5. Ibid. Vol I. p 374; CO 54/317. Ward - Molesworth. 47. 25 Oct 1855.
6. S.P. XVIII of 1869. Papers on Service Tenures. Memo. on Serfdom. E.L. Mitford. Dec 1868. p 14.

> while in others the Kandyan giving his land for the sweat of another man's brow, has allowed the Malabar to enter on his Chena to plant it with coffee for a planter's interest of one half [i.e. share cropping or ande].[1]

What is more at this juncture one must insert into this 'jigsaw' another factor we have pinpointed at an earlier stage: signs that in some villages the Kandyan villagers themselves were encroaching on village chena on an individualistic basis, with the headman leading the way.[2]

These factors are highly significant in several ways.

For one thing one could well argue that peasants would only sell chena land that was of no value or of marginal value to them. But experience of the peasants' lack of wisdom in this regard and Bailey's evidence quoted earlier wholly belie this argument. 'Carrots' of cash were often too tempting for natural caution. On the other hand evidence from official diaries has led the same student to conclude that, in general, the peasants in Ceylon tended to sell only their "superfluous" land or sell portions in order to find capital for the improvement of the rest,[3] but possibly they were more sophisticated by then.

For another, reflecting the increasing individualism of the time as it does these dealings in land fostered the evil of excessive litigation to which peasants were prone, though

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1. 1864 Blue Book Reports. Robinson - Cardwell. 134. Encl. [1864 Admin. Report. Kandy District and Central Provinces] F.B. Templar. Acting G.A. 26 Aug 1865. p 157. See also CO 59/10. "Ceylon Times". 1 July 1856. Season Report on the weather of Ceylon. Kandy Proper. W.P. Charsley (Medical Officer) 10 May 1856.

2. Supra. p 195. Cf. The assumption of landlordship by tribal chiefs and the alienation of communal land in this manner in the Gold Coast. [Meek. op.cit. pp 174, 188-9, 291-2.]

3. Jayawardena. op.cit. pp 199-203. [re turn of the twentieth century].

in part also a result of the litigation. In a situation where no law of primogeniture existed, an increasing awareness of individual rights in association with increasing land values, a money economy, and increasing land transactions among the local peoples, added up to more and more squabbles.

But most salient is the possibility that the Kandyans either alienated or lost their highlands to a large extent to the local moneyed class rather than to the European (and a few "native") planters. The lots thus changing hands, however, would have been of very insignificant acreage per plot in comparison with those which were purchased by planters. In any event there does not appear to be any means of computing even approximate statistics on this point, and, perforce, this factor remains shrouded. But we do know that it prevailed to a sufficient extent to arouse the Government Agent's fear that it would "lead to the ultimate alienation and loss to [the Kandyans] of all their <u>appurtenant</u> Chenas";[1] and according to Rhys-Davids, as we have seen, "in the Kandyan coffee districts" the combination of three factors, sales to planters, sales to "other outsiders" and the usurpation of <u>village common</u>, had occurred "to so large an extent" that he believed there were "probably very few villages in which the common right [had] not been almost entirely extinguished".[2] Therefore the combination of these factors could quite conceivably have circumscribed the chena and/or pasture to a serious extent in some village areas; and this seems to have been the case. They could also have led to the loss of some appurtenant chena to the injury of the former proprietors.

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1. <u>1864 Blue Book Repts.</u> Robinson - Cardwell. 134. Encl. [Kandy District and Central Provinces]. F.B. Templer. 26 Aug 1865. p 157. Emphasis added.

2. <u>1871 Admin. Reports.</u> Nuwarakalawiya. Rhys-Davids. Acting A.G.A. 16 July 1872. p 91. Emphasis added.

Too many critics have ignored these causal factors. Too many have attributed any evidence indicating loss of land or shortage of land (whether chena or pasture) to be the result of Government waste lands policy, to the exclusion of such factors as these and the equally vital consideration of population growth in relation to arable land.[1] That such land transactions and losses could take place was, of course, a consequence of British land policy in general and the alien principles embodied therein but to speak thus is not the same as attributing landlessness or shortage of land, if any, purely and directly to Ordinance 12 of 1840 and the way it was administered.

B.

To turn to forests: in theory, if less in practice, the peasants throughout Ceylon were denied access to them by Ordinance 12 of 1840. Game, honey, oil, jungle rope, firewood, fence sticks and wood for agricultural and building purposes had all been garnered from forest;[2] and these rights of usage were now restricted in the Highlands in particular - in the Highlands in particular because these restrictions were once imposed by the reduction of the forests in the vicinity rather than by any administrative action. In Nuwarakalawiya certainly they were allowed to use the plentiful forest and scrubland for such purposes.[3] Forests, of course, as we saw, were also used as pasture ground and were "an easement" to the

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1. Barkar and Tambiah do take note of the impact of the local moneyed class.

2. CO 54/487. Gregory - Kimberley. 237. 31 July 1873, and Encl. Col.Sec.- G.A. Central Province. 300. 3 July 1873. Braybrooke Memo. App.H. Encl. [Memorial to Governor Mackenzie from some inhabitants of Sabaragamuwa District] 3 Nov 1840. pp 301-3; 1871 Admin. Reports. Nuwarakalawiya. Rhys-Davids. 16 July 1872. p 90.

3. Idem.

paddy fields. Where they, as distinct from other pasture and patena, were the chief source of pasture, any loss would have been burdensome. However, such other uses as rope, fence-sticks and the like could be gathered from chena land as well;[1] while game was not vital to the vegetarian-minded Kandyans[2] and honey was not a staple. Thus on the face of it, and as one student has concluded, their role was marginal.[3] On this basis any loss of forest would have been irritating rather than burdensome. But the fact is that Gregory considered that "wherever there [was] a native population, it [was] an act of downright cruelty to them to allow tracts of forest land, especially those small patches which grow in the vicinity of the ... 'patanas', to be cleared. In these patches the natives obtain ... and it is almost tantamount to expulsion, to clear them".[4] This is no half-statement. One cannot help feeling, given the uses forest was put to, that this view is somewhat exaggerated; but in the teeth of such opinion neither can one maintain that the role of forest was marginal. However, to prove that the Kandyans were affected very badly by the loss of forest one has also to show that almost all the forest in the vicinity of a village (vertically or horizontally in the vicinity)

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1. 1871 Admin. Reports. Nuwarekalawiya. Rhys-Davids. 16 July 1872. p 90.
   Braybrooke Memo. App.H. Encl. [Memorial to Governor Mackenzie from some inhabitants of Sabaragamuwa District] 3 Nov 1840. pp 301-3.
2. Hunting wild animals was banned in the 18th century (probably by Kirti Sri Rajasinghe) but was clandestinely practiced. Lawrie MSS. Vol III. Crimes and Punishments.
3. Jayawardena, op.cit. p 46.
4. CO 54/487. Gregory - Kimberley. 237. 31 July 1873. See also 1872-73 Hansard. 17 Sept 1873. pp 37-8 where Gregory states that the "natives ... complain most bitterly that they are driven from their abodes by the entire denudation of certain districts whereby they are unable to obtain fence sticks [etc.]".

was lost by sales to planters; further, keeping in mind the fact that the forest that was not cleared for coffee by the planters[1] could well have been used surreptitiously or otherwise by the peasants.

One of the charges levelled by modern writers is that the sale of forest swallowed up vital village tanks and channels.[2] However, Government was aware of this danger from the outset. Turnour suggested that Government <u>should</u> protect any watercourses bearing on the peasants if they lay within the lots applied for.[3] For a considerable while, nevertheless, performance belied this suggestion. Thus in 1864 three abandoned village tanks in Uda Newaheta were sold to the proprietor of "Ammunumulla" estate despite the villagers' protests.[4] "[I]n many cases the free flow of water [was] obstructed to the great prejudice of the paddy cultivators below."[5] It is a mark of some extenuation, though not of wisdom, that some of the tanks thus lost seem to have been old and abandoned ones. What is

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1. Most of the estates had only around half their total extent under coffee. [Sabonadiere. <u>The Coffee Planter of Ceylon</u>. (1870. Lon.) pp 210-11 giving the statistics of acreage per planting district to 1870.] Presumably some was used for guinea grass, some was waste and some forest. In fact in 1873 there were roughly 85,475 acres of private forest still standing. [CO 54/487. Gregory - Kimberley. 237. 31 July 1873.]

2. <u>S.P. XVIII of 1951</u>. Report of the Kandyan Peasantry Commission. p 122; Sarkar and Tambiah. <u>The Disintegrating Village</u>. (1957. Cbo.) p xi.

3. Braybrooke Memo. App.K. Turnour - Col.Sec. n.n. 28 Nov 1837. pp 272-3. Emphasis added.

4. <u>S.P. II of 1872</u>. Reports on the Working of the Paddy Cultivation Ordinance (No.21 of 1867). Report of the A.G.A. Nuwara Eliya. B.F. Hartshorne. 17 Sept 1872. p 30. In 1842 some Kandyans of Newaheta competed with a planter at a Government auction sale because a tank lay within the land being sold. [C.1202. "<u>Colombo Observer</u>". 22 Oct 1866. "Notes from the Central Province" by "Traveller". 11 Oct 1866]. But note that in the Kandyan Highlands tanks were rare; watercourses were the more common means of irrigation - The only mention of tanks I have come across is in Newaheta.

5. CO 54/432. Robinson - Buckingham & Chandos. 7. 12 Jan 1868. Encl.5. Memo. by [Morgan on the Paddy Cultivation Ordinance of 1867-] 12 Jan 1868.

more, by the 1860's it would seem that complaints by Kandyans against the manner in which the planters used the streams were rare.[1] The "Observer" attributed this to the very abundance of water in the Highlands and felt it indicated "that, on the whole, the two classes under[stood] each other better than they did at the commencement".[2] It appears that it was generally acknowledged that planters could use streams which ran through their land so long as it was not "to the injury or deprivation of other landowners", and in a case of collision of this kind which had occurred, both Government Agent and Supreme Court had decided against a planter and in favour of a "native" plaintiff.[3] Moreover, Government had awoken to its responsibility by this time and at some unspecified date - in the "older grants" of land to coffee planters - made "reservations of land on either side of watercourses".[4] In 1867 power was created to rectify the earlier omissions - Government could re-appropriate such land as was needed to protect the watercourses.[5] It remains extremely doubtful whether the damage rendered earlier was in fact rectified.[6] As to the performance from the late 1860's one cannot be certain. Given Gregory's

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1. C.1202. "Colombo Observer". 31 Aug 1865. [Not an unimpeachable source.]
2. Idem.
3. Idem.
4. CO 54/432. Robinson - Buckingham & Chandos. 7. 12 Jan 1868. Encl.5. Memo. by [Morgan on the Paddy Cultivation Ordinance] To hazard a guess this was in Ward's times when more attention was paid to irrigation and to forest reserves. [In Madras at least by 1850 "Government had more stringent regulations and had prohibited even the use of such streams without specific official sanction. C.1202. "Colombo Observer". 31 Aug 1865.]
5. CO 54/432. Robinson - Buckingham & Chandos. 7. 12 Jan 1868. Encl.5. Memo. by [Morgan on the Paddy Cultivation Ordinance].
6. Lawrie. A Gazetteer of the Central Province (1896. Cbo.) Vol.I. pp 149, 513-4, reveal examples of abandoned tanks within estates, but the dates of occurrence (i.e. sale) are not specified.

close attention to forest preservation along ravines in particular,[1] there is room to hope the peasants were protected; but a study of Land Settlement Officers' diaries at the turn of the century inclines another student to think otherwise.[2]

Indirectly the decrease in the extent of forest could disturb village economy in other ways. It is likely that it "reduced the fertility of the soil by the double process of soil erosion and the reduction of the supply of vegetable and organic manure",[3] for it appears that more water percolates into the ground in forested areas and that "forests do play in all-important part in preserving moisture and in ensuring an equable flow in springs and rivers".[4] But this would only have been in the long-run. There were immediate effects of this type too. While on the one hand Ferguson gave examples to show that the felling of forests had brought "perennial streams" into existence,[5] others held that the clearing of forests in some areas had generated a process of soil erosion and silted up streams which fed the valleys below.[6] On

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1. CO 54/487. Gregory - Kimberley. 237. 31 July 1873. Encl. Col.Sec. - G.A. Central Province. 300. 3 July 1873.

2. Jayawardena in course of discussion in the summer of 1964. The Settlement Officers themselves felt that the steps taken to prevent this sort of thing in the past had been inadequate.

3. Sarkar and Tambiah. The Disintegrating Village. (1957.Cbo.). p xi.

4. Tropical Agriculturist. Vol.36. (March 1912). Re-printing an article in the "Indian Agriculturist" which reviews another in the "Indian Forester". pp 219-220. See also Sir Charles Bruce. The Broadstone of Empire. (1910. Lon.) p 148.

5. C.1202. "Ceylon Observer". 23 July 1868.

6. CO 59/110. "Ceylon Times". 2 May 1856. Provincial Report from the Central Province. Kandy Proper. R. Power. 24 April 1846. and Report on the Weather for the month of March 1856. J.A. Caley (from Kandy). 1869 Admin.Reports Matale. G.S. Williams, A.G.A. 15 June 1870. p 54. S.P. IV of 1867 [Report of the Committee on Irrigation and Rice Cultivation] op.cit. App.Part I (Replies of Sharpe, A.G.A. Matale).

occasions soil erosion caused fields themselves to be silted up while landslips achieved the same undesirable effect.[1] Strange to say, the "popular and scientific opinion" of the 1850's and later was convinced not only that the felling of forests had caused the volume of streams to lessen, but that it had caused a decrease in the rainfall.[2] We can well join the editors of the "Observer" of that day in being sceptical that a decrease of 70,000 acres of forest in a mountainous country could induce the rain to decrease.[3] Even though more forest had come under the axe by the 1870's, this was below 5,000 feet and we can join Gregory in denying that it affected the climate of the Highlands.[4]

As far as such indirect outcomes go, in the context of the times we can consider them to have been largely unavoidable even if unfortunate. Since officials drew attention to the danger as early as 1856, however, it is regrettable that Government paid inadequate attention to preserving forests around the sources and along the banks of streams until the late 1860's.

More directly, in denying peasants access to forests, Government policy and the reduction of the extent of forest

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1. S.P. XVI of 1877. [Report of the Grain Tax Commission]. op.cit. App.Part I. No.58 [Answers] from M.B. Nugawela, Ratemahatmaya of Udunuwara. p xc. Lawrie. op.cit. Vol.I. p 255.

2. CO 59/10. "Ceylon Times". 2 May 1856. Report on the Weather for the month of March 1856. J.A. Daley [in Kandy]; 1868 Admin. Reports. Hambantota. T. Steele. A.G.A. 15 April 1869. pp 204-5; S.P. XXIX of 1873. Correspondence on the subject of the Conservation of Forests. Dr. Hooker (Kew Gardens) - Kimberley. 27 May 1873. p 6.

3. CO 59/25. "Colombo Observer". 7 April 1856; and 26 June 1856 Planting Intelligence.

4. CO 54/487. Gregory - Kimberley. 237. 31 July 1873, using Dr. Thwaites as his authority.

combined to deprive them of potential chena land - for the virgin forest around the villages had been an ever-present, if partial, insurance against population pressure on the arable land. In practice and economically this could have had detrimental effects on a village only where the villagers could not encroach on Crown or private forest, if any, or with population growth and pressure on the land. To this latter aspect, then, bearing as it does on the question of landlessness, we turn.

C.

Population pressure on the land, it appears, was not a feature of the 1840's or 1860's.[1] On the sparse and rather unreliable data available, one student affirms that both population and village statistics of the nineteenth century reveal no undermining of the village economy.[2] Certainly in most parts of the Central Highlands there was hardly any population to speak of until the advent of the plantations and the opening of roads.[3] Even in the 1840's "the population [was] ... very thinly scattered, many fine tracts of country being wholly uninhabited".[4] Some areas in fact continued to feature a very

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1. Supra. pp279-80. Ralph Pieris. "Society and Ideology in Ceylon during a 'Time of Troubles' 1796-1830". Univ. of Cey. Review. X. 1952. p 81. But elsewhere he contradicts this partially, stating that in the Uda Rata (Kandy District) "unoccupied land had become scarce". R. Pieris. Title to Land in Kandyan Law. n.d. p 2. See Jayawardena. op.cit. pp 116-21. [Even in 1901 ... no population pressure.]

2. Jayawardena. App.D. Kandyan Sinhalese Population Growth. 1821-1901. pp 365-73.

3. Davy. An Account of the Interior of Ceylon (1821. Lon.) passim. for eg. pp 372-74; A.M. Ferguson. Plantation Gazetteer (1859. Cbo.) pp lxii, lxii-iii, lxxxix for eg. Ambagamuwa, Yakdessa-Bulatgama, Knuckles, Dimbula.

4. R.S. Lewis. "The Rural Economy of the Sinhalese". J.R.A.S. CB. (1848-50) p 27; also see CO 54/240. Torrington - Grey 150. 8 Nov 1847; and De Butts. Rambles in Ceylon (1841. Lon.) p 186. [However Sabaragamuwa was "rather more populous than other Kandian districts". W.M.S. MSS. Box 1839-40. Rev. Gogerly - Rev. S. Hoole. 9 Feb 1839.]

thin population.[1] The statistics - only approximately correct - reveal the Central Province to have had a population per square mile of 49.9 in 1861 and of 89.1 in 1871:[2] hardly a picture of pressure on the land, but in itself too generalized to be wholly relied on.

To have any meaning, population density must be related to the extent of forest and chena which was purchased by planters in each locality as well as the extent of such land, and of mudland, in village hands. Unfortunately no comprehensive statistics exist. So conclusions must be incomplete. Harrispattuwa and Yatinuwara in Kandy district, for instance, were the most densely peopled. Relative to the other planting districts the acreage under coffee shows them to have been the most sparsely planted.[3] But this supports no conclusion. Relative to the land left for the existing and growing population, even the small extent of coffee land could, conceivably, have pressed on the people.

Before proceeding to essay conclusions from the statistics and evidence at hand, one can profitably dwell on the basis on which the expositions of landlessness have been constructed.

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1. A.M. Ferguson. Plantation Gazetteer (1859.Cbo.) pp lxxxix, lxvi, cxxxi etc; 1869 Admin. Repts. Kegalla District. L.F. Lee. April 1870. p 30 (Bulatgama); 1856 Blue Book Repts. ... Encl. Minute on Inspections of 1860. n.d. [Ward]. p 146.
2. CO 59/72 & 82. Blue Books 1861 and 1871 respectively. Taking the Central Province means excluding the planting areas of Kurunegala, Kegalla and Sabaragamuwa. The calculations above are on the basis of an area of 5,550 sq.miles as before whereas the officials of 1861 calculated the population per sq.mile to be 53.88 on the basis of an area of 5,191 sq.miles. Sarkar attacks the 1871 figures as utterly unreliable without proving his case - but even on his derived table the population of the whole of Ceylon is only 420,000 more than that of the 1871 figure . [N.K. Sarkar. The Demography of Ceylon. (1957.Cbo.) pp 19,21-22.]
3. Jayawardena. op.cit. App.D. p 371. Note that most estates had a considerable extent of unplanted forest and this is not taken into consideration in this instance.

Conclusions that a "déclassé" rural group was the outcome of the growth of plantations hinge largely on the nature of Ordinance 12 and the theory of expropriation of chena and pasture land by this means for sale to the planters.[1] As we have seen, this did not occur on any significant scale, but land alienation also occurred through private sales to capitalist-planters as well as to indigenous peoples and there does not seem to be any means of estimating the total extent of such sales. At any rate loss of village waste land or of individual chena land would not necessarily create landlessness in all instances, for many Kandyans, though not all, had paddy fields as well - and no-one has postulated that there was expropriation of paddy land. And if there was pressure on the land through the sale of most of the forest in the vicinity and the growth of population, there were, at this stage, some useful palliatives for the individual Kandyan. The system of land inheritance conduced towards "a diffusion of family property" and "served, along with other factors, to mitigate ... social stress".[2] Where any land passed into the hands of the local moneyed-class, the fact was that they tended to be non-cultivating landlords and the land was usually leased back to the peasants on ande tenancy (metayage).[3]

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1. Jayawardena. op.cit. pp 6-7 quoting Kehelgama from his article in The Ceylon Economist; Ralph Pieris. "Society and Ideology". Univ. of Cey. Review. Vol.X. No.1 (Jan 1952) pp 81, 83, 88, 95, 100. The causal factors behind the emergence of a "déclassé segment of feudal peasantry" are considered as the formation of urban settlements, the "pauperization of 1845" and the expansion of estates with results "parallel to the enclosure movement in England". In the context of the whole article the latter cause was clearly considered the major one. [B.H. Farmer (Peasant Colonization. op.cit. p 91) was "convinced by field evidence" in the 20th century, and is therefore not distinguishing the impact of coffee from that of the rubber-tea period.]
2. S.B.D. De Silva. Investment and Economic Growth in Ceylon (1962.Lon.) Ph.D. Economics. p 67.
3. Ibid. pp 69, 128.

Allied to the thesis of expropriation, there is a tendency to argue not only that Ordinance 12 caused landlessness and that this process, in turn, resulted in more crime, but also to infer backwards and cite crime as a proof of landlessness.[1] That there was an increase of crime is fairly well established,[2] though one would do well to ask how far village headmen and Victorian-minded official or planter looked at matters through jaundiced eyes and magnified incidents, how far their statements can be extended beyond conditions along the road and within the small towns that were sprouting up. In any event, it is not established that the criminals were a "déclassé segment"; nor, where they were so, that they were Kandyans and not Low-country migrants. In 1845 for instance, most of the crime in the Kandyan Provinces was committed by Low-countrymen or coolies,[3] while throughout, the incidence of crime coincided with the pockets of Low-countrymen settled in the Kandyan area.[4] Little is in fact known about the extent or the composition of the Low-Country Sinhalese influx.[5]

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1. R. Pieris. op.cit. passim.
2. CO 54/328. Ward - Labouchere. 39. 5 March 1857; CO 54/402. Robinson - Cardwell. 56. 13 June 1865. Encl. [Memorial of certain inhabitants of Natale - chiefly planters]. 26 April 1865; A.M. Ferguson. The Ceylon Directory for 1866-68 (1868. Cbo.). Article entitled "Judicial & Criminal Statistics" [by Ferguson] pp 129-45, which is based on Deputy Queen's Advocate, Berwicks, compilation of Statistics and observations.
3. Chief Justice Stark. "On the state of crime in Ceylon (2)". J.R.A.S. CB. (1846-47) p 91.
4. 1867 admin. Repts. Badulla District. W.S.T. Sharpe. 2 April 1868. pp 33-4; A.M. Ferguson. The Ceylon Directory for 1866-68 (1868. Cbo.) pp 124-45.
5. From a derived table Jayawardena [op.cit. App.D. pp 365-73] places the Low-country Sinhalese population in the Central Province alone as 105,000 in 1871 out of a total population of 320,000. See also Sir J.E. Tennent. Ceylon (1860.Lon.) Vol.II. p 222: "But the dwellings visible from the highways are principally occupied by low-country Sinhalese who have resorted to the hills as dealers ..."

These Low-countrymen and many of the Moors were certainly "déclassé" - especially at the outset - and were the nucleus, if not almost the entire portion, of the relatively urban segment which was a source of crime. It is not established that even a good minority of Kandyans were landless. The dangers of equating crime with landlessness are seen in the case of Sabaragamuwa. Crime, it would seem, increased in this region in the 1840's.[1] Yet there were few plantations,[2] and ergo, there could not have been much landlessness.

According to a Buddhist priest, in fact, not a single Kandyan was landless in 1870:

> [W]e have heard of many a man from various parts of Ceylon wandering through the coffee estates in search of a living but we have not heard of a single Candian [sic] doing so, and this can be accounted for by the profits and income which are derived from the Dewala and Vihara lands.[3]

But this statement cannot be regarded as conclusive. From the fact that in 1877, the Kandy, Matale, and Nuwara Kliya districts had roughly 1,000, 10,000 and 650 acres respectively, of land fit for paddy culture remaining uncultivated - allegedly for want of water[4] - one might argue that if the population was

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1. CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse [G.A. Western Province] - Col.Sec. Confid. 6 March 1848.
2. App.F. p 439.
3. CO 54/459. Miscellaneous. Memorial of the Priests, Chiefs, Landlords and Singhalese Inhabitants of the Island of Ceylon. 25 Feb 1870. App. [Cutting from "The Ceylon Times". 11 Feb 1870 reporting on a meeting at Kotte against the Service Tenures Ordinance] 5 Feb 1870 - Speech by "Batuantudawe Pundit".
4. S.P. XVI of 1877 [Report of the Grain Tax Commission]. Resumé [of Answers to questions ...] Q.3.p 14.

Fn 3 Cont'd.
is it certain whether the figure under paddy land indicates the extent that was cultivable or the extent cultivated in 1871.

short of arable land they would not have permitted such a situation; but, per se, this is dubious and flimsy reasoning. As against these pieces of evidence, one can match the more positive statement of an agent in Kegalla District that there was "a 'surplus' population which [could] not derive subsistence from its own lands";[1] and that of Hartshorne, relative to Upper Hewaheta and Walapane districts, that "[the peoples'] ancestral lands [had] become insufficient for their support".[2] Both statements seem to indicate population pressure on the land and insofar as the plantations circumscribed expansion they could be held to have contributed to this state of affairs.

To turn from these wisps of written evidence on the subject to see what information we can cull from the imperfect statistics. The acreage statistics provided in the 1871 returns permit one to explore the possibilities of inadequate waste land remaining for the Kandyan residents but only with reference to the sub-divisions of the administrative district of Kandy[3] - any conclusions being subject to the rider that

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1. 1870 Admin. Repts. Kegalla. L.P. Lee. April 1870. p 39. Note that a headman of Alutkuru Korale said that paddy cultivation had increased partly due "to the absence of chena or forest lands available for the purpose of raising crops". S.P. XVI of 1877. [Report of the Grain Tax Commission]. App.No.11 ... P. De Saram Esq. Mudaliyar of Alutkuru Korale South. nd. p xiii.

2. S.P. II of 1872. Reports on the Working of the Paddy Cultivation Ordinance (No.21 of 1867). Replies of the A.G.A. Nuwara Eliya. H.P. Hartshorne. 17 Sept 1872. pp 30-3. However, this was in relation to his thesis that the lands could not bear the grain-tax and our inference is uncertain.

3. CO 59/82. Blue Book 1871. p 569. Details per sub-division are only given for Kandy District. The 1871 statistics purport to be more correct than former years but there are many errors. Apart from blatant errors in addition under "Total Area in Crop", there are numerous errors under other heads with regard to acreage [see infra. pp 316 fn 3, 323.] What is more, "native coffee" and plantation coffee are not distinguished and it is not certain if the land under the former has been taken into account. It also appears that only land actually under coffee has been totted up in which event almost as much land in European hands and remaining unplanted becomes a missing element, which may possibly have fallen under the head "uncultivated land". Regarding "paddy land" itself the impression is that untaxed paddy land - i.e. temple land, those belonging to chiefs and those redeemed in the 1830's - had not been taken into consideration; and such lands were quite extensive in some areas and contributed towards general subsistence. Nor

the statistics are unreliable while the concepts under which the classifications of land were tabulated may not be what they seem. Nevertheless, where the "uncultivated land" and the "pasture" land together were of small extent, where the acreage under coffee was much larger in relation to the above as well as to the paddy land, and where on top of this the elevation of the district was largely below 3,000 feet and the population was dense or fairly dense, it could be assumed that there was shortage of waste land for the inhabitants (as distinct from landlessness which would hinge on land available for paddy as well).

Thus in Yatinuwara[1] there were only 678 acres of uncultivated land and 1,226 of pasture making 1,904 acres in all against 15,502 acres of coffee. The acreage of paddy land was 4,074 acres - also much less than that of coffee. Since the elevation of this district is relatively low[2] and the density of population in 1871 was 524.9 per square mile,[3] these figures make it appear that there was insufficient waste land for the inhabitants by the end of our period. The data on Lower Hewaheta (population density much less at 223.9 per square mile) presents a corresponding tale.[4] Harrispattuwa and Tumpane represent a different category. Both had a fair

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1. See MAP No. 3 for Yatinuwara and all the administrative districts that follow.
2. See MAP No's. 4 and 5.
3. Area of each sub-district according to the Census of 1921 which is followed by Jayawardena [op.cit. App.D]. Population as in CO 59/82. Blue Book 1871. p 443. A similar basis of calculation is followed for all the figures on population density that follow.
4. 347 acres uncultivated land. 498 pasture = total of 845 acres; 2,018 acres paddy; 12,964 coffee. But in 1859 this region was described as having "a large extent of Grasslands - [fairly] level but not good pasturages", [A.M. Ferguson. Plantation Gazetteer (1859. Cbo.) p 187] by and large, contradicting the statistics.

amount of uncultivated land or pasture. Both had more paddy land than coffee.[1] On the other hand, their elevation is largely between 1,000 and 2,000 feet and sometimes even below 1,000 feet; and Harrispattuwa had 605.4 people to the square mile (Tumpane had 104.9). From the point of view of acreage, however, it does not appear that there was a shortage of waste land though, naturally, the population-elevation factors in Harrispattuwa make this conclusion even more tentative. Unlike Tumpane and Harrispattuwa, Lower Dumbara was heavily planted with coffee - 39,763 acres as against 5,629 acres of paddy for a population of 296.5 per square mile. But "a considerable quantity" of "native coffee" was grown in this district,[2] and there was plenty of pasture (19,936) and uncultivated land (15,189½ acres). The impression, then, is that there was an adequate amount of waste land remaining despite the extensive sales to the planters. Upper Dumbara had 7,113 acres of coffee against 7,787 of paddy, 9,679 pasture and 14,260 uncultivated land. The population in 1871 was 86.4 per square mile and the elevation ranged from 1,000 to over 3,000 feet. Upper Bulatgama had numerous plantations[3] but the population was very thin, 27.9 per square mile in 1871, in an area that was largely over 2,000 feet in elevation and at some places over 3,000 feet. One can conclude that in both districts there was no shortage of waste land resulting from the development of plantations.

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1. Harrispattuwa: 935 pasture; 6,559 uncultivated, totalling 6,994 acres; 7,920 paddy and 4,615 coffee. Tumpane: 2,048 pasture; 594 uncultivated, totalling 2,642; 1,934½ paddy; and 980 coffee.
2. A.M. Ferguson. Plantation Gazetteer. (1859. Cbo.) p xxxviii.
3. The coffee acreage (300 acres) given in the Blue Book 1871 [CO 59/82. p 569] is patently wrong, for this region had 'umpteen' plantations [Young Ceylon. Vol.III. No.1 (Jan 1852). "The History, Topography and Statistics of Kandy" by "T.A.P." (of Kandy) pp 16-20]. The other acreages too look wholly wrong.

The district Udapalata was heavily planted - 20,837 acres of coffee - and had only 4,397 acres of paddy, 607 acres of pasture and 2,591 acres of uncultivated land for a population of 139.9 per square mile.[1] The Mahaweli ran on its western side and the elevation ranged from 1,000 to over 3,000 feet. The impression one gets is that the land left for the Kandyans was inadequate. Udunuwara district contains a section of the Mahaweli and is of extremely variegated terrain ranging from above 1,000 feet to over 2,000 feet. The acreage of coffee (3,108) was less than that of paddy (4,385 acres). There were 977 acres classified as pasture and 4,870 as uncultivated land. Here, then, the plantations do not seem to have pressed on the land.

So much for the sub-districts in Kandy District. On a larger scale Matale district merits study because it was an area of disaffection in 1848 and since something can be gleaned from the data at hand. The area under paddy has been variously given but can be taken to have been around 16,000 acres in the early 1870's.[2] The statistics on coffee land also vary, but around 40-45,000 seems to be the consensus;[3] at any rate by 1869 "very little land fit for coffee remain[ed] unsold".[4] There are no figures on the uncultivated land or pasture but Sharpe reported that the pasture was twenty or thirty times more than was needed for the existing stock.[5] Set against a population

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1. Exclusive of population in the town of Gampola.
2. 9,711 acres: 1867 Admin. Reports. Matale, Pole. A.G.A. 5 May 1868. App.6. p 46.
   18,384 acres: 1869 Admin. Reports. Matale. G.S. Williams. A.G.A. 15 June 1870. p 52.
   15,892 acres: CO 59/82. 1871 Blue Book. p 569.
   18,870 acres: C.1202. "Ceylon Observer". Supplement. 19 March 1868. Season Report. R.C. Pole.
3. 41,000 acres: (including 10,200 acres under "native coffee"). 1867 Admin. Reports. Pole. p 46.
   45,000 acres: 1869 Admin. Reports. Williams. p 52.
   12,879 acres: CO 59/82. 1871 Blue Book. p 569.
   30,000 acres: CO 54/404. Robinson - Cardwell. 134. Encl. 1864 Admin. Report. Matale. Sharpe. n.d.
4. 1869 Admin. Reports. Williams. p 52.
5. S.P. IV of 1867 [Committee Rept. on Irrigation and Rice Cultivation] App.I. Replies of W.E.T. Sharpe. A.G.A. Matale. [1866-67] p 51.

of 67.9 per square mile, it seems safe to assume, as a generalization, that there was little shortage of chena and other wasteland in this district.

The figures for Nuwara Eliya district are of no value given the extreme variety of the regions within it. This is unfortunate as one would like to have known more about the sub-districts of Upper Hewaheta and Walapane where some shortage of land seems to have been possible (note Hartshorne's statement). These two districts, therefore, remain outside the pale of this survey.

The districts of Kegalla and Kurunegala, and the even larger districts of Uva (Badulla) and Sabaragamuwa had much more land under paddy than under coffee and possessed extensive amounts of pasture and uncultivated land as well. Except for some stretches within them, they did not have any particular density of population. Generally speaking, there appears to have been little shortage in these districts. Kegalla (marked 8 in Map No. 4.), as we noted earlier, lay on the Colombo-Kandy route and would have had much sequestered forest in Kandyan times; and as late as the turn of the century numerous revenue officials explicitly reported that the villagers generally had "plenty of chena lands of their own".[1]

To summarise the result of the acreage survey: taken largely by themselves and insofar as we can rely on them, the acreage statistics give the impression of a pressure of the coffee land on the waste available to the Kandyans only in the sub-districts of Yatinuwara, Lower Hewaheta and Udapalata.

Another rough test of the pressure of plantations on the available land would be a visual one: a fairly large-scale map of the plantations scrutinised in conjunction with a relief map, depicting the 2,000 and 3,000 foot contours in particular.[2]

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1. Supra. p243 fn 1.
2. Map No.4: Plantation Map; and Map No.5: Relief. The latter is a result of photographic blow up. Unfortunately it was not possible to achieve exactly the same scale - but the scale is as near as we could get and is sufficient for superimposition on Map No. 4 if one is willing to use eyes and imagination to an extent. It is of vital importance to note that the planting districts herein depicted do not correspond exactly to the administrative districts - even to those of the same name.

which could be superimposed on the plantation-map; and with the density of population in the particular districts kept in one's purview. A touchstone of this test is the question of elevation. As we saw earlier,[1] it would appear safe to take 3,000 feet as the elevation beyond which plantations did not broach on land claimed by Kandyans; and even between 2,000 - 3,000 feet the chances are that plantations did not touch on lands cleared (as distinct from purely pastoral uses) before the coffee period.[2] A contemporary map of the coffee plantations "reconstructed" in 1861 provides the basis for this visual index.[3] The conclusions thus drawn are obviously partial in that new plantations were purchased in the 1860's and 70's but such increase in acreages are not neglected and are used to add qualifications to the findings where relevant. Different groups of estates are delineated by letters of the alphabet. Each section thus formed will be considered in turn to ascertain impressions as to whether the land alienated to the planters pressed on the people in the vicinity and as to the likelihood of the plantation having encroached on lands used by the Kandyans. To do so, particular note is taken of the land remaining unalienated in the vicinity and whether the section lay within the valleys of the bigger streams. The elevation and the population density[4] are also of vital importance in this assessment.

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1. Supra. pp 281-83,
2. It is admitted that with the spread of plantations and roads, the indigenous people would have tended to move higher up - both in abode and in cultivation.
3. Map No.4. Photostat on same scale as in the Public Record Office. It is not certain whether this map was up to date but it appears to have been so. It is extremely unlikely that the estates were always as contiguous as depicted, or that they covered every inch of the ground - particularly that above 5,000 feet - as they appear to do.
4. Population as in 1871; thus some leeway on this count.

This necessitates considerable attention to detail and the bulk of this study is relegated to an Appendix[1] but four sample studies are presented in the body to indicate the manner of our appraisal. To take first the Lower Dumbara-Lower Hewaheta group of estates, marked H, and lying largely between 1,000 and 2,000 feet,[2] closely adjacent to the Mahaweli Ganga: one of the best inhabited regions in Kandyan times,[3] Lower Dumbara had a population density of 296.5 per square mile and this section of Lower Hewaheta could be taken to have had almost as much. The "Doombera Plains [sic] ... [comprised] a vast extent of beautifully undulating country ... [with] the intervals between the trees open and entirely free from jungle".[4] On the other hand there was a fair amount of unalienated land on all sides of this block of estates, the pasturage was "plentiful and good",[5] estates like Rajawelle were former royal domains[6] and several estates like Ballywhindle were abandoned in the 1840's because the soil was unsuitable.[7] One cannot, therefore, say that there was an immense pressure on the Kandyans' lands. But the other factors and evidence of friction with the villagers[8] make it

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1. App.F. Part One. infra. pp 431, ff.
2. Superimpose Map No.5 on Map No.4; also see A.M. Ferguson. Planter's Gazetteer (1858. Cbo.) p xxxvii, where the estates of Dumbara valley are placed as between 1,200 and 2,080 feet
3. Capt. L. de Busseche. Letters on Ceylon particularly relative to the Kingdom of Kandy (1817. Lon.) pp 79-81.
4. Lt. De Butts. Rambles in Ceylon (1841. Lon.) p 161. To him it resembled "an English park".
5. A.M. Ferguson. Planter's Gazetteer (1859. Cbo.) p xxxvii.
6. Ibid. p xxvi.
7. CO 59/16. "The Examiner". 19 June 1852. "On Coffee Planting in Ceylon". C.R. Nigg; C.1202. "Colombo Observer". 22 Oct 1866. "Notes from the Central Province" by "Traveller". 13 Oct 1866; Sir T. Villiers. Mercantile Lore (1940.Cbo.) p 112.
8. In 1834 the bungalow of Kundasale estate was set on fire, largely, it seems, because of friction over the shooting of trespassing cattle (C.1202. "Colombo Observer". 1 July 1867. "Recollection of the early days of coffee planting in Ceylon by the Oldest Resident Coffee Planter, Mr. W. Rudd".) but William Boyd attributes it to the proprietor, Bird's refusal to permit a headman to asweddumize a paddy field within its boundaries. [Jayawardena. op.cit. p 91 fn.] and seems to date it around 1837-38. Rudd was probably correct regarding the date. Later in 1845 the "linee" were set alight [CO 58/24. "Govt. Gazette". 1 Oct 1845. p 685.]

certain that the plantations did encroach on some of their land (be it forest, pasture or chena) and that there was some shortage of land in limited localities.

The Hantane-Nillambe group of estates (marked I) range from over 1,000 feet to over 3,000 feet and were largely over 2,000 feet[1] - and written evidence indicates that the "general elevation" was 2,500 in Hantane and 3,000 in Nillambe.[2] The population in the north within the administrative districts of Udunuwara and Yatinuwara was dense, while in the south, in Udapalata, it was much less at 139.9 per square mile. The alienated land did not wholly propenderate over the unalienated and there was plenty of land west of the Mahaweli and to the south of this block; but much of the land east of the river had been taken up for coffee and some estates were even adjacent to the river as well as to the tributary called the Pupuressa oya (stream). In the circumstances the impression is that in a strip on the eastern side of the Mahaweli, in the valley of the tributary and in a tract immediately south of Kandy, there would have been some shortage of wasteland for the inhabitants and a likelihood of encroachment on some of the land they had used.[3] As a note of qualification the existence of sequestered

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1. As in the other surveys, gathered by superimposing Map No. 5 on Map No. 4.
2. A.M. Ferguson. op.cit. pp cliv, clix. The estates in Hantane are placed between 1,700 and 3,500 feet; those in Nillambe between 1,800 and 4,500 feet.
3. Map No.4; there is a lack of clarity in this map as to whether certain lands are estate properties or not. These are striped rather than coloured. But much of this area must have been purchased in the 1860's - the acreage in Nillambe "planting district" increased by 2,942 between 1863 and 1870 and by a further 715 by 1875. (App.F. Part Two. infra. p 438.] and there were 26 estates in 1870 as against what appear to be 12-13 on the map. In Hantane the increase was 1,124 acres between 1863 and 1870.

I was resident at Peradeniya for five years and have climbed Hantane.

In 1834 Udapalata was described thus: "The country though mountainous and hilly is yet somewhat free from jungle and yields abundant crops of paddy, corakan [sic], indigo and amoo, both the high and low grounds being well calculated for their cultivation." [S. Casiechetty. The Ceylon Gazetteer (1834. Cey.) p 215.]

forest in this region in Kandyan times[1] must be kept in mind.

The groups of estates in Kadugannawa and Alagalla (Kadugannawa North), J and K respectively and divided by the Colombo-Kandy road, range from around 1,000 feet to over 2,000 and had a "general elevation" of 1,800 feet.[2] In a district that is "generally ... very steep and rugged",[3] the estates are noticeably along a range of hills and by no means proximate to the river valleys. The unalienated lands preponderated over the land in the hands of planters. What is more, much sequestered forest would have been found in this area in Kandyan times. The impression is that there was no pressure on the land emanating from the growth of plantations. On the other hand, lying within Yatinuwara and Udunuwara these regions had a dense population; and, in Kadugannawa, 3,077 acres more were purchased between 1863 and 1870.[4] Taken together with the low elevation, these two factors render a highly dubious note essential in the conclusion we have drawn.

These samples relate largely to areas where the greatest danger lay. In other regions one can draw fairly positive conclusions that there was neither encroachment on Kandyan land nor pressure on the land as a result of coffee planting. To sum up, the visual line of exploration indicates some pressure of the planter properties on the unalienated land and a likelihood of encroachment on "native" land only in the planting regions

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1. Lawrie MSS. Vol.IV. "Extracts from a copy of Sir John D'Oyly's notes in the possession of, and lent to me by, Mr [J.D. Siebel?] Addenda." Note that in the 1850's the "best chenas" in Nuntane were claimed by "occupants of the Buddhist Temples". [A.M. Ferguson, op.cit. p clv.]
2. Ibid. pp xcvi-xcvii, ciii.
3. Ibid. p xcvi.
4. App.F. Part Two. infra. p 437.

of Lower Dumbara-Lower Hewaheta (H), and Hantane-Millambe (I). A cautious note has to be sounded on the negative impression regarding Harrispattuwa (M). Similar circumspection has to be shown regarding the negative 'verdicts' in West Matale, Kadugannawa and, to lesser extent, East Matale - largely because there was an appreciable increase of the alienated acreage in these areas after the map was constructed. These represent areas of considerable uncertainty - a degree of uncertainty attaching to the conclusions pertaining to the other regions as well: natural to general regional conclusions (as distinct from, say, village surveys) from such a study.

These conclusions must be matched against those drawn from the acreage statistics which were taken to indicate a pressure of the planter properties on the waste available to the Kandyans in the administrative districts of Yatinuwara, Udapalata and Lower Hewaheta. I. tallies with this in that the areas of Hantane-Millambe which seemed scenes of pressure and conflict lay within portions of Yatinuwara, Udunuwara and Udapalata. But only a small portion of Lower Hewaheta (administrative district) falls within H, which is more properly in the administrative district of Dumbara. In fact a glance at the map would serve to contradict the acreage statistics which merely assign 2,018, 498 and 347 acres respectively to "paddy", "pasture" and "uncultivated" land in Lower Hewaheta. Moreover, as we saw, this region had "a large extent of Grasslands";[1] while Russell reported that in "Hewaheta and Udapalata patches of jungle, for the most part reserved for the common use of villagers, [were] to be seen".[2] Even the alienation to planters of 2,277 acres between 1863 and 1875 could not have made an appreciable difference given the large extent of unalienated land depicted by the map. Most of these new purchases, we can infer to have been adjacent to the large block in the south,

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1. Supra. p 315fn 4.
2. 1870 Admin. Reports. Kandy District and Central Province. H.S.O. Russell. 27 June 1871. pp 38-39.

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establish is that the plantations as such made far less contribution to landlessness than is usually assumed to have been the case, and certainly not enough to release a supply of labour to plantations, let alone induce any substantial inter-district migration within the island". [pp 339-40.]

which was largely over 3,000 feet. These estates were fairly distant from the streams. Thus, and given the unreliable and uncertain nature of the acreage statistics, it would seem that they are a far more erring guide. One can but see through a glass darkly.

Nevertheless these two tests suggest, though do not prove, that there was pressure on the land in general and the extreme likelihood of encroachment on Kandyan land as a sequel to the plantations in a portion of Lower Dumbara (H), in portions of Yatinuwara and Udunuwara (Kantane) and Udapalata (Nillambe) lying to the east of the Mahaweli. In varying degrees of certainty they suggest, and sometimes virtually prove, that there was neither pressure nor a likelihood of much encroachment in the other districts. Significantly the unpleasant consequences were in regions adjacent to rivers. (Mahaweli and Pupuressa Oya). These regions, as a whole, represent a minute portion of the Kandyan Highlands. In the circumstances, given the conclusions arrived at regarding the nature of Government policy and given the very limited and suspect nature of the evidence adduced by the exponents of landlessness, their critique is considerably watered down, if not destroyed. Landlessness on any significant scale would have to be pushed back beyond the early 1870's - and if we are to accept the conclusions of a recent study, beyond 1930. This student finds that

> the period up to 1930 ... saw the creation of the vast bulk of the modern highland peasant proprietorship; that this proprietorship could conceivably have comprised most, if not all, the rural peasant population of 1930; that it was based on the conversion of chena into tree crops, and that, therefore, according to the statistics, land policy could not have resulted in the transfer of chena land to planters on anything like the scale usually assumed, that is, on such a scale as to deny it to the peasant proprietor.[1]

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1. Jayawardena. op.cit. pp 266-67; see also pp 336-40 and Chapters IV-VII passim. Apart from statistical material, this study draws on internal correspondence in Ceylon and the Land Settlement Department's records in particular. Note that he adds that his conclusions do not "imply that there was no landlessness, or that landlessness failed to increase during British rule ... [and that all] they

Relating as this does to the tea, rubber and coconut era, when cash crops were grown on chena land and on elevations much lower than coffee and when a much greater amount of land was under plantation crops, this conclusion has tremendous implications for our period and supports our findings - arrived at, as they were, on other grounds. These findings even modify considerably Farmer's more qualified view that "[many] a Kandyan village [was] hemmed in by estates [and] denied access to its' customary pasture, forest and chenas". However, they do not contradict his opinion that the plantations circumscribed the ability of many a village "to expand it's paddy or other land as it's population increased".[1] If they do not entirely demolish the added convictions of some writers that the plantations undermined village ecology and upset the equilibrium "between the highland cultivation, paddy production and chena cultivation and other uses of forest land",[2] they cast serious doubts on this view because it is primarily constructed on the theory of extensive expropriation, landlessness and/or shortage of waste land. The silting up of various means of irrigation through soil erosion and other indirect results are also stressed in support of this conviction. While no doubt the Kandyans did suffer to some degree on this count, these results, by their very nature, are difficult to assess; and there is the possibility of exaggeration. But the fact is that the impact of the plantations on Kandyan village ecology is part of a much larger question and cannot be viewed in splendid isolation. To this wider landscape, we turn.

D.

Land policy and population figures apart, other factors influenced the Kandyan peasant economy. Many of these may

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1. Farmer. Peasant Colonization. op.cit. p 91.
2. Sarkar and Tambiah. The Disintegrating Village.(1957. Cbo. pp xi-xii.

have been due to the plantations and were certainly hastened on by the growth of estates, but they left their own imprint. Transfers of land between indigenous peoples and the impact of a local-moneyed class, as we saw, were not the least of these factors - and one which gains some recognition from Sarkar and Tambiah at least.[1] But there were other factors as well. Improved communications, increasing trade, new institutions and forms of administration, new groups of people (Low-countrymen and Indian immigrants), new ideas, an increasing individualism and the decline of the co-operative spirit in village life and labour, all gathered momentum in the course of the nineteenth century though with regional variations in time and degree. Flowing from the plantations and with the plantations, these factors formed a process of chain reaction and interaction.

The combined impact is reflected in what has been called the "social demoralization" of the Kandyans. The standard authority for the causes and characteristics of this process is the work of a contemporary, Major Skinner;[2] but he has support from numerous quarters.[3]

As contemporaries saw it one symptom of this degeneration was the marked increase of violent crime in the Kandyan Provinces.[4] While crime does not necessarily indicate landlessness, one can hold it to be circumstantial proof of social dislocation. It is food for thought that in British Burma as well serious crime increased in hitherto peaceful regions -

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1. One of the causes of landlessness is stated to be the exploitation of the peasants by this local moneyed class. Sarkar and Tambiah.op.cit.
2. T. Skinner. Fifty Years in Ceylon (1891. Lon.) pp 214-23.
3. For e.g. A.M. Ferguson. Plantation Gazetteer (1859. Obo.) pp xiv-xvi quoting Tytler, a planter.
4. Supra. p 312 ; also CO 59/19. "The Examiner". Letter from "XYZ" [a landlord in Matara]. In the Kandyan district of Nuwarakalawiya, where the forces of change had not spread, there was little crime even in British times. [A.O. Brodie. "Topographical and Statistical Account of the District of Noowerakalawiya" [sic] J.R.A.S. CB. (1856-58) pp 178-79.]

the effect of "social disintegration", such crime, in turn, tended to further it.[1] In the Kandyan Provinces both cause and symptom of such social change was the increasing drunkenness amongst a previously sober race.[2] Here, Government policy must shoulder the blame for permitting the dangerous, if remunerative, process whereby taverns encroached on to this virgin area.[3] Both cause and symptom was the abundance of litigation[4] - a vice that did not originate in British times but which prospered prodigiously and disproportionately under the British raj. The cumbrous, intangible form of the judicial system can therefore be regarded as one cause of both litigation and disputes - some of which reduced participants to penury, some of which ended in violent form.[5] Land disputes, of course, were heightened by the local laws of inheritance permitting undivided proprietorship as they did.[6] In the absence of the arbitrary restraints of the 'good old days' of Kandyan rule, one could also argue that many a Kandyan would be more inclined to settle his problem on his own.[7] But perhaps the most significant

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1. Furnivall. Colonial Policy and Practice (1956. New York) pp 137-38, 141. He attributes this development to the loosening of old restraints, the decline of former village amusements, impoverishment, land alienation and unemployment. Cf. Java had more crime under Raffles than under the Culture System. Furnivall. Netherlands India (1939. Camb.) pp 111, 159.
2. Young Ceylon. [ed. Nell]. Vol III. No.2. July 1852. "The History, Topography and Statistics of Kandy" by "T.A.P." pp 36-37; J. Capper. "A Statistical Inquiry into the State of Crime in Ceylon". J.R.A.S. CB. (1858-59) pp 12-18,57-58.
3. The 100 taverns in the Central Province in 1852 were reduced to 69 by 1856 [CO 59/25. "Colombo Observer". 14 July 1856]. Note that the Kandyan headmen objected to the taverns.[RFC. Buller - Col.Sec. 577. Sept 1846. pp 133-34.]
4. Skinner. op.cit. pp 219-20.
5. C.C.A. "Colombo Observer". 13 April 1857. Letter to Editor. by "Argus II"; CO 54/251. Torrington - Grey. 165. 15 Sept 1865. Encl.1 Buller - Col. Sec. 13 Sept 1848 [Memo on causes of the rebellion] and Encl.2 [Translation of a Buddhist priest's findings on causes of the rebellion.]
6. J. Capper. op.cit. p 58.
7. J.D.M. Derrett. "The Origins of the Laws of the Kandyans". Univ. of Cey.Review. Vol.14.(July 1956) pp 145-46.

cause of unhealthy change for the worse was the advent of a numerous body of Low-country Sinhalese. Lowcountrymen and Moorish men of business were wont to stimulate gambling, drinking and dubious forms of commercial activity, while the formers' drinking habits created a "pernicious" example.[1] Most of the crime, as we saw, strangely coincided with the pockets of Lowcountrymen in the Kandyan areas, and centred round market-towns and along main roads.[2] The very signs of development, therefore, were indicative of 'contaminated' areas. The towns, and Kandy in particular, were classed as a corrupting influence by some officials.[3] Economic advancement was clearly bringing some social disruption in its train. As Wodehouse commented "[t]he establishment of Plantations has had the effect not only of introducing an unsettled and disorderly population into Districts before thinly peopled and very peaceful and quiet, but also of rendering the resident inhabitants disorderly. They now earn with ease much more than sufficient for their subsistence, and take to drinking and gambling to a great degree - The natural result is a general increase of crime without any additional means of prevention. The respectable inhabitants feel considerably the inconveniences from such a state of things, and naturally look to Government for a remedy ... [R]epresentations were made to me in a distant part of [Sabaragamuwa]. The Headmen urged that crime was increasing fast..."[4]

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1. A.M. Ferguson. The Ceylon Directory for 1866-68 (1868.Obo.) Article based on Berwick's computation of statistics. pp 137-38; R.F.C. C.R. Buller - Col.Sec. 577. Sept 1846. pp 133-34; 1867 Admin.Repts. Sabaragamuwa. Saunders. A.G.A. 7 March 1868. p 11.
2. Supra. p 312.
3. Rept. of the Temple Lands Commissioners on the progress and results of the Commission. 1857-58 (Braybrooke and A.Y. Adams) 24 June 1859. p 16.
4. CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse (G.A. Western Province) - Col.Sec. Confid. 6 March 1846.

Far from thinking that plantations had prejudicial economic and social effects, many notable officials and other contemporaries believed them to have been a positive economic boon to the peasantry.[1] These men were considering the question from the material point of view. Their roseate views were based on such outward symptoms as improved housing (tiled houses) in rural areas[2] and new forms of agricultural enterprises.[3] Ward, in fact, largely based this conclusion on the evidence of a striking increase in "native coffee" cultivation on improved methods and that of general desire for land.[4] But his

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1. CO 54/331. Ward - Labouchere. 219. 27 Nov 1857. [Among others Skinner himself, Morgan and A.M. Ferguson held this view. See S.P. VI of 1862 [Report on Roads in the year 1842]. Minutes of Evidence [Skinner's] pp 149-50; CO 54/432. Robinson - Buckingham & Chandos. 10 ... Encl. "Irrigation and Rice Cultivation in Ceylon". [Debate in the Legislative Council, Dec 1867, as reported in the "Observer" Morgan's speech] p 49.]

2. A.E. Lewis. Coffee Planting in Ceylon: Past and Present (1855. Cbo.) pp 17-18. CO 54/335. Ward - Stanley. 63. 29 June 1858. Note that George Wall attacked this inference: "this improvement is confined within very narrow limits and is quite superficial. Behind this improved frontage and beneath this fair surface, all is yet poverty, squalor and decline!" ["Speculum". Ceylon: Her Present Condition, Revenues, Taxes and Expenditure (1868. Cbo.) p 38.] However his articles are animated by an extreme anti-Government attack and are highly biased. The fact is that this point is a qualitative, subjective one. For their part the administrators took account of tiled houses "in the villages and hamlets as contradistinguished from the towns"; between 1854 and 1856 there were 1,415 such tiled houses constructed in the Central Province [C.G.A. "Colombo Observer". 5 Feb 1857. [Season Report by the G.A. Kandy. R. Power]. Wall himself later propounded the view that the peasants [NB] in the neighbourhood of estates and those in the Wet Zone, for the most part, were "fairly well to do". [G. Wall. The Grain Tax in Ceylon (1890. Cbo.) pp 12-13]. and these regions supported the majority of the population.

3. Braybrooke Memo. pp 230-31. CO 54/331. Ward - Labouchere. 21%. 27 Nov 1857.

4. Idem; 1856 Blue Book Repts ... Encl. Minute on Northern Provinces [Ward] 5 April 1856. p 299.

views were also based on the physically observable and superficially hopeful fact that in a valley such as Maturata where the "two great branches of Ceylon agriculture" were in the "closest juxtaposition", "wherever paddy cultivation cease[d] coffee cultivation [began]"; and where the planters bore "uniform testimony to the conduct of their Kandyan neighbours".[1] On such grounds he seems to have been sincerely - and rather blissfully - convinced that there was "no lack of means to do justice to both [planting and peasant interests]" and that "in many respects they [were] completely identified".[2]

Certainly, as we saw, the cultivation of "native coffee" prospered from the 1840's, and especially from the 1850's. Fruit and coffee gardens replaced chena scrubland.[3] Coffee was even used instead of money for barter and was "considered a principle article of trade by the Kandian villager".[4] At least £250,000 to £380,000 worth of money from native coffee exported - exclusive of returns from coffee consumed locally - was dispersed annually among the local peoples.[5]

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1. Ibid. Encl. Second Minute on the Eastern Provinces [Ward. n.d. Feb 1857] p 330. Note that the estates in Maturata were at the 4,200-5,000 foot level [CO 59/24. "Colombo Observer". 17 Dec 1855] so Ward does not seem to have been far wrong in this instance.

2. Governor's Address. Vol. I. Ward. 28 July 1858. p 412.

3. Braybrooke Memo. pp 230-31.

4. Young Ceylon [ed. G. Nell]. Vol. II. (April 1851) "The History, Topography and Statistics of Kandy". by "T.A.P." p 91.

5. CO 54/328. Ward - Labouchere. 11. 20 Jan. 1857. Note that generally the British lumped Kandyan and Lowcountry Sinhalese, Tamils, Moors, Chetties, Parsees, and Indian coolies under the term "natives". Actually the Chetties, Parsees and coolies were as foreign as the British, and not natives of the land, while both Lowcountrymen and Tamils were not native to the Kandyan Provinces (where most of the coffee was).

In some places even paddy fields had been "turned into gardens of the dark green bushes" or sold to Tamils who cultivated them with coffee.[1] So it was that Ward joyfully reported that "every man who [was] industriously disposed [had] the means of making money and [was] making it rapidly".[2] Besides coffee, the indigenous peoples were "finding a better market for all kinds of native produce".[3] Market-gardening had received a boost.[4] There was a considerable demand for straw at a very profitable price.[5] Town and estate provided a ready demand for any surplus rice. The general increase in prices would have benefited the peasant producers; even traditional by-incomes from jaggery, sweet toddy[6] and arecanut, and in some areas revenue from the increased cultivation of coconuts and tobacco[7], prospered. The less scrupulous benefited from the

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1. C.1202. "Colombo Observer". 22 Oct 1866. "Notes from the Central Province" by "Traveller". 11 Oct 1866.
2. CO 54/329. Ward - Labouchere. 112. 23 June 1857.
3. CO 54/335. Ward - Stanley. 63. 29 June 1858.
4. CO 54/334. Ward - Stanley. 27. 15 May 1858. Encl. [Statement of Irrecoverable Arrears. Observations on Table 2.] R. Power. G.A. Central Province. CO 59/19 "The Examiner". Letter from "XYZ." [A landlord in Maturata.]
5. John Ferguson. The Planting Enterprise of Ceylon and India (1877. Cbo.) p 95; E.K. Lewis. "The Rural Economy of the Sinhalese". J.R.A.S. CB. (1848-49) p 33; "Speculum". op.cit. p 100.
6. 1871 Admin. Reports. North Western Province and Kurunegala District. W.D. Wright. Acting G.A. April 1872. p 218.
7. CO 59/19. "The Examiner". 31 July 1856. Season Report. Kandy Proper. R. Power. 15 July 1856. footnote either by Power or the editor. A.M. Ferguson. Plantation Gazetteer. (1859. Cbo.) p xlv. Cf. Burma, where "the rapid rise in prices during the first few years of British rule made it much easier to make money". [Furnivall. Colonial Policy and Practice. op.cit. p 51.]

theft of "plantation coffee", while many a Kandyan derived an income from contract cooly work on the estates (i.e. "piece" work) felling forest, cutting roads, weeding, holing, providing transport;[1] by the late 1860's, in some areas at least, "they eagerly [sought] employment on Estates" provided that they were "paid daily for their labour".[2] Some even made sufficient money to hire Tamil labour themselves in order to develop their own chena lands with coffee on European lines.[3] Those in the vicinity of the Colombo-Kandy railway route had additional sources of labour from 1858. Clearly a good market had been created for both skilled and unskilled labour as well as varied produce. Thus it was that a headmen of the 1880's, following the decline of coffee, could lament that the people were much poorer:"as they have no coolie work as there was in former days nor have they any coffee in their gardens".[4] In fact the paddy-tax on some paddy fields was even "paid out of the incomes they [received] from coffee, coconut and vegetable gardens".[5]

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1. CO 54/331. Ward - Labouchere. 219. 27 Nov 1857; 1868 Admin. Repts. Saberagamuwa. F.R. Saunders. n.d. App.A. Extract from his letter to G.A. Western Province. 411. 26 Aug 1868. [The Low-countrymen also played a prominent part, particularly in transport (carting)].

2. Idem. The Saberagamuwa folk seemed particularly inclined to do so. Some even migrated temporarily to other districts for estate work. 1864 Blue Book Repts. Robinson - Cardwell. 134. ... Encl. in Encl.7. [1864 Admin. Rept. Saberagamuwa]. Birch. 30 March 1864. p 136.

3. CO 59/10. "Ceylon Times". 2 May 1856. Provincial Report from the Central Province. Kandy Proper. R. Power. 24 April 1856.

4. C.S. Salmon. The Grain Tax in Ceylon: Extracts from Government Administrative Reports for the years [1885-89] showing the starvations and hardships the people undergo due to the Grain Taxes. (1890. Lon.) p 16. Ratemahatmaya of Hewaheta.

5. S.P. XVI of 1877. [Report of the Grain Tax Commission.] App. Part I. No.68. A.E. Paranagama, Acting Police Magistrate Calagedera. p xcvii. Four headmen made the same point in answer to Q.23. pp xc, xcii, xciii, xcvii (representing Udunuwara, Harrispattuwa and Uda Bulatgama).

Additional wealth, then, was being dispersed in the hill-country because of the new roads and new ventures. But even among the indigenous peoples, the dispersal of wealth was far from equal. The bigger fry preyed on the smaller. It was often said that the circumstances of the people were not characterized by any polarization of incomes and that there was little poverty - and little "princely wealth";[1] but these are relative terms and the former point is dubious in view of "the extreme poverty" of some peasants in parts of Ceylon.[2] At any rate there are several scraps of evidence to indicate that the Moorish and Low-country traders and shopkeepers, the thrifty Chetties and Parsees, the Indian coolies, the feudal Kandyan chiefs and headmen, and the grasping proctors were the chief gainers[3] - a

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1. C.M.S. Archives. C. Ce/O. 25/4. L. Liesching. [A.G.A.] -? n.d. [1858. regarding Badulla].
1868 Admin. Reports. Sabaragamuwa. Saunders. A.G.A. n.d. App.A. Extract of his letter to the G.A. Western Province 411. 26 Aug 1868. p 25.

2. 1872 Admin. Reports. Nuwara Eliya. Hartshorne. Acting A.G.A. 29 March 1873. p 68.
Infra. pp 390, 405-07.

3. In General: The prominent part taken by the Moors, Chetties, coolies and headmen in land buying and in "native coffee" cultivation is one indication. Wherever roads were built "some influential natives" led the purchase of lands - CO 54/240. Torrington - Grey. 150. 8 Nov 1847. Simms - Torrington. 6 Oct 1847.
Re Traders: J. Stevart. Notes on the Monetary System and cinnamon revenue [pamphlet] p 8.
Re Headmen: J. Capper. Old Ceylon (1878. Obo.) pp 2-7; Sir J.E. Phears. The Aryan Village in India and Ceylon (1880. Lon.) pp 200-201;
CO 59/9 "Ceylon Times". 17 Feb 1854. Letter to Editor by "Truth" from Sabaragamuwa. 10 Feb 1854. The headmen's lands were exempt from tax. They also had great influence and privileges.
Re Moors: Those in Kegalla had the best houses and gardens. 1869 Admin. Reports. Kegalla. Lee. A.G.A. April 1870. p 130
Re Proctors: making much money - CO 54/251. Torrington - Grey. 165. 15 Sept 1848. Encl.1. C.R. Buller - Col.Sec. 13 Sept 1848. Encl [Memo on the causes of the Rebellion by Buller] and Encl.2 [Translation of a Buddhist priest's findings on the causes of the rebellion.]
Cf. Early signs of a native capitalist class in East Africa. Meek. Land, Law and Custom in the Colonies. 2nd ed. (1948. Lon.) p 303.

small tribe in the desert of peasantry. Some of this new-found wealth, however, accrued to the peasants.[1] But given their passion for litigation, thriving as it did on the fertile pasture of an alien judicial system, some of this wended its way into the pockets of proctors;[2] or into those of the commercially sharper traders, for the "bazaar-men" were "great extortioners".[3] At the same time one would expect the embryonic stages of the process by which "[u]sury and absentee-landlordism nurtured a class of rural capitalists"[4] to come within the compass of our period. The Sinhalese, moreover, were wont to live only in the present.[5] Additional wealth could mean so many more luxuries, but riches could well begger such men - and one has the example of a few foolish souls who had gambled away their landed inheritance or drank themselves to poverty.[6] The new forces nourished seeds good and bad, some wealth and some vice.[7]

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1. CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse - Col.Sec. Confid. 6 March 1846. Note the varied sources of income described earlier - with "native coffee" the most important.
2. CO 54/317. Ward - Molesworth. 47. 25 Oct 1855, in [Significantly, except in the case of cattle trespass, cases between local people, Moors, Chetties and Lowcountry Sinhalese were plaintiffs in the majority of cases and the Kandyans defenders. 1869 Admin. Repts. Report of the District Judge, Kegalla A.A. King. 5 July 1870. p 189.]
3. S.P. VI of 1862. [Ordered by a motion] Report of the Select Committee of Council on the subject of ... Roads. 9 Dec 1842 ... Minutes of Evidence [Skinner's] p 16.
4. S.B.D. De Silva. Investment and Economic Growth in Ceylon. (1962. Lon.) Ph.D. Economics. p 216.
5. C.S. Salmon. The Grain Tax in Ceylon (1890. Lon.) Quotation from the 1887 Administrative Report of Le Mesurier. A.G.A. Nuwara Eliya; Ralph Pieris. "Society and Ideology" Univ. of Cey. Review. Vol.X. No.1 (Jan 1952) pp 95-97. Cf. In Indonesia too the peasants had no conception of thrift. W.F. Wertheim. Indonesian Society in Transition (1956. The Hague) p 241.
6. Report of the Temple Lands Commissioners on the progress and results of the Commission [1857-58] . [Braybrooke and Adams] 24 June 1859. p 18; Young Ceylon. [ed. Nell] Vol. III. No.2. July 1852. "The History, Topography and Statistics of Kandy" by "T.A.P." pp 36-37.
7. J. Steuart. Notes on the monetary system and cinnamon revenue of Ceylon ... (1850. Cbo.) "On the Prosperity of the Singhalese". pp 4-5.

There was some benefit for many Kandyans; much benefit for some individuals whether Kandyans or newcomers. But these were far from unalloyed. To declare that planting interests and peasant interests were "identified", in fact, is to take too naive a view of the case. As Hartshorne proclaimed with regard to Upper Hewahete and Welapane, "neither [the estates in the vicinity nor the new road had] conferred any real benefit upon the resident population".[1] At the grass roots, conflicts between planter and peasant - particularly those arising from cattle trespass - belie the almost axiomatic faith in the compatibility of their interests. Certainly, and at the outset in particular, the conservative-minded and obscurantist Kandyan quite naturally disliked these new and violent intrusions into his privacy and the several inroads into custom.[2] If the plantation economy meant additional incomes for many a Kandyan, it also brought in it's train Lowcountrymen, more Moors, and those strangers from India - the Tamil coolies, all of whom were heartily disliked and despised by the Kandyans.[3] Transformed as it was into a plural society, in the Kandyan Provinces, there was "no amalgamation of feelings and Interests between the various races. [There was] the most complete and most absolute segregation".[4] The new generations of Kandyans were slowly absorbing new ideas.[5] They marvelled at the new bridges and the telegraph,

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1. S.P. II of 1872. Reports on the Working of the Paddy Cultivation Ordinance (No.21 of 1867). Replies of the A.G.A. Nuwara Eliya. Hartshorne. 17 Sept 1872. p 30.

2. CO 54/232. Private letter. Tennent - W.H.C. Murdoch. 29 Jan 1846. CO 54/250. Torrington - Grey. 144. 14 Aug 1848.

3. CO 54/329. Ward - Labouchere. Confid. 11 July 1857. A.C. Brodie. "Topographical and Statistical Account of the District of Nooweraka[illegible]awiya" [sic]. J.R.A.S. CB. (1856-58) p 166.

4. CO 54/315. Ward - Russell. 15. 8 June 1855.

5. Bailey 1859 Memo. pp 128-30.

and wanted more roads.[1] But their dislike for the other races, friction with the planters, the complaints of the headmen particularly with regard to the erosion of caste, the very feet of rebellion, indicate a smouldering displeasure at the new state of affairs. If much was more acceptable later, many a peasant and 'politician' was inclined to think the planting interest received far too much attention and aid from Government.[2] In the circumstances, it is extremely unlikely that the Kandyan would have agreed with his sahibs' conviction that the peasant and planter interests were compatible and identical. Such commentators were mere window-shoppers, even if some like Ward and Morgan were knowledgeable ones. The Kandyan wore the shoe; he would know better where it pinched. Economic conditions may not have been his sole criterion. Numerous irritants and his psychological reactions to the changes around him would equally have moulded his viewpoint. To the historian, however, the Kandyan peasant outlook is largely a closed book.[3]

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1. CO 54/338. Private letter. Ward - Lytton. 27 Dec 1858. Written from Weriapola; S.P. XII of 1860. Papers re Happootelle [sic] Road. T. Skinner - Col. Sec. 264. 23 April 1851. p 140.

2. S.P. IV of 1867. [Report on Irrigation and Rice Cultivation] App.I. No.59. Answers to Queries. W. Twynam. A.G.A. Mannar. 9 March 1867. [This was not a Kandyan Province.] CO 54/432. Robinson - Buckingham and Chandos. 10. 14 Jan 1867. Encl.4 "Irrigation and Rice Cultivation in Ceylon". [Printed extract of debate in the Legislative Council on Ord 21. as reported in the "Observer". Coomeraswamy's speech.]

3. What we have is largely dependent on the medium of official interpretation, whether European, district headmen or Kachchery headmen. Petitions and memorials are, somehow, not all that useful. At any rate many were drawn up by headmen or proctors and other influential individuals. The few Sinhalese newspapers of the 1860's were based in Colombo.

Whether the plantations and the plantation economy undermined the basis of Kandyan village ecology and upset the balance between the various branches of agriculture within the span of the period under review is a moot point - and on the whole, extremely doubtful. From the economist's standpoint, the ability of the Central Province to absorb a population increase at "a compound growth rate of 2% per annum over eighty years"[1] strongly suggests that it did not. Nor was a rapid metamorphosis engendered in the old semi-feudal economy. The service lands of temples and chiefs remained "significant patches of mediaeval economy".[2] Elsewhere in the Kandyan Highlands, the peasantry remained largely based on mudland (rice) cultivation and yoked to their family plots. At times and places joint cultivation of the land and the receiving of income in kind continued. While there was no "Chinese Wall" between the plantation economy and the old economy, the former did not assimilate or annihilate the latter.[3] It did modify it considerably. Growing

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1. Jayawardena. op.cit. App.D. pp 361-73.

2. S.B.D. De Silva. Investment and Economic Growth in Ceylon (1962. Lon.) Ph.D. Economics. p 70.

3. Both points are put forward by S.B.D. De Silva [ibid. pp 58-59, 74-75] and I accept one and reject the view that "capitalist enterprize practically by-passed the primitive economy". In all fairness, however, his opinions span the whole of Ceylon and consider the impact of the plantation economy right down to the present day. His views are perhaps best summed up in the following quotations:

> In the absence of forces which vitally impaired it's institutional framework the feudal economy in Ceylon was able to decline without destroying itself either suddenly or completely. While the system of service-tenures, and with it the formal pattern of feudal social relations suffered a considerable eclipse, the capitalist mode of production and the conditions for generating an economic surplus have far from risen. [ibid. p 76.]

> The prevelence of service tenures, temple lands etc. is the key to the relative stability of Sinhalese feudalism in the face of the growing demand for contractual labour by the capitalist sector of the economy [ibid. p 72.]

> the failure of the 'feudal land system' to become assimilated by the advanced capitalist economy lay in the autonomous character of the latter [p 74.]

individualism, the principles of secure titles and individualistic forms of holding landed property, an increasing use of money, all denote a changing landscape and considerable change in structure. As a result the former fabric was gradually being undermined[1] even through "capitalist modes of production and the conditions for generating an economic surplus" had not arisen[2] and even though the balance between the different branches of agriculture may not have been overturned.

As far as direct consequences from the plantations went, in the populated areas into which they spread, they seem to have been burdensome through encroachment or pressure on the Kandyans' land only in limited localities; they would have been burdensome at times and a greater variety of places where planters took it into their arrogant heads to shoot trespassing cattle. As a whole, they seem to have imposed a host of irritations rather than impoverishing burdens on the Kandyan peasantry, but it is difficult to ascertain this conclusively. In general the plantations were part of a process whereby capitalistic forces were, for better or for worse, transforming Ceylon. Like the larger force of which it was part, the coffee plantation, in its effects, revealed both black and white.

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1. In sense of "to seek or tend to the overthrow of" [Chamber's Dictionary, p 1200.] S.B.D. De Silva does not seem to agree [op.cit. pp 59, 68, 74-75] and even says that the "static equilibrium of the traditional village economy consequently survived, in its essentials, undergoing little change through the centuries", [p 75], though he considered this stability to be "precarious" [p 74]. But, as we saw, he agrees that the feudal economy declined and that the system of service tenures and its associated relations "suffered a considerable eclipse". The point of difference is whether this stage merits the word 'undermined' or whether capitalist forms of production were needed as well to merit it.

2. S.B.D. De Silva, op.cit. p 76; he also states that "the plantations indirectly contributed to undermining the peasant sector" [p 62]. This seems contradictory to some of the other views he has propounded.

# Chapter Six

## THE GRAIN TAXES AND THEIR EFFECTS

### I. Theories, Controveries and Policies

While the plantations directly affected the Kandyan Highlands, the taxes on grain[1] had implications throughout Ceylon. Since it was an agricultural country, the produce of the land provided the main source of revenue, and hence the taxation system of former times was allied to the tenurial system. Rulers of agricultural countries in the nineteenth century possessed several fiscal options. Land taxes were not necessarily based on the tenure but could be imposed on the type of land and its productive capacity[2] or on a combination of both. Such taxes were not always considered purely as a means of raising revenue.

> Even where that [was] the primary goal, it [was] bound to have consequences for existing social and economic organisation, which from the point of view of the central administration, [might be] accidental or deliberately planned.3

A land tax could, as in Rhodesia, be designed "to force [the African] out of the kraal to earn more money to pay his tax" - and so to engage in wage labour for the European.[4] It could aim at increasing

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1. The term "grain taxes" in this study refers to the paddy tax and the taxes on fine grain, and do not include the import duties on grain, of which the duty on rice was the most important. These will be referred to as "import duties" or "import duty". But it should be noted that contemporaries were often referring to these as well when they used the term "grain taxes".

2. Cf. Taxation according to the capacity of the land in the Sudan, the poll tax and other systems in Fiji. [H.M. Leake. "Studies in Tropical Land Tenure". Tropical Agriculture. Vol.X. (1933.) pp 75, 126.]

3. J.D. Legge. Britain in Fiji 1858-1880. (1958. Lon.) p 231.

4. Philip Mason. The Birth of a Dilemma. (1958. Lon.) pp 226-7.

production and stimulating "native industry within their own setting".[1] Equally crucial was the form in which the tax was collected: whether in kind or in money. If, as was inevitably the case with the British in the nineteenth century, the rulers wished to alter the prevailing subsistence economy into a money economy, money taxes would be substituted "for taxation in produce and labour".[2] This had considerable dangers of hardship and social dislocation. In British India, for instance, it was the collection of the revenue in cash that, "together with the precipitous fall in prices which it probably caused, resulted in the first assessment rates being grossly excessive in all regions of India".[3] But even collection in kind under the Culture System in Dutch Java brought pressure to bear on the peasantry; and where it required surplus production "contact ... with the whole apparatus of Western commerce" could well cause changes in both organisational and thought patterns.[4]

Collection in kind seems to have been the normal feature of the Dutch territories in Ceylon to which the British succeeded, inheriting as the new overlords the rights to either services or a tithe of the produce from both paddy lands and lands sown with fine grain. They sought to establish a tax on coconuts as well (in 1797-98), but this either provoked or coincided with a minor rebellion and it was withdrawn. The point was not forgotten. The rights over other lands remained, but North substituted a tithe of the produce in lieu of the services due and this was not reversed by Maitland. When the Kandyan Provinces came under British sway, the tendency was to follow the same principle there but with

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1. Legge. Britain in Fiji. 1858-1880. (1958. Lon.) pp 231-2.
2. Furnivall. Colonial Policy and Practice. (1956. New York.) p 293.
3. Eric Stokes. The English Utilitarians and India. (1959. Oxford.) p 134.
4. Legge. op.cit. pp 231-2.

6. CO 54/487. Robinson - Granville. 184. 17 Aug 1870.
Minute by the Treasurer. G. Vane. 23 July 1870.

the difference that rights to taxation and services were limited to paddy lands by the Proclamation of 21 Nov 1818.[1] Temple lands and lands held by the principal headmen were exempted from taxation in these Provinces. This is of considerable significance. In Sabaragamuwa it is said that 60 per cent of the paddy land was thus exempt from taxation[2] and certainly about one-fourth of the paddy land in this province belonged to the temples.[3] These privileges were intensely disliked, by the officials of the 1840's in particular, partly because they considered it a dangerous loophole and a medium for fraud.[4] Lands subject to tax were liable to yield a proportion of the produce which varied from one-fourteenth to one-half, but was usually one-tenth, if the land was private.[5] If it was Crown land, the tithe was usually one-half to one-fifth. As for the import duties, those on rice and paddy were the only ones of importance. Introduced in 1810 and raised from time to time until they were made 7d. per bushel of rice and 3d. on paddy in 1836, they were "imposed rather for Revenue than for the express purpose of protection".[6] In the late 1830's they yielded

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1. G.C. Mendis [ed.] The Colebrooke-Cameron Papers. (1956. Oxford.) Vol.I. Introduction. pp xxiv-vii.
   Sir J.B. Pheare. The Aryan village in India and Ceylon. (1880. Lon.) pp 223-4.
2. Colvin R. De Silva. Ceylon under the British Occupation 1795-1832. 1st ed. (1942. Cbo.) Vol.II. p 382.
3. CO 54/402. Robinson - Cardwell. 56. 13 June 1865. Encl. in Encl. 3. Russell [A.G.A. Sabaragamuwa] - G.A. Western Provinces. 281. 28 June 1864.
4. For e.g. R.F.C. Tennent's Report. 22 Oct 1846. p 96; and passim.
5. R.F.C. Tennent's Report. 22 Oct 1846.
   S.P. IV of 1867. Report ... upon IRRIGATION WORKS AND RICE CULTIVATION ... 18 Sept 1867. App. Memo. on rice cultivation in the Seven Korales. J. Capper. 12 Feb 1867. p 39.
   It was in the Maritime Districts that the higher proportions were found. But note that when this proportion was above one-tenth, it was one-tenth of the crop after the seed paddy was deducted - S.P. XVI of 1877. [Report of the Grain Tax Commission.] App. I. No.18 [Answers] from N.D. De Silva, Mudaliyer Galle, n.d. p xxx.
   [The percentage taxed was far less than in India. In Java under Raffles it was one-third from poor quality lands, two-fifths-one-half from the rest. (Bastin. The Native Policies of Sir Stamford Raffles in Java and Sumatra. (1957. Lon.) p 25.) and in Burma it was quickly raised to one-fourth (Furnivall. Colonial Policy and Practice. (1956. New York.) p 34.]

less than the paddy tax but the positions had been gradually reversed by 1843.[1]

Just as North had tried to establish freehold rights in 1802, the tendency of his successors was to make the paddy tax uniform and fixed, in the belief that this would provide incentives to the cultivators and boost agricultural production - theories typical of the early Liberal era. Hence a proportion of one-tenth was fixed on as the desirable tax. Under the same assumptions some individuals recommended a "commutation system" or "commutation settlement", by which cultivators would be liable to a fixed assessment over a period of years.[2] This was eventually begun with some success by Turnour in some regions round Kandy in the late 1820's, and by 1833 had been commenced throughout the Kandyan Provinces.[3] Bringing the ideas in vogue in his time, Colebrooke looked on the import duty on rice with some antipathy, but facing deficit budgets he recommended its continuance as a temporary expedient until circumstances permitted its repeal.[4] He also perceived that such revenue through the customs was more cheaply collected and "less burthensome to the inhabitants than any branch of the internal revenue"; and he came out strongly against direct taxation:

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1. 1840: Land Revenue £42,794; Customs Revenue from grain £1,270
   1850: " " £42,698; " " " " £31,122
   1860: " " £70,071; " " " " £107,717
   1870: " " £75,616; " " " " £125,457
   from S.P.XVI of 1877. op.cit. App.VII.

2. Colvin R. De Silva. Ceylon under the British Occupation. 1795-1833. 1st ed. (1942. Cbo.) Vol.II. pp 379-80. By Orr in 1813 for instance; his suggestions were sharply criticised by some officials.

3. Ibid. pp 382-3. According to Colvin R. De Silva and Colebrooke it was in 1829. [G.C. Mendis. [ed.] The Colebrooke-Cameron Papers. (1956. Lon.) Vol.I. p 81.] According to Dickman, 1826. [The Ceylon Civil Service Manual. (1865. Cbo.) pp 132-3.] According to an official, Gibson, 1830 [C.1202. "Ceylon Observer". 10 Oct 1867. Report on Proceedings of the Legislative Council. 9 Oct 1867.]
   The term "commutation system" can be regarded as a misnomer [G.C. Mendis [ed.] The Colebrooke-Cameron Papers. (1956. Lon.) Vol.II. Sir E. Barnes' Answers. p 38.] It will be considered in detail later in the chapter.

4. Ibid. Vol.I. p 112.

> when property is minutely subdivided, and the people indigent, the collection of any direct tax from a great number of small proprietors or tenants is attended with greater expense and inconvenience than that of an equal amount by means of duties on the articles consumed by them.1

Though he considered the paddy tax "objectionable from its undue pressure on one branch of agriculture, and that of the first importance to encourage", he did not recommend its abolition; he suggested instead a permissive scheme of redemption of the tax through yearly instalments, which he felt could be achieved in twenty years.[2] He considered this scheme had the virtue of avoiding any interference with the complicated tenurial system. He also hoped it would attract capitalists.[3]

The local authorities too felt that a tax on "the subsistence of the people from which other articles of produce [were] exempted" tended "to the discouragement of that branch of agriculture and to check the natural application of capital to land", and the idea was applied - apparently to the Central Province alone - in 1835, the plan envisaging redemption in ten years.[4] The scheme was viewed with great favour by many important personages. Anstruther looked on the prospect that the revenue from paddy was "likely to cease in a few years" as being of "great advantage to the Colony" because he believed "that by encouraging agriculture as well as by getting rid of the Revenue Establishment kept up for its collection, the Government [would] indirectly gain more than it [would] lose" and hoped it would encourage settlers from India.[5]

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1. G.C. Mendis [ed.] The Colebrooke-Cameron Papers. (1956. Lon.) Vol.I. p 83; also pp 108, 112.
2. Ibid. pp 82-4.
3. Idem.
   CO 54/185. Colebrooke - Russell. 31 Dec 1840.
4. H. White. Manual of the Province of Uva. (1893. Cbo.) App.M. Annexures C & D. Col.Sec's Circular of 6 April 1834 and Government Advertisement of 21 May 1834. pp 159-60.
   [Colebrooke speaks of this scheme as being an 8 year one.
   CO 54/185. Colebrooke - Russell. 31 Dec 1840.]
5. CO 54/185. Anstruther - [Stephen]. 23 Nov 1840. Encl. Report on the present condition of Ceylon. [by Anstruther.]

Stephen and Vernon Smith endorsed the principle without qualification.[1]

A later critic held that only the richer landlords utilised this opportunity of redeeming the paddy tax,[2] but there is conclusive evidence to indicate that many Kandyans did so[3] - one uncertain source placing the acreage redeemed at 21,000.[4] It was so extensively availed of that Government quickly, and quietly, jettisoned the scheme. It was found "very impolitic", said Wodehouse much later.[5] This was a tactful way of saying that it was found "to diminish the revenues" they received.[6] For this reason in 1842 "it was, as far as possible, remedied by a prohibition of any further redemption".[7] What is remarkable is that

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Anstruther's letter.

1. CO 54/185. /Minute by Stephen. 28 Nov 1840; by V. Smith. 30 Nov 1840; also see draft. Russell - Campbell. 60. 31 May 1841.
2. A.M. and J. Ferguson. Taxation in Ceylon. (1890. Cbo.) General meeting of the Cobden Club. 15 Feb 1890. C.S. Salmon's speech. pp 5-6.
3. CO 59/1. "Colombo Journal". 12 Dec 1832. Extract from Governor's speech ... to Kandyan Chiefs. June 1832.
   A.M. Ferguson. The Ceylon Directory, Calendar and Compendium of useful information. (1863. Cbo.) p 88.
   B.P.P. Reports from Committees. Vol.XII. (1850) Second Report from the Select Committee on Ceylon. Capt. J. Forbes' evidence. para. 6826.
4. J.H. Starey. The Paddy Tax in Ceylon. (1890. Cbo.) p 4. [at any rate it yielded £18,329. S.P. XVI of 1877. [Report of the Grain Tax Commission.] App.VII. p clxv.]
5. B.P.P. op.cit. Second Report. Wodehouse's evidence. 21 June 1849. p 132.
6. B.P.C. C.R. Buller [G.A. Central Province.] - Col.Sec. 577. Sept 1846. p 134.
7. Idem.
   Also see Young Ceylon. Vol.III. (Jan 1852). "The History, Topography and Statistics of Kandy". by "T.A.P." p 11. Starey called this "a breach of faith" [The Paddy Tax in Ceylon. (1890. Cbo.) pp 17, 19.]

this seems to have been done without any reference to London. Later writers stated that it was dropped on orders from London itself.[1] But this seems doubtful in the light of the support given to the idea in 1840 by Stephen, among others. Be that as it may, it clearly represents an important reversal of policy and attitude.

There are other signs of a hardening attitude in the 1840's. There was an inclination to build up a rationale for the paddy tax and the import duty. Tennent utilised the idea of state-overproprietorship, saying that "a land tax [was] but the realization of a principle with which the Cinghalese [sic] universally [were] familiar - that the soil [was] the undisputed property of the Crown", that both chena land and mudland were cultivated "on sufferance" and taxes on them were but rents.[2] C.R. Buller argued that the paddy tax was "entwined with [the peoples'] prejudices" and accepted as "just, fair and reasonable", that more paddy would not be grown if the tax was abolished and considered it a "stimulus to action".[3] By some queer logic Wodehouse argued that if

> the Government [had] no immediate interest in the extension of cultivation or in the proper management of the land, the natives themselves [would be] very great sufferers [because they] could do nothing in common.[4]

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1. A.M. and J. Ferguson. Taxation in Ceylon. (1890. Cbo.) Part II. [Debates] in the Legislative Council. 20 Dec 1876. [Gregory's speech] p 18.
Ibid. Part II. "The Paddy Tax" (from the "Ceylon Observer". 23 Dec 1876.) p 80;
[Certainly the C.O. Committee of 1847 approved of this repeal of redemption. B.P.P. C.O. Committee Report. 13 April 1847. p 25.]

2. B.P.P. Tennent's Report. 22 Oct 1846. pp 92, 98, 99.
[In later years too officials argued that the paddy tax was a rent. A.M. & J. Ferguson. Taxation in Ceylon. (1890. Cbo.) Part II. Reporting one of Governor Longden's despatches. p 23.]

3. B.P.P. C.R. Buller - Col.Sec. 577. Sept 1846. p 134.

4. B.P.P. op cit. Second Report. Wodehouse's evidence. 21 June 1849. p 139.

But the needs of revenue were clearly the main consideration. Faced with demands for the abolition of the taxes on food (i.e. import duty and grain taxes) from some doctrinaires, a committee of the Legislative Council rejected the idea on the ground that the revenue was necessary for the extension of public works, particularly communications. They pointed out, quite validly, that costs of transport raised the price of rice in the interior far more than did the import duty or the paddy tax.[1] It was but a simple step for defenders of the paddy tax to add that it was acceptable to the people and state that European ideas did not apply to Oriental countries - hitting out at the theoretical nature of the abolitionist viewpoints. Nevertheless London had its doubts, and when reviewing the question of assessments on towns in Ceylon for the purpose of maintaining police forces, feared that such a tax,

> when combined with other burthens, implied a pressure of taxation in Ceylon, which according to European views [was] fatal to the accumulation of Capital, to the growth of industry and to the improvement of the people;

adding that while such "conclusions [might] of course be erroneous", they would have liked from the local authorities "a distinct explanation of the compatibility of such public burthens with the great ends of good Government".2

By this time a full-scale review of Ceylon's fiscal system was under way, motivated by the belief that the existing structure hindered the development of the colony, and by the desire to establish a land-tax. The latter idea had been broached by a committee of the Legislative Council in 1842,[3] but it is of some

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1. CO 54/198. Campbell - Russell. 129. 1 Sept 1842. Printed Encl. Report of a Select Committee of the Legislative Council appointed to report on the Expediency or Otherwise of Reducing the Import Duty on Grain. 25 Oct 1841. [This Committee had been appointed following the memoranda by Anstruther and by Colebrooke. (See ibid. Minute by Stephen). They agreed that the grain taxes had a discouraging effect but considered abolition impossible unless a land-tax was imposed instead.]
2. CO 55/85. Stanley - Campbell. 435. 11 Nov 1845.
3. CO 54/203. Campbell - Stanley. 34. 16 Feb 1843; and Printed Encl. Report of a Select Committee appointed by the Legislative Council to report in what manner the necessary funds for the extension of roads within the colony can best be raised. 9 Dec 1842. [also found as S.P. VI of 1862].

significance that Colebrooke had stated that if the paddy tax was continued, "an equal assessment should be imposed on all cultivated lands throughout the country", adding that such a step

> would be attended with great difficulty and unpopularity in its application, and having failed on a former occasion, could not prudently be revived.1

The mid-1840's saw a series of reports on "the Finance and Commerce of Ceylon" of which those by Tennent and a Committee of the Colonial Office were the most notable. A land tax was to be the basis of the altered structure they desired and "the grand source of future revenue".[2] It was of some significance that Grey was Secretary of State for the Colonies at this time for not only was he convinced that direct taxation was not "injurious" in tropical dependences but he believed that it would well be "conducive to [the inhabitants'] true welfare" besides being "absolutely necessary if those institutions of government" so "essential to progress" were to be maintained.[3] The fact that the land revenue was the foundation of the Indian finances was clearly at the back of official thinking. But the arguments brought forward for such a tax were many. Some followed Colebrooke in their opinion that a tax on paddy alone was discriminatory: "a rent charge falling exclusively, or most heavily, on paddy must check the [extension of] that cultivation" said Strachey.[4]

> A land tax [had] ever been the foundation of Eastern finance and [was] never objected to by the people; and ... a fair ... land tax [based] upon sound principles would not only, in all probability, admit of the abandonment of many objectionable taxes but would conduce in other ways to the prosperity of the country

said the Colonial Office Committee.[5] It would also necessitate

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1. G.C. Mendis. [ed.] The Colebrooke-Cameron Papers. op.cit. Vol.I. p 83.
2. CO 54/226. Campbell - Grey. 60. 4 Nov 1846.
3. CO 55/91. Grey - Torrington. 305. 24 Oct 1846.
4. CO 882/1. No.I. Memo on the Land Revenue of Ceylon. William Strachey. 29 April 1847. pp 8, 11.
   CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse - Col.Sec. 6 March 1846.
5. R.F.C. C.O. Committee Report. 13 April 1847. p 19.

a survey, the settlement of boundaries and registration - and this great benefit was, in their view, an argument for the land tax.[1] Tennent emphasised the value of a fixed and uniform tax as "the best stimulus to exertion by securing to [the cultivator] the benefit of his own capital and improvements".[2] They were clearly not above invoking European theories when it suited their advantage. They also added arguments based on the conditions in Ceylon. Struggling to prevent extensive claims and encroachments as they were, they felt that a tax on all lands would discourage such claims as well as act as a barrier to land speculation by European capitalists.[3] Eyeing the tax-free lands of the headmen they saw in the proposed tax an ideal manner of bringing them within Government's financial fold.[4] At the same time they were moved by the evils endured by the peasantry under the system of collecting the paddy tax by renting (farming) it out - evils which horrified them because of the distaste for any interfering system involving middlemen that was common to Europeans of that day.[5] Convinced that a reduction of the import duty on rice would automatically reduce living costs, Tennent argued for this measure on the ground that Government having done much for "the higher classes" should do something for the relief of the lower.[6]

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1. R.F.C. C.O. Committee Report. 13 April 1847. p 19.
2. R.F.C. Tennent's Report. 22 Oct 1846. p 92.
3. CO 882/1. No.X. Commercial Policy. Abolition of Export Duties. Imposition of New Taxes. [Tennent] n.d. p 13.
   R.F.C. Tennent's Report. 22 Oct 1846. p 96.
4. Idem.
5. Ibid. pp 67-8, 91-2.
   CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Wodehouse - Col.Sec. 6 March 1846. [Not all officials were agreed. Some were abolitionists: "I would remove the taxes on grain of every kind," said the Treasurer - R.F. C. "Observations on the present taxes and those proposed to be substituted." F.J. Templer. July 1846. p 132.]
6. R.F.C. Tennent's Report. 22 Oct 1846. p 64.

While the authorities in Colombo felt that the preliminary measures would have to be carried out "with great firmness and delicacy" in the face of local prejudices, they thought that the land-tax could be established without much difficulty. The Colonial Office Committee thought so too.[1] But the Colonial Office was more realistic, and while their assent to the "general principle of such a measure [was] complete and unhesitating", they raised doubts as to its "practicability".[2] Colombo was highly sanguine about the question of a survey and it does not speak well for their competence that so much time and labour were expended on the general principles without exploring the ground first. Tennent's Report was marked by several factual errors.[3] He, as well as others, laid great store on a fixed agreable land tax as distinct from a graduated one.[4] But as Strachey pointed out, there were "multidunous" differences in land tenures besides other problems and to "coincide in the one uniform and unqualified answer of the report to these questions [was] clearly impossible".[5]

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1. CO 54/226. Campbell - Grey. 60. 4 Nov 1846.
   Ibid. Draft. Grey - Treasury. 22 April 1847.

2. CO 55/87. Grey - Torrington. 40. 18 June 1847.
   CO 54/226. Campbell - Grey. 60. 4 Nov 1846. Minute by Stephen. 14 Jan 1847.

3. This is evident to any modern student. But it says much for Strachey's perception that he noticed some of them. In Tennent's words Strachey felt "that a project of so great an importance as a land tax had been rashly suggested upon crude and incorrect data", and found "unbecoming pretensions to novelty, merit and superiority, an ignorance of the Indian system on which it professes to be modelled and a still more culpable ignorance of the actual condition of Ceylon". [CO 54/238. Torrington - Grey. 98. 9 Sept 1849. Encl. Tennent - Grey. 8 Sept 1847.] Tennent reiterated some of his erroneous facts again and Strachey again disproved them. [Ibid. Memo by Strachey. 1 Nov 1847.]

4. E.F.C. Tennent's Report. 22 Oct 1846. p 68.
   CO 54/240. Torrington - Grey. 150. 8 Nov 1847. Minute by Grey. 6 [Feb 1848?]. Grey was a devotee of a uniform land tax.

5. CO 882/1. No.I. Memo on the Land Revenue of Ceylon. Strachey. 29 April 1847.

Much stress was laid on the fact that the paddy interest would be benefited by the abolition of a vexatious impost. Yet Tennent planned a land tax of 2s.9d.-3s. on paddy lands,[1] and it is hard to see how the peasants would have benefited. True, they would not have had to cope with renters and fluctuating demands, but the tax was not lighter and they would have had to pay up in bad years as well; what was worse, to use a phrase that was bandied about in the 1870's, the land tax represented a tax on their curry as well as their rice. Neither would planters have taken kindly to it. The abolition of the import duty might possibly have reduced their costs but a land tax was a more obnoxious burden than an export duty on coffee, especially as it was meant to include uncultivated lands. It is not surprising that some of them opposed the scheme.[2] It could also be argued that Tennent and others were reasoning on false European premises in believing that abolition of the import duty would reduce the market price of rice and increase its consumption. As official defenders of the duty in the 1870's argued, the rice trade was monopolised by the Chetties who could well maintain the price at existing levels and pocket the difference.[3]

But circumstances in Ceylon forced Torrington to admit that they had underrated "both the difficulties of such an undertaking and the time necessary for its accomplishment".[4] He had treated Simms lightly when the Surveyor-General had stated that with a staff of fifty it would take thirty-two years to complete a detailed survey for revenue purposes,[5] but he was forced to admit that

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1. R.F.C. Tennent's Report. 22 Oct 1846. p 98.
2. CO 54/247. Torrington - Grey. 8 March 1848. Encl. Ackland - Grey. 11 Feb 1848.
3. S.P. XXIX of 1878. Papers re Grain Taxes. No.1. Gregory - Carnarvon. 15. 9 Jan 1877. pp 4-5.
   Other officials were also convinced that reduction of the duty would not effect either consumption or wage rates, for e.g. R.F.C. "Report on the Revenue & Taxation of Ceylon by the Auditor-General ..." H. Wright. 3 Aug 1846.
4. CO 54/247. Torrington - Grey. 57. 16 March 1848.
5. CO 54/240. Torrington - Grey. 150. 8 Nov 1847 and Encl. Simms - Torrington. 6 Oct 1847.

"a general Survey and Settlement of Ceylon" was very difficult. The biggest obstacles were "the peculiar features of the country", the "complicated tenures and infinite subdivision of properties", and the confusion about who the legitimate owners were.[1] The depression from which coffee was suffering also put additional burdens out of the question[2] - and Government even abolished the export duty to aid the coffee interest. The idea was postponed for the future.

Both in the 1840's and in the following decades many of the abolitionists laid greater stress on the repeal of the import duty than on the paddy tax. Some of them were officials.[3] Some were from the mercantile sector.[4] While agreeing that the duty was "a bad tax", Ward wondered how Government could "give up £80,000 a year at a time when large additional expenditure on Roads, Wharves, Steamers and Railways [was] called for".[5] Besides making this point, he argued that

> even in England the necessities of the State [had] rendered it impossible not to retain many Taxes upon articles of general consumption and forming no unimportant part of the food of the people

and that "rice [was] the equivalent of these with an Oriental Population, from which little [could] be drawn in the way of indirect taxation".[6] The fact that returns from the import duty

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1. CO 54/252. Torrington - Grey. 221. 11 Dec 1848.
   B.P.P. op.cit. Second Report. Wodehouse's evidence. 21 June 1849. p.135.
2. CO 54/252. Torrington - Grey. 221. 11 Dec 1848.
3. B.P.P. Reports from Committees. Vol.VIII. Part I. (1851.) Third Report. Anstruther's evidence. 5 July 1850. paras. 736-7.
   CO 54/315. Anderson - Grey. 15. 13 Jan 1855. [He did not, however, originate a Government measure.]
4. CO 54/320. Elphinstone - Secretary of State [for the Colonies] 15 March 1855. Encl. [Memo on Ceylon.]
   CO 54/409. East India and China Association - Cardwell. 27 Feb 1865. Minute by Strachey. 4 March 1865.
5. C.G.A. Lot 4/58. Grey - Ward. 2. 19 April 1855. Minute by Ward. n.d. [June?].
6. CO 54/315. Ward - Russell. 15. 8 June 1855.

had risen with increasing imports and the duty yielded even more than the paddy tax was clearly of some significance in Government eyes. But in 1864 the Treasurer in Ceylon, Saunders (Snr.), chose to attack the duty as well as the paddy tax. He argued that the prosperous finances nullified the earlier justifications for these imposts, that the recent and "extraordinary" rise in the cost of living had "not been followed by a proportionate rise in wages, so that these taxes [pressed] severely on the poorer classes".[1] While agreeing "that the staple food of the people should not be unnecessarily taxed", the acting Governor defended them vigorously:

> looking to the large amount of Revenue from Grain, the small sums actually taken from the people individually, having regard to the ... continually increasing rate of wages ... [he considered it inexpedient, as yet,] to relinquish the only Tax which [enabled them] to reach the people for the small share they [contributed] individually to the burdens of the Country.2

Through these decades, the general view was that the "natives" were "lightly taxed" - the taxation per head being variously calculated at around 3-6s. per year.[3] These computations may well have been true (though even 5s. was a big sum for an indigent peasant). It was also a convenient belief for those who wished

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1. CO 54/394. O'Brien - Cardwell. 265. 30 Nov 1864. Encl. [Dissenting Minute on para. 21 of the Executive Councillor's Minute of 28 Nov 1864.] F. Saunders. [Snr.] 28 Nov 1864. [The Executive Council Minute was with regard to the constitutional question and included Saunders' signature.]
2. CO 54/394. O'Brien - Cardwell. 265. 30 Nov 1864.
3. CO 882/1. No.XI. Commercial Policy. Abolition of Export Duties. Imposition of New Taxes. [Tennent. n.d.] p 8 [2s.4d.-3s.]
   CO 54/457. Robinson - Granville. 184. 17 Aug 1870. Encl.4 Minute by the Col.Sec. H.T. Irving. 20 July 1870. ["not more than 5s. a head"]; and Minute by the Queen's Advocate, Morgan. 2 July 1870.
   C.1203. "Overland Ceylon Observer". 24 Jan 1871.

to retain the grain taxes and import duty.

Having tolerated these features for two decades,[1] Strachey, in the late 1860's, originated a suggestion for the reduction of taxes because he felt that the former reasons for postponing this step - the need for public works and the policy of making Ceylon bear its whole military burden - had been secured and the finances justified a reduction of taxes.[2]

> [An] abundant revenue furnishes no argument whatever for liberal expenditure so long as that Revenue is raised by objectionable modes of taxation

said the despatch to Ceylon.[3] Ideas of English texture had not been buried but merely shelved, to be revived again. But the authorities in Ceylon were determined to keep them on the shelf as inapplicable to Ceylon. Robinson made the obvious point to this effect and said the questions were how to reach the people by way of taxes and how the authorities were to provide for their "government and improvement" if the people were exempt from taxation. The land revenue, the import duty and the salt monopoly together (£302,402 in 1866) formed one-third of Ceylon's revenue. The paddy tax was traditional and acceptable to the people. There was no feasible equivalent. They had been searching for an alternative for the last thirty years. A land tax "would be wastefully expensive in consequence of the minute subdivision of property amongst the Singalese [sic]", was likely to "give rise to much dissatisfaction and opposition throughout the country" and was not possible without a time-consuming and costly survey.[4] The import duty had little bearing on the price

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1. In meeting the petition of the East India and China Association against the taxes on grain and the military contribution he stated that the taxes on grain were retained on "purely colonial grounds" and were not considered obnoxious in Ceylon. CO 54/409. East India & China Association - Cardwell. 27 Feb 1865. Minute by Strachey. 4 March 1865.
2. CO 54/415. Robinson - Carnarvon. 228. 12 Oct 1866. Minute by Strachey. 27 Jan 1867.
3. Ibid. Draft (by Strachey). Buckingham & Chandos - Robinson. 70. 17 March 1868.
4. CO 54/434. Robinson - Buckingham & Chandos. 114. 23 May 1868.

of rice in comparison with the costs of transport to the interior, and it would be far wiser for Government to try and reduce the price by improving communications.

Although many of these arguments had been paraded by officials in earlier years, they remained highly relevant. But what was particularly perceptive was the point made by Robinsin in para. 20.

> It appears to have been generally taken for granted that the Import duty on rice is the first tax which should be remitted or reduced, but I am unable to acquiesce in the fairness of such a conclusion. If both the Import duty on rice and the tythe on grain of local growth could be reduced together it would doubtless be a great boon, but if this were impossible I should be disposed to give priority of relief to the local cultivator.1

Surprisingly, Strachey forgot about this correspondence and in 1870 raised the whole issue once more, concentrating again on the import duty. His reasons were much the same, but he added that

> besides the other objections to the tax it [seemed] very questionable to depend for so large a proportion of the Revenue on a tax, which, if there was a rice famine [such as in Orissa not long before], it would be impossible to maintain at the same time that a heavy addition to the public expenditure would be required for the relief of the starving people,2

-a rather irrelevant argument. London's suggestion drove Robinson to a lengthier report backed by the individual minutes of the Executive Councillors, including at this stage, Morgan, Douglas and Irving, three able men - the latter two fresh to the colony.

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1. CO 54/434. Robinson - Buckingham & Chandos. 114. 23 May 1868.

2. CO 54/453. Robinson - Granville. 54. 9 Feb 1870. Minute by Strachey. 20 April 1870; and draft (by Strachey) Granville - Robinson. 121. 21 May 1870. [This was occasioned by the large surplus of 1869. Earlier Strachey had argued against the duty as bearing on the "Ceylon labourer's wages" and calculated "the labourer to be paying 10s.6d. a year or from 4 to 5 weeks' wages for this single tax". (CO 54/450. Treasury - Sandford. 14 May 1869. Memo by Strachey. 9 July 1869). Labourers composed a very small section of the local non-immigrant population. His calculations were based on rates in the Northern Province where wages and the cost of living was almost half that of other regions besides being suspect in themselves.]

The reasoning was much the same as before and need not be repeated; most members were adamant that any reduction of the duty would have little or no influence on the price of rice, and that in any event only the townsfolk, the immigrant estate workers and the planters would benefit from such a reduction; John Douglas pointed out the greater wisdom of preventing famine through irrigation works than working out "palliative measures [after any such] occurrence", while Major-General Rennie argued that the money was being used on reproductive works which would boost revenue so as to enable remission later.[1] Robinson's Minute included a sharp rebuke to the Colonial Office for their

> total misconception of the conditions and requirements of the Colony and a forgetfulness of the obligations contracted by the local Government with the full knowledge and sanction of the Secretary of State

and believed that London's suggestions were "inconsistent with a due regard for the acknowledged wants of the Colony and the pledges of the Government".[2] The lesson went home. Herbert and Kimberley were completely satisfied. Herbert was convinced that there was no large surplus that could be spared, that taxation was not "oppressive", that

> the paddy and Rice import duty [was] not practically such as could be replaced by a less objectionable tax; and that a reduction of this duty would in effect be a further bonus to the Coffee Planters.3

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1. CO 54/457. Robinson - Granville. 184. 17 Aug 1870; and Encl.3. Minute by the Governor; and Encl.4: Minutes by ... Morgan. 2 July 1870; and by the Col.Sec., H.T. Irving. 29 July 1870; and by the Auditor-General, John Douglas. 20 July 1870; and by the Treasurer, G. Vane. 23 July 1870 and by the Major-General, Rennie. 3 Aug 1870.
2. Ibid. Encl.3. Minute by the Governor. July 1870.
3. Ibid. Minute by Herbert. 14 Oct 1870.

Kimberley wrote:

> I concur entirely in the views of the Governor and his Council. Where the taxation is not oppressive (which it cannot be said to be in Ceylon) in an Asiatic country, I believe it to be more advantageous to expend a surplus in public works than to reduce taxation. In a country like England where the progress of a nation depends on private enterprise and where Government is not more enlightened than the people, the conditions are wholly different.1

It is clear that if the paddy tax and the import duty remained intact at the end of our period, it was not for lack of effort on the part of many individuals to get rid of them. Coloured by European ideas, there was a singular unanimity - even among defenders of these taxes - that they were bad in themselves. Faced with the realities of Government, the authorities in Colombo were not ready to give up a useful source of revenue. Their defence was openly one of expedience. In the 1840's it was "roads". In the 1850's and 1860's it was "public works". The emphasis was gradually shifting, however, and in 1877-78 and the 1880's it was largely "irrigation works".[2] Such raisons d'être had great justification but also had their dangers - by the 1880's "irrigation works" and "grain taxes" were so associated in the popular mind that an ardent defender of the grain taxes, such as John Ferguson, could argue that abolition of the grain taxes would justify the termination of irrigation works.[3] The

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1. CO 54/457. Robinson - Granville. 184. 17 Aug 1870. Minute by Kimberley. 16 Oct 1870.

2. S.P. XVI of 1877. [Report of the Grain Tax Commission.] 30 Oct 1877. p 6.
J. Ferguson. Ceylon in 1896. (1896. Cbo.) pp 12-14 regarding Gordon's time.

3. Idem.
J.A. Starey. The Paddy Tax in Ceylon. (1890. Lon.) p 15 attacking the view that the irrigation works justified the paddy tax.

unfortunate part of Government's policy of defence, however, lay in their tendency to view the import duty and the paddy tax as standing and falling together, while abolitionists were too prone to concentrate on the import duty rather than that which could be attacked more justifiably on practical grounds - the paddy tax. Of the defenders only a few had the insight to see that it was the paddy tax which should be reduced or remitted if it came to a choice. But influenced by free trade ideas as most of them were, this would have smacked of protection;[1] while the attackers chose to aim largely at the import duty because of their free trade notions. Taken together, the import duty and paddy tax amounted to approximately £231,000 in 1866, of which the latter was roughly £112,000.[2] It is obviously easier to consider the reduction or abolition of a smaller sum. The needs of revenue so dominated the situation that even when Government came close to repealing both duty and paddy tax in the mid-1840's it was because they intended replacing them with a land tax - which, at that time, was considered a panacea for numerous ills. In our period, therefore, abolition would have come about only if there was a substitute source of revenue. The only possibility considered by officials was the land tax. In 1848 practical difficulties forced them to postpone this idea for the future. Thereafter officials were firmly convinced that a land tax was not feasible "as yet". Nevertheless it remained a great desideration in their minds. When the whole subject was reconsidered in

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1. Criticising the Cobden Club and other abolitionists for arguing on theoretical European considerations, the Fergusons stated that the duty and the paddy tax had to stand or fall together; if the latter alone was abolished it would be protection. [A.M. & J. Ferguson. Taxation in Ceylon. (1890. Cbo.) passim.] This inconsistency hardly needs spelling out.

2. Figures from CO 54/434. Robinson - Buckingham & Chandos. 114. 23 May 1868.

1877-78, Government favoured retaining both duty and paddy tax but stated that a land tax was desirable in their stead in the future.[1] On each occasion the future came, languished, and passed away; there was no general survey; the land tax remained a castle in the air.

The outcome of these rival theories was vital to the cultivators of Ceylon. But from these theories we must now return to earth - to paddy-field, the reality of the paddy-tax and the modes by which it was collected.

## II. Practice: Modes of collecting the Grain Taxes

Since the taxes on fine grain were limited to the littoral and yielded so small a proportion of the land revenue, our study can be confined largely to the paddy tax. Here, the Ceylonese position differed from the Indian, where taxes applied to all types of land and to most crops.[2] There was no call for the laborious task of detailed assessments of all the land. The greatest difference was that Colombo did not have to face the controversy over principles of policy and method in the choice between zamindari, ryotwari and village systems of land revenue collection. In the case of nindagam, if the lands were not exempt, it was traditionally recognised that the chief and not the tenants paid the tax. But in the vast majority of cases Government dealt with the owners or occupiers of the land.

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1. S.P. XVI of 1877. [Report of the Grain Tax Commission.] p 8. The paddy tax was eventually abolished in 1892 while the import duty was retained but Government had thought up alternative sources of revenue - increasing the salt duty, levying a duty on succession and legacy and increasing the import duties on kerosene oil, spirits and tobacco. [Governor's Addresses. Vol.IV. Sir A.E. Havelock. Message on the Grain Tax Ordinance. 22 March 1892. pp 54-8.]

2. Hence the contemporary heading "The Grain Tax Question" and not "Land Revenue Question".

Sometimes there was uncertainty about which claimant was the rightful owner but Government's only concern was that Crown land cultivated by lessees or claimants should not be taxed at the lower private lands rate for this would have given them prima facie proof of ownership. As far as controversy went, the chief issue that arose in Ceylon was over the efforts to establish the commutation system in lieu of the aumany and renting systems of collection. Under the aumany system, the tax was collected directly from the people, usually in kind, by Government headmen. But the system "was found to be laborious, expensive and unprofitable"[1] and Government considered that it possessed the same evils for the cultivator as the renting system while bringing much less revenue to Government.[2] It was used in the Kandyan Provinces from 1815 to 1832; thereafter it was used on odd occasions in all parts of Ceylon when no bid was made for a rent, when the bids made were too low in official opinion, or when crops had been greatly spoilt.[3] Hence it hardly concerns us. But the renting system by which particular rents were farmed (rented) out to individuals at auctions, was the most widespread method of collection at this time, and so it calls for study.

The Renting System

Each crop was appraised by Government assessors before it was rented out. The assessors were "usually experienced cultivators [from] a different district" but in some regions the headmen were responsible for this task.[4] In the former instances the headmen were "associated with the assessors as a check against collusion [between cultivators and assessors] but it [was] said that they [were] no check at all".[5] The evidence points, however,

1. S.P. XVI of 1877. [Report of the Grain Tax Commission] App.I. No.46 [Replies from] S. Jayetilleke, Mudaliyar of the Kuruncgala [Kachchery.] n.d. p lxxvii.
2. Ibid. Resumé of Answers. Q's [Questions] 6 and 7, p 15.
3. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 8. p 16. Colvin R. De Silva. Ceylon under the British Occupation 1795-1833. 1st ed. (1942. Cbo.) Vol.II. p 381.
4. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 10. p 16; and App.I. pp lix, lxi.
5. Idem.

to the lack of any collusion between cultivators and assessors, and it would seem that sometimes there was conflict.[1] Bailey believed that the "native assessors" were "in reality uncontrolled by any superior authority ..." and added:

> The assessors are rarely well selected. Important as the duties are they are entrusted to unknown, and irresponsible persons, in some instances to persons who have been dismissed from offices ... In agricultural matters no natives are to be trusted; it is the interest of all to underrate the yield of the land: a man will conceal from his nearest neighbours the yield of his land.2

Officials were convinced that there was collusion between the assessors and the renters as well as between headmen and renters.[3] This was quite likely and would have worked to the detriment of both Government and cultivator. Officials were always ready to believe that assessments were usually too low,[4] but one cannot be certain about the truth of this. Certainly, since they were a matter of guesswork, assessments would seem to have been "generally, if not invariably, incorrect".[5] The figures quoted at these assessments were usually made known, and thereafter the rents were sold to the highest bidder. Cultivators had to give written notice to the successful renter specifying the times of reaping and threshing their crops and he collected the rent (i.e.

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1. S.P. XVI of 1877. op.cit. App.I [Answers] from F.B. Templer, G.A. Southern Provinces. 16 April 1877. p xl; and Nos. 41 and 46 [Answers] from J.A. De Silva and S. Jayetilleke [two headmen] pp lxxii, lxxvii.
   Berriolacci. A View of the Agricultural, Commercial and Financial Interest of Ceylon. (1817. Lon.) pp 304-7. [The assessors were paid for their work.]
2. Bailey Memo (1857). pp.339-40.
3. C.1204. "Ceylon Times". 6 Nov 1866.
   1869 Admin. Reports. Galle District and Southern Provinces. F.B. Templer. n.d. p 61.
   CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Hodehouse - Col.Sec. 6 March 1846.
   [Renters could also combine so as to keep bids low. S.P.XVI of 1877. op.cit. App.I. No.38. F.R. Saunders. Acting G.A. North-Western Provinces. n.d. p lxvi.]
4. Ibid. App.I. No.22. F.B. Templer. 16 April 1877. p xl.
   CO 54/238. Torrington - Grey. Confid. 16 Aug 1847. Encl. Hodehouse - Col.Sec. 6 March 1846.
5. 1869 Admin. Reports. Galle District and Southern Province. F.B. Templer. n.d. p 61.
   ["No two assessors [adhered] to the same rule in estimating". S.P. XVI of 1877. op.cit. App.I. No.58. Saunders. n.d. p lxvi.]

the Government share of one-tenth of the crop) from their fields. As far as they were concerned, payment was in kind. Since the renters purchased these rents before the crops matured, they ran great risk of being out of pocket.

This was the system worked out by custom and by Proclamation in the early decades and eventually embodied in the law by Ordinance 14 of 1840. The reasons for this Ordinance merit some attention. For one thing, Government felt it necessary to define and simplify the varying customs under which the grain tax had been collected in various parts of the island. The variety added to the difficulty of punishing breaches of practice in Courts of Law. At the same time, certain decisions by the Judiciary had bound only the contracting parties, Government and the renters, and left the cultivators plenty of scope to default in their payments. In the Northern Province, evasions of payment were so easy that renters would offer only low sums; and Government found it the more difficult to persuade cultivators to accept the commutation system which it was anxious to establish throughout the island. Ordinance 14 of 1840, largely framed by Dyke (Government Agent, Northern Province), was designed to meet these difficulties and set up machinery by which the legal processes could be used by renters to recover the taxes.[1] The correspondence was quite open about the concern for Government's revenue. At the same time Mackenzie assured the Legislative Council that

> every attention [had] been given to render the Ordinance as little burdensome upon the proprietor or occupant liable in payment of this tax in kind, as the nature of the subject [would] admit of.[2]

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1. CO 54/182. Mackenzie - Russell. 185. 9 Dec 1840.
   Ibid. Encl. Turnour [Acting Col.Sec.] - Chief Sec., Fort St. George. 3 June 1840; and Encl. Dyke - Col.Sec. 85. 19 March 1838.
   Ibid. Minute by Hugh Stark. 15 Feb 1841.
2. Governor's Addresses. Vol.I. Mackenzie. 19 Oct 1840. p 130.

While we cannot accept this at face value, the correspondence does reveal a desire to protect the cultivator from the renter;[1] and the fact that Dyke was its architect supports this view.

In the Colonial Office, Stephen was diffident about his own ability to judge such a measure. Though he felt that according "to the test of European ideas" the law was "very strange", he granted that

> in the obscure subject of the tenure of Land in India and in Ceylon, there [was] much that [was] unintelligible to those whose notions [were] entirely European.2

Stark, chief clerk in the Revenue Department of the Board of Control, saw correctly what the major aim of the Ordinance was but erred about the others. Russell felt that Stark's paper tended "to prove that the remedy applied [would] be ineffectual but not that it [was] in itself objectionable."[3]

He was wrong. It was only too effectual in practice. The Court was turned "into a mere vehicle of extortion" by the renters.[4] In the words of an official, Adams:

> The number of prosecutions under the Ordinance No.14 of 1840 ... is very large. No Ordinance ... enacted under the British rule in Ceylon has been so grossly abused, or has been so systematic an instrument of oppression and extortion, as this one has been .... [Bearing] in mind that the majority of cultivators cannot write, beyond perhaps signing their names, and that the provision for giving written notices is consequently a dead-letter in most villages, it is easy to see how completely the renter has the cultivator at his mercy. [Say that the crop has failed;] but the renter

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1. CO 54/182. Mackenzie - Russell. 185. 9 Dec 1840; and Enclosure.
2. CO 54/182. Mackenzie - Russell. 185. 9 December 1840. Minute by Stephen. 12 Feb 1841.
[Later Rogers showed a similar adaptability when a trifling point with regard to this Ordinance was clarified: "This is not very satisfactory. But I think it would be dangerous to impose the English view." - CO 54/413. Robinson - Cardwell. 131. 27 June 1866. Minute by Rogers. n.d.]
3. CO 54/182. Mackenzie - Russell. 185. 9 Dec 1840. Minute by Stark. 15 Feb 1841; and Minute by Russell. 16 Feb 1841.
4. S.P. XVI of 1877. op.cit. App.I. No.54b. ... Encl. Pennycuick [Police Magistrate, Jaffna] - Queen's Advocate. 1 April 1871. p lxxxvii.

has paid the Government for the one-tenth of a good crop, he demands that or its value; or the crop of a field has been larger than the estimate, and the renter demands considerably more than the share to which he is entitled. In either case, if the cultivator refuses, the renter files a plaint in the Police Court, and the cultivator knowing that he has not given written notice, or that he has failed to comply with some of the provisions of the Ordinance, in nine cases out of ten comes to some compromise rather than run the chance of a conviction. It is true that the eleventh and the twelfth clauses impose a heavy penalty on the renter for neglect or extortion; but I have never known a conviction under them.1

The headmen of the locality could, however, diminish these activities.[2] It was commonly said that the headmen and the renters were usually in collusion, but how general this was one cannot ascertain. If the chief defect was the stipulation that written notice be given to the renters before reaping and threshing, there were others. The general practice was to farm the rents by the village rather than by the field, though the latter was tried in some areas - in the Southern Province in 1862 when tried it was not "availed of generally" according to Templer, but clearly the officials themselves found it inconvenient.[3] But farming rents by the village conduced towards purchase by outsiders and not by the villagers.[4] This was magnified by the practice which prevailed for some time - although eventually given up - of farming the rents at the kachcheries (provincial headquarters) rather than on the spot.[5] While in some regions,

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1. 1871 Admin. Reports. Report of the District Judge, Kalutara. A.Y. Adams. 10 June 1872. p 317.
Also see 1872 Admin. Reports. Kegalla. A.A. King. 5 June 1873. p 38; S.P. XVI of 1877. op.cit. Resumé of Answers. Q 15. p 16.

2. S.P. XVI of 1877. op.cit. App.I. No.15 [Answers] from J.F. Dickson [in Nuwarakalawiya.] p xxiv. He was one of the few who thought Ordinance 14 of 1840 was adequate. But his district had only been under the renting system for a few years.

3. S.P. XVI of 1877. op.cit. App.I. No.22. F.B. Templer. 26 April 1877. p xl.
Ibid. App.I. No.23. King. 4 April 1877. p xliv.

4. Ibid. No.22. Templer. p xl.

5. C.1202. "Colombo Observer". 5 Nov 1866. Report on Proceedings of the Legislative Council. 3 Nov 1866. [Gibson's speech].

particularly in "the outlying districts" and the Eastern Province, the cultivators were the purchasers,[1] the rents were generally bought by traders or non-resident and non-cultivating landlords - usually the former.[2] Both traders and absentee landlords were distrusted by British officials in the field. King said that the cultivator needed protection from them and felt that the "evils of the renting system [fell] with particular severity" upon Hambantota District because rents were purchased by some of "the wealthier inhabitants" of neighbouring Tangalle and Matara.[3] Even if not an outsider, a renter could well be "the great capitalist of the village", who was the seed paddy lender and moneylender and whose "position and influence" enabled him "to bind down the cultivators around him under a system of social serfdom".[4] Not having been bred under a renting system as they were the people of certain Kandyan districts to which it was applied in the 1840's felt it the worst.

> [The] evils of the renting system [fell] with fourfold force on the Kandyan people. They [were] more ignorant, more purely agricultural and more easily imposed on, and the low-country renters [practised] on them the most cruel extortion.5

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1. Anon. "Historical Sketch of the Vanni". Monthly Literary Register. Vol.I. (1893) pp 73-6.
   S.P. XVI of 1877. Op.cit. Resumé of Answers. Q 13. p 16.
2. Idem.
   Ibid. App.I. No.23. King. 4 April 1877. p xliv; and No.30 [Translation of Answers from] D.J. Amaransekera, Mudaliyar of Hanwella. 26 March 1877. p lv.
3. Ibid. App.I. No.23. p xliv.
   1870 Admin. Reports. Hambantota. King. A.C.A. n.d. [1871] p 138.
4. L. Ladoviel. Rice Cultivation. (1867. Obo.) p 136.
5. 1864 Blue Book Reports. Robinson - Cardwell. 134. 16 Sept 1865. Encl. in Encl.7. [1864 Admin. Report. Sabaraganuwa.] Birch. 30 March 1865. p 141. [These districts were Sabaragamuwa, Kegalla and Kurunegala (Seven Korales). In the Central Province it was only applied when the cultivators did not commute and on odd occasions as in Badulla in 1864. infra. p 375.]

Subject to the qualifications that follow, it is evident that the renting system was hard on the cultivator, or at any rate could easily be so; this was true right through the period under review. Gibson was far from the truth when he argued that the old evils had "no doubt been greatly remedied, if not entirely removed "after Government began selling rents in the spot and not at kachcheries.[1] This removed only a relatively minor defect. In contesting this view of the case as being "entirely erroneous", Capper demolished Gibson's belief that cultivators themselves purchased the rents as a result of this step.[2] It is a measure of the extent to which the Colonial Secretary was remote from the cultivators that he could voice such a view so blithely. The general tendency in European circles, however, was to regard the system as "vicious and baneful".[3] Official and unofficial agreed that it meant a great deal of extortion, oppression and vexation, set off a "train of evils" and caused "demoralisation".[4] Officials believed that it had a detrimental influence on rice cultivation and that it suffocated individual initiative.[5] While these views were grounded on facts, they were also animated and magnified by ideas of European origin. To a Briton of the Liberal Era such interference with private incentives and the dominating influence of middlemen was anathema. This alien approach was particularly evident in the

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1. C.1202. "Colombo Observer". 5 Nov 1866. Report on Proceedings of the Legislative Council. 3 Nov 1866. [Gibson's speech.]
2. C.1204. "Ceylon Times". 6 Nov 1866.
3. CO 57/22. Executive Council Minutes. 18 May 1855.
4. C.1204. "Ceylon Times". 11 Oct 1867.
   AO. Brodie. "Statistical Account of the District of Chilaw and Putlam, North-Western Province". J.R.A.S. CB. (1953.) p 36. R.F.C. Tennent's Report. 22 Oct 1846. passim.
5. R.F.C. Tennent's Report. 22 Oct 1846. pp 67-8.
   CO 54/238. Torrington - Grey. Confid. 16 Aug 1847.
   Encl. Wodehouse [G.A. Western Province.] - Col.Sec. [Tennent] Confid. 6 March 1846.

1840's. The picture of the renting system painted by Tennent can lead one to conjure up a rural scene with ogre-like renters, a downtrodden peasantry and a drooping rice industry (and, of course, Sir E. Tennent the potential deliverer). The picture, unfortunately, was accepted by the Colonial Office Committee, by Wall and numerous others in the decades that followed[1] and Tennent's Report became the accepted version. As we have seen, his factual knowledge was erroneous at times and his prejudices decidedly European. Locally, he was considered prone to exaggeration.[2] It is not surprising that his sketch was far too sweeping. The general opinion of the time needs qualification as well.

In the first place, some rents were regularly purchased by the same renter, and usually "a friendly feeling" had been established between him and the cultivators concerned.[3] Cultivators also had their "little ways of annoying the renter" and it is said that "though the renter [had] the upper hand, he generally [found] it in his interest to deal fairly. The cultivator [was] quite content to pay the full Government share and a trifle more for peace and quiet, and as the renter [bought] cheaply he [made] a good thing of it as a rule".[4] In Kurunegala District it was the custom to ask for permission only to thresh and not to reap and this limited the room for oppression to some degree.[5] Of Matara District, Fisher said:

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1. R.F.C. C.O. Committee Report. 13 April 1847. pp 10-11. "Speculum" [Wall]. Ceylon: Her Present Condition. (1868. Cbo.) pp 36, 41-9.
2. C.1204. "Ceylon Times". 2 and 5 June 1868. Letters to editor. "Speculum Dissected". No's. 2 & 3. by "Englishman" (Kandy.) 30 May 1868.
3. S.P. XVI of 1877. op.cit. App.I. No.46. [Answers] from W. De Saram. Registrar of Lands, Kurunegala. n.d. p lxix.
4. Ibid. App.I. No.38. [Answers] from Saunders. Acting G.A. North-Western Province. n.d. pp lxvi-vii.
5. Idem. [It was found, however, that cultivators attempted to defraud renters "only to a trifling extent in each province". Ibid. Resumé of Answers. Q 16. p 16.]

5. S.P. XVI of 1877. op.cit. App.I. No.9 [Answers from] D.C.H. Dias. Bandaranayaka. Mudaliyar of [certain] Pattus of the Siyana Korale. p xi.

> I do not however believe that oppression or extortion is practiced to any serious extent, the rights of the respective parties being too well understood to admit of either being carried too far.1

In this district, however, the renters were not outsiders and were men of the locality: "we are our own renters ... and we have no fault to find with the present system" the people are reputed to have informed Gregory.[2] In both the Tangalle and Kurunegala Districts the tithe cases were very few and suggest that oppression was not very common.[3] It is also argued by an unofficial that, while there was some extortion, it was not widespread - that the "connivance" of the headmen was necessary for frauds but he was "unaware of constant collusion" between them and the renters; that fraud was not possible "to any great extent, under an intelligent Agent, without detection"; but his views cannot be accepted as established.[4] It is clear that the general picture of the renting system was overdrawn. There was an appreciable degree of regional variation in its impact. Much hinged on whether the renter was an outsider and on the relationship between renter and people. A good headman could also prevent abuse "to some extent".[5]

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1. S.P. XVI of 1877. op.cit. App.I. No.24 [Answers] from F.C. Fisher. A.G.A. Matara. 28 March 1877. p xlix.
2. A.M. and J. Ferguson. Taxation in Ceylon. (1890, Cbo.) Part II. "An unspoken reply to Mr. Wall's speech on 'The taxes on food'". (from the "Ceylon Observer". 14 July 1877.) pp 32-3.
3. S.P. XVI of 1877. op.cit. App.I. No.38. Saunders. n.d. pp lxvi-vii.
   1871 Admin. Reports. Report of the District Judge, Tangalle. F.H. Campbell. 25 July 1872. p 351. [Layard said: "I believe the Renting System is not so bad as that it should not be tolerated until the Survey of the Country is sufficently advanced to admit of a fair and suitable settlement of the paddy tax" - C.1202. "Ceylon Observer". 10 Oct 1864. Report on Proceedings of the Legislative Council. 9 Oct 1867.]
4. C. 1204. "Ceylon Times". 2 and 5 June 1868. Letters to editor. "Speculum Dissected" No's 2 and 3. by "Englishman". [He granted that renters did exact money but also held that they were "nearly as frequently sinned against as sinning" and stressed the subterfuges practiced by the cultivators. One cannot go to this length. Some of his arguments were fallacious, though he was better grounded on the facts than "Speculum".]

This is not to say that remedies were not called for. Several steps could easily have been taken to improve the system. Ordinance 14 of 1840 could have been amended and written notice abolished. Rents could have been farmed after the crop was threshed.[1] Towards the end of the period in particular, some officials did suggest administrative steps which, on the face of it, would have helped to diminish its evils.[2] But Government, disliking the renting system, pinned its hopes on substituting the commutation system. When they tried to do so, however, it was consistently rejected by the people of several districts, including the most sophisticated regions - those in the Southern and Western Provinces;[3] while, in others, commutation was jettisoned after being tried out for varying lengths of time.[4] These facts reflect the regional variation in the way the renting system worked. They might even be held to suggest that this mode of revenue collection was not wholly bad. In fact, all that it meant was that in the eyes of the cultivators of these districts it was not as bad as the commutation system, for they gauged Government's proposal in the light of the alternative suggested. Besides other disadvantages, the commutation system of the 1860's involved payment in money, unlike the renting system. As Layard pointed out:

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1. This custom had been given up by Government, following a headman's suggestion, because it brought less revenue. [CO 54/330. Ward - Labouchere. 154. 29 Aug 1857. Encl. Memorial of D.H. Dassanaike. 28 Jan 1857.]

2. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 14. p 16; App.I. No's 23 and 38. King and Saunders respectively. pp xlv, lxvii. [There was also the practice of first giving cultivators the option of purchasing their own rents at 30 per cent above the assessment. Anon. "Historical Sketch of the Vanni". Monthly Literary Register. Vol.I. (1893.) pp 73-6.]

3. C.1202. "Ceylon Observer". 10 Oct 1867. Report on Proceedings of the Legislative Council. 9 Oct 1867.
A.M. and J. Ferguson. Taxation in Ceylon. (1890. Obo.) Part II. "An unspoken reply to Mr. Wall's speech on "The taxes on food". pp 33-36.

4. Idem.
S.P. XVI of 1877. op.cit. App.I. No.15 [Answers] from J.F. Dickson. [G.A. North Central Province. i.e. Nuwarakalawiya.] p.xxiv.

> ... payment in kind they have been long accustomed to, and they prefer it, with all the inconvenience arising from the renting system, to committing themselves to an obligation which their improvidence, of which they are not unconscious, might disable them from fulfilling, and the non-fulfilment of which would entail the possible loss of the property which secures the ultimate recovery of whatever may be due to them.1

Gregory's statement that their refusal

> was solely owing to the intense stereotyped conservatism of an Oriental people, who ... would not move out of the beaten track except by compulsion2

did them an injustice, although there was some truth in it. These districts preferred the known devil of a renter to the deep blue sea of commutation.

The Commutation System

Officials, on the other hand, argued for the commutation system partly because they were convinced about the viciousness of the renting system. They were sincerely desirous of relieving "the cultivator from all ... the losses he [often was] exposed to" under that system.[3] As has been seen, one of the primary aims was to afford "encouragement" to paddy cultivation and ensure that cultivators "reaped the benefits of their labours with perfect security".[4] Such commutation settlements were also considered "as a sort of index to ownership" which was particularly valuable in the absence of a Land Register.[5] It was also

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1. 1869 Admin. Reports. Western Province and Colombo District. C.P. Layard. G.A. 18 June 1870. p 10.
2. S.P. XXIX of 1878. Papers on Grain Taxes. No.1. Gregory - Carnarvon. 15. 9 Jan 1877. p 7.
3. A.M. Ferguson. The Ceylon Directory. (1863. Cbo.) p 87. [Quoted reports from officials. See those from O'Grady and Dyke.]
   C.C.A. Lot 41/174. Flanderka - G.A. Jaffna. 41. 4 Sept 1863. [quoting a Circular from the Queen's Advocate.]
4. Tropical Agriculturist. Vol.37. (Sept 1914.) E. Elliott. "Paddy cultivation during the nineteenth century". p 213.
   CO 59/25. "Colombo Observer". 18 Sept 1856. Letter to editor. No.V from "Amicus". n.d.
5. A.M. Ferguson. The Ceylon Directory. (1863. Cbo.) p 87.
   H. White. Manual of the Province of Uva. (1893. Cbo.) "Account of the Grain Tax in Uva". F.C. Fisher. 14 Jan 1890. [regarding Turnour's settlements.]

believed that the fixed yearly payment would force people to cultivate lands that they might otherwise have left uncultivated and induce them to abandon their laziness.[1] The theory was that the renter's high profits would now be shared between Government and the cultivator.[2]

Such was the rationale behind the commutation system. While several of its arguments were calculated to appeal to Government, it cannot be said that it was undertaken with the intention of directly increasing the revenue. Decided opinions from a variety of sources prove that Government gained much less revenue.[3] Governed by European actions, officialdom was convinced about "the abstract merits"[4] of the commutation system and regarded a fixed, known rate as desirable in itself and as conducing to greater production. So Brodie wrote that the loss of revenue

> thus occurring [was] more than counterbalanced by the ease of collection, the fixity of revenue and the checking of deception ... and [believed that] the commutation system [was] eminently advantageous both to the rulers and the ruled.5

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1. R.F.C. C.R. Buller - Col.Sec. 577. Sept 1846. p 134. CO 59/25. "Colombo Observer". 18 Sept 1856. Letter to editor. No.V from "Amicus".

2. S.P. XVI of 1877. op.cit. App.I. No.38 [Answers] from Saunders. n.d. p lxvii.

3. Ibid. Resume of Answers. Q 18. p 17.
1864 Blue Book Reports. Robinson - Cardwell. 134. Encl. [1864 Admin. Report. Central Province and Kandy District.] F.B. Templer. 26 Aug 1865. p 158.
[Normally commuted Badulla District used the renting system in the year 1865 while a new commutation register was prepared and brought much more revenue than the years before or after. 1867 Admin. Reports. Badulla. W.S. Sharpe. 2 April 1868. p 32.]
Commutation, however, brought more revenue than the <u>ainmany</u> system.

4. A.M. Ferguson. The Ceylon Directory for 1866-68. (1868. Obo.) p 194.

5. A.O. Brodie. "Topographical and Statistical Account of the District of Nooweraekalawiya. [sic]." J.R.A.S. CB. (1856-58.) pp 176-7.

4. CO 59/1. "Colombo Journal". 12 Dec 1832. p 587.
B.P.P. Reports from Committees. Vol.XII. (1850) Second Report. Capt. J. Forbes' evidence. 12 July 1849. pp 273, 275.
C.C.A. Lot 41/174. R.W.T. Morris [A.G.A. Nuwarakalawiya.] - G.A. Jaffna [Dyke]. 61. 10 July 1861.
H. White. Manual of the Province of Uva. (1893. Cbo.) App.M. "Account of the Grain Tax in Uva". F.C. Fisher. 14 Jan 1890. pp 151-4.

5. Ibid. p 112. paraphrasing one of Turnour's letters.

It is true, nevertheless, that the revenue from each succeeding settlement tended to increase.[1] It would seem that this was due to a rise in the market price of paddy which caused Government to raise the "rate of commutation" - the exchange rate each bushel of paddy was estimated to represent - accordingly.[2] On Elliott's calculations the "incidence" of taxation between the 1830's and 1870's rose a little below or on par with the increase in price.[3]

Turnour's early commutation settlements were permissive and for three to five year periods while payment could be in money or in kind. But a remission of 25 per cent was promised if payments were in cash and within the year in which they were due, the aim being to increase the use of money in the country. The rate of commutation varied from district to district and ranged from 4d. to 12½d. per bushel of paddy while the assessments were made on the average of the actual crops in the years (usually three) preceding the settlement - the whole of the mudland and not merely the proportion cultivated annually being thus assessed.[4] There is every indication of an equitable, even lenient, approach. An Agent was informed that he had imposed too high a rate and in Walapane Turnour "advisedly" permitted rates which he regarded "too low".[5] Elliott found that

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1. A.M. Ferguson. The Ceylon Directory for 1866-68. (1868.Cbo.) p 191.
2. Governor's Addresses. Vol.1. Reply of Council. 10 July 1855. p 306.
   S.P. IV of 1867. Report ... upon IRRIGATION WORKS AND RICE CULTIVATION ... 18 Sept 1867. App. Part 1. A. Resolution No.9. p 209.
   The rate of commutation was "a moderate pecuniary appraisement of paddy bearing a fair proportion to the probable cost of production, in fact a theoretical price for there was then [in the 1880's] no buying or selling of paddy for money in Kandyan villages". Tropical Agriculturist. Vol.37. (Dec 1911) E.Elliott. "Paddy cultivation in Ceylon during the nineteenth century". p 505.]
3. Ibid. Vol.38. (April 1912.) Ibid. pp 316-18. The incidence per bushel was calculated by dividing the revenue by the crop (the crop statistics being carefully checked). On this basis the incidence was found to have increased 2.5.fold against a price increase of 3 fold and a crop increase of 0.266 fold(total 3.266 fold)while the revenue increased 3.15 fold. These calculations must be viewed with hesitation.

Turnour's

> reports [showed] that, while he sought to secure the rights of the Crown he gave due consideration to the interests of the cultivators.1

In Fisher's words, "easy terms" were offered.[2] This indicates a desire to win favour for a system that was novel. It was introduced adroitly and step by step. In view of the events of later years it must be noted here that there seems to have been no intention of tightening the screws once it was acceptable.

In the years that followed the commutation settlements continued to be on a voluntary basis but payment had to be in money. The scheme was so successful in the Kandyan areas in which it was first tried that it was applied throughout the Kandyan Provinces and in most of the littoral as well at some time or another in the next decade. The periods of settlement varied from five to nine years, but in the Central Province and in Kurunegala (Seven Korales) district twenty to twenty-five year settlements were made in the early 1840's[3] - which caused much heart burning and regret in later years when the price of rice had increased.[4]

While the commutation system caught on in the Jaffna, Trincomalee and Batticoloa districts (largely Tamil), they were far from popular in the Sinhalese areas of the littoral.[5] Significantly, Government found shortcomings from their point of view as well.

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1. Tropical Agriculturist. Vol.37. (Oct 1911.) E. Elliott op.cit. p 307.
2. H. White. Manual of the Province of Uva. (1893. Obo.) App.M. [Fisher's Account.] p 152.
3. S.P. XVI of 1877. [Report of the Grain Tax Commission.] Resume of Answers. Q 21. p 18; and App.I. No.38. Saunders. p lxix.
   Tropical Agriculturist. Vol.37. (Dec 1911.) E. Elliott. op.cit. p 305. [But it was only accepted in portions of Kurunegala. 1871 Admin. Reports. W.D. Wright. Acting G.A. North Western Province. April 1872. pp 217-8.]
4. Ibid. (Oct 1911.) p 310.
   H. White, op.cit. App.M. op.cit. p 153.
5. Colvin R. De Silva. Ceylon under the British occupation 1795-1833. 1st ed. (1942. Obo.) Vol.II. p 383.

They could only resort to the tedious process of the District Courts (from 1845 the Police Courts) for action against defaulters. "[Large] arrears accumulated".[1] Whether from this reason, from a desire for uniformity,[2] or because of opposition from the people, the system was not continued for long in the Southern and Western Provinces, and even the Kandyan districts of Kegalla and Sabaragamuwa gave it up by 1852-53.[3]

Officialdom, nevertheless, continued to favour this method of collection and wished to get rid of the renting system. In Ward's time a Commutation Ordinance was actually drafted with the aim of establishing commutation throughout Ceylon but on the permissive principle.[4] It was not followed up. Exactly the same thing happened in 1863-64. Government found the step "beset with difficulties which required consideration" and it was postponed.[5] In the first place "the Natives had almost unanimously reported against it"; it had been tried out in some sub-districts in the Western Province and failed.[6] Secondly, as Morgan argued, it was

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1. Tropical Agriculturist. Vol.37 (Sept 1911.) op.cit. p 226; Vol.38 (Jan 1912.) p 23. [There were always large arrears in Trincomalee district. - CO 54/435. Robinson - Buckingham & Chandos. 11 June 1868. Encl. Birch - Col.Sec. 113. 8 April 1868.]

2. Layard, G.A. Western Province was criticised by Birch for retaining the renting system in the Kandyan districts of the Province just because it prevailed in the coastal areas. 1864 Blue Book Reports. op.cit. Encl. in Encl.7. [1864 Admin. Report. Sabaragamuwa. Birch. 30 March 1865. p 141.]

3. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 21. p 18. CO 54/381. MacCarthy - Newcastle. 200. 20 Nov 1863.

4. CO 57/22. Executive Council Minutes. 7 Aug 1856. 1856 Blue Book Reports. Ward - Labouchere. 135. 25 July 1857. p 278, which also speaks of "valid objections" being raised.

5. CO 54/392. O'Brien - Cardwell. 200. 30 Aug 1864. Encl. "Ceylon Times". Extraordinary Supplement. 22 Aug 1864 [reporting on the Legislative Council debates of 20 Aug. Alwis', Morgan's and Layard's speeches.] Governor's Addresses. Vol.II. O'Brien. 13 Jan 1864. [The unofficial Councillors seem to have been kept in the dark or kept themselves in the dark as to what was going on.]

6. CO 54/392. O'Brien - Cardwell. 200. 30 Aug 1864. Encl. "Ceylon Times" ... [Morgan's & Layard's speeches.]

and Central Province. Braybrooke. 23 June 1868. p 23.] Note that there always was an "official value" for grain with regard to the whole island. In 1862 that for paddy had been raised 1s. to 3s. per bushel. [1862 Blue Book Reports. MacCarthy - Newcastle. 141. 20 Aug 1863. p 139.]

> impossible to make a general law on the point which would be equitable in each Province - since their circumstances were vastly different.1

Thirdly, the "want of Surveyors rendered it difficult to learn when grain crops were on private and when on Crown lands".2 What is more, a few officials like Morphew and O'Grady expressed doubts over the advantages of the system over the renting system both from the cultivator's and Government's points of view. The consensus of official opinion, however, was strongly in favour of commutation.[3]

Before analysing the arguments for and against it, one must notice several changes affecting its operation which occurred in the mid-1860's. By this time the payment in kind and the remission for prompt payment had been done away with.[4] In 1864 the rate of commutation was doubled throughout the Central Province on the ground that the market price of paddy had risen considerably in the Central Highlands since the last rate had been fixed.[5] At the same time assessors carried out new appraisements

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1. CO 54/392. O'Brien - Cardwell. 200. 30 Aug 1864. Encl. "Ceylon Times". [Morgan's speech.]
2. Ibid. [Layard's speech.]
3. A.M. Ferguson. The Ceylon Directory. (1863. Obo.) p 87. 1862 Blue Book Reports. MacCarthy - Newcastle. 141 ... Encl.7. [1862 Admin. Report. Batticoloa.] Morphew. 20 Feb 1863. p 176. 1864 Blue Book Reports. Robinson - Cardwell. 134 ... Encls. [1864 Admin. Reports from Sabaragamuwa & Kegalla. Birch and Saunders. 30 March and 20 Feb 1865. resp.] pp 141, 133.
4. A.C. Brodie. "Topographical and Statistical Account of the District of Nooweraka1awiya [sic]" J.R.A.S. CB. (1856-58.) p 178 (?). H. White. Manual of the Province of Uva. (1893. Obo.) App.M. [Fisher's Account] op.cit. 14 Jan 1890. pp 153-4. [The remissions seem to have been dropped in 1852 and 1861. The money payments seem to have been insisted on in the late 1830's or early 1840's.]
5. Tropical Agriculturist. Vol.37. (Dec 1911.) G. Elliott. op.cit. pp 105-6. In the districts with cart roads and access to markets, the rates were raised from the existing 1s..4d. to 2s.8d., but in "all other" districts they were fixed at rates varying from 1s.4d. to 2s. per bushel of paddy. According to Braybrooke, they were "in every case below the market price" of Paddy in the locality and, except in Badulla, were "most gladly accepted" by the people. [1867 Admin. Reports. Kandy district

and all newly asweddumised lands were assessed as well, "an excess of one-fifth being allowed for errors in computation".[1] Officials expected the land revenue to be "120 per cent" or double that of previous years, and they were not disappointed.[2] The Assistant Government Agent of Badulla, however, considered the rates excessive and under his inspiration the people refused to commute. After a year of renting and under a different A.G.A. the people accepted a commutation settlement.[3] Elsewhere the change seems to have been accepted and of Matale Sharpe said:

> The people are generally sensible of the incalculable benefits of the commuting system and were willing, nay eager, to sign the agreement.4

As we have seen, the Civil Courts were considered a cumbersome mode of dealing with defaulters and with this increase in rates "

> a more ready method of enforcing payment was rendered necessary and the Ordinance 57 [sic] of 1866 was passed giving Government Agents power of summary distraint and sale of land in default and of such moveable property as may be on the land in respect of which the tax was due.5

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1. CO 57/25. Executive Council Minutes. 26 Sept 1841.
2. 1864 Blue Book Reports. Robinson - Cardwell. 134 ... Encl. [1864 Admin. Report. Kandy district and Central Province.] F.B. Templer. 26 Aug 1865. p 158.
   CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865. Encl. [1864 Admin. Report. Matale. Sharpe. n.d.]
3. Ibid. Encl. [1864 Admin. Report. Badulla.] W.W. Hume. 11 May 1865.
   H. White. op.cit. App.H. [Fisher's Account.] op.cit. pp 152-4.
   1867 Admin. Reports. Kandy District and Central Province. Braybrooke. 23 June 1868. p 23.
   [The A.G.A. seems to have been either Mooyart or Hume.]
4. CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865. Encl. [1864 Admin. Report. Matale.] Sharpe. n.d.
5. Tropical Agriculturist. Vol.38. (Jan 1912.) E. Elliott op.cit. p 23. [Ordinance 5 not 57.]

6. C.1202. "Colombo Observer". 5 Nov 1866. Report on proceedings of the Legislative Council. 3 Nov 1866. [Gibson's speech.]
7. CO 54/457. Robinson - Granville. 184. 17 Aug 1870. Encl.4 Minute by ... Morgan. 2 July 1870. pp 29-30.

thus using a method already prescribed for defaulters under the Road Ordinance.1 These two changes were of great significance, making the system harsher and more efficient. Along with these changes the system was extended administratively (on the voluntary principle) though not legislatively.[2]

While there was considerable criticism of the paddy tax and its principle by some unofficials in the 1860's - it was said, for instance, that commutation was "intended to gild a bitter pill" - the criticism was largely levelled at the evils of the renting system,[3] and, with the exception of a few perceptive men,[4] most critics believed that the commutation system was unobjectionable.[5] They even kept asking for commutation to be established by Ordinance, but Government informed them that they had "no intention of proceeding to any legislation" as it could be extended administratively without legislation.[6] The Queen's Advocate too continued to press for an Ordinance[7] but without success.

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1. CO 54/416. Robinson - Buckingham. 244. 30 Oct 1866. When this provision was re-enacted in the "Grants-in-Aid" Ordinance it was queried as "very stringent" by the Law Adviser (Holland) in the Colonial Office; Rogers answered that it was "uncommon in Colonial Legislatures to make land seizable for non-payment of rates charged in respect of it". [CO 54/417. Robinson - Carnarvon. 304. 24 Dec 1866. Minute by Holland. 20 Feb 1867; by Rogers 21 Feb 1867.]

2. CO 54/434. Robinson - Buckingham & Chandos. 114. 23 May 1868. pp 43-5. By 1870 commutation provided over two-fifths of the land revenue as against the one-fifth it provided in 1860. [A.M. and J. Ferguson. Taxation in Ceylon. (1890. Cbo.) Part II. [Article from the "Ceylon Observer". 19 Dec 1876.] p 75.]

3. C.1210. "The Examiner". 5 Aug 1863.
Ibid. 21 Sept 1867. Report of the Sub-Committee of the Ceylon Agricultural Society. Sept 1867.
"Speculum". Ceylon: Her Present Condition. (1868. Cbo.) pp 41-5.

4. C.1210. "The Examiner". 29 Jan 1868. Letter to editor from "A Taxpayer" (from Kegalla). 25 Jan 1868.

5. Ibid. 21 Sept 1867. Report of the Sub-Committee of the Ceylon Agricultural Society. Sept 1867.
"Speculum". Ceylon: Her Present Condition. (1868. Cbo.) p 45
CO 54/392. O'Brien - Cardwell. 200. 30 Aug 1864. Encl. "Ceylon Times". Extraordinary Supplement. 22 Aug 1864. Report on debates in Legislative Council. [Alwis' speech.] [People like Wall and the Fergusons soon changed their views on this point. A.M. and J. Ferguson, Taxation in Ceylon. (1890. Cbo.) Part II. "The Grain Taxes in Ceylon" [meeting of the Planter's Association. 12 July 1879 - a corrected report.] p 28.]

The impracticability of an Ordinance points to one of the greatest dangers of the commutation system of this period in a land where climate - whether too little rain or too much rain at the wrong time, a lack of seed paddy, a scarcity of buffaloes or unforeseen circumstances could prevent cultivation altogether or ruin a crop: namely, the strong possibility of default and eviction from the land. The "hard and fast line" of commutation was far from comforting.[1] It is true, however, that "the practice" was for Agents to postpone collection of the tax in bad years until the years following.[2] But the Sinhalese peasants were not thrifty by nature and some were so well aware of it that they refused commutation. It is also said that the pressure of the commutation system was the greater because some Agents allowed arrears to accumulate for one reason or another and confronted the cultivators with a demand for a lump sum.[3] The larger landowners were far from pleased because the system embraced within its indiscriminatory appraisement portions of their land which they were accustomed to leave uncultivated[4]; presumably, peasants allowing one-third of their land to lie fallow under the "three-shift system"[5] were under the same disadvantage. It is said that some cultivators could only save their lands by going to the moneylender. "The unfortunate cultivator [was] therefore

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1. A.M. & E. Ferguson. Taxation in Ceylon. (1890. Cbo.) Part II. [Debates in the Legislative Council. Dec 1876.] pp 15-17.
   R.F.C. J. Caulfield [G.A. North-Western Province.] - Col.Sec. 6 Oct 1846. p 136.
   S.P. XVI of 1877. op.cit. Resumé of Answers. Q's 17 & 18. p 17; and App.I. No.22. F.B. Templer. G.A. Southern Province. 16 April 1877. p xl.
2. 1864 Blue Book Reports. ... Encl. [1864 Admin. Report. Jaffna District and Northern Province.] Dyke. July 1865. p 148.
   1867 Admin. Reports. Nuwarakalawiya. Paterson. 17 March 1868. p 94.
3. C.1210. "The Examiner". 29 Jan 1868. Letter to editor from "A Taxpayer" (from Kegalla.) 25 Jan 1868.
4. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 17. p 17.
5. C.G.A. Lot 41/174. R.W.T. Morris - Dyke. 61. 10 July 1861.

reduced to beggary which he [attributed] to commutation".[1] The system might have meant good profits in good years but could have disastrous results in bad years. There was far greater danger of default than under the flexible renting system; and after 1866 Government was armed with a better weapon to distrain lands and property. Some seizures were made, though they appear to have been few.[2] There were officials such as Fisher who did not "press the people too heavily for successive years' debts" and did not distrain the lands.[3] There were others such as Williams who did so even though in "some cases no crop whatever [had] been obtained from fields" - and found to his annoyance that it was "impossible to recover the money in some instances [as no one came] forward to buy the fields". Williams' whole approach was bureaucratic:

> I do not think this can occur again; a small disturbing influence like a grain of sand amongst the machinery of Government will have been got rid of, and the wheels will move smoothly, free from jar or obstruction.[4]

The people were partially to blame. Some commuted lands which they well knew to be incapable of regular crops simply because they believed entry in the commutation register would secure their title to them; so much so that Government in the 1860's stipulated that such entries were not an acknowledgement of titles.[5] As we have seen, officials did consider these registers useful indices to ownership and it is not surprising that people built on this idea.

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1. S.P. XVI of 1877. op.cit. App.I. No.72. W. O'Grady. [G.A. Eastern Province.] n.d. p cii.

2. 1872 Admin. Reports. Sabaragamuwa. E.N. Atherton. Acting G.A. 31 March 1873. p 28 - reports 316 evictions, with more likely to follow. [no wonder Sabaragamuwa refused to commute the next time.]
S.P. XVI of 1877. op.cit. App.I. No.72. O'Grady. p cii.
1870 Admin. Reports. Matale. Williams. A.G.A. 27 June 1871. p 57 - in this case they were said to be "few and far between".

3. Ibid. Nuwara Eliya. F.C. Fisher. A.G.A. 7 July 1871. p 61.

4. Ibid. Matale. Williams. p 57.

5. H. White. Manual of the Province of Uva. (1893. Obo.) App.M. [Fisher's Account.] p 153.

The dangers of the commutation system in vogue were increased by the demand for payment in cash. Evidence that peasants preferred payment in kind is overwhelming.[1] Money payments among unthrifty peasants only spelt trouble. The renting system was far safer in this respect. Nor did it necessitate the burden of transporting the crop to market.[2] Such dangers in the commutation system led several officials to regard it with disfavour by the mid-1870's. To quote R.W.T.Morris:

> In every respect ... I prefer the renting system except for the trouble it gives in the collection. The people are accustomed to it. Practically the system works smoothly though it is made the subject of sensational abuse. It affords a protection against the moneylender. 3

But he also regarded it as leading to deception and tending "to deteriorate" a "native", whom he considered naturally "grasping", and went on to reveal that, like Morphew, he opposed the commutation system partly because it brought less revenue than renting.[4]

It should, however, be remembered that commutation was entirely optional and that occasion for default would only occur with failure of the crops and failure to pay the amount of tax due. The latter depended on two factors: the amount for which a plot was assessed and the rate of commutation. Assessments in the Central Province were made by the Agents and headmen commissioned for the task; while the whole extent of paddy land was assessed, the average crop over a series of years seems to have been the guiding factor. According to Adams,

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1. S.P. XVI of 1877. op.cit. App.1. No.22. F.C. Fisher. p lxix; No.45. D.M. Rosairo. Mudaliyar of Kalpitiya. n.d. p lxxvii. S.P. 11 of 1872. Reports on the Working of the Paddy Cultivation Ordinance. (No.21 of 1867.) passim.

2. A.M. and J. Ferguson. op.cit. App. No.VIII. From the "Ceylon Observer." 27 Aug 1869. p xlvi.

3. S.P. XVI of 1877. op.cit. App.1. No.78. "Observations on some of the queries ..." R.W.T. Morris. 10 Oct 1877. p cviii. [But several Agents continued to favour it strongly.]

4. Idem.
1862 Blue Book Reports. MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. 1862 Admin Reports. Batticoloa.] Morphew. 20 Feb 1863. p 176.

> the object was to make an assessment which, while being fair to the Government, would yet be low enough to make it the interest of the people to commute and to allow them a fair margin for bad years. 1

and according to Morphew they tried "to avoid any semblance of harshness or any approach to extortion".[2] There is every indication that the pitch of assessment was low. As the Grain Tax Commission found,

> [it appeared] generally that it [was] not the high assessment of the outturn of the crops that [was] cried out against, but the high money value levied. [i.e. the rate of commutation].3

The rate of commutation was necessarily variable and seems to have been moderate at the outset, and districts under long-term settlements, such a Badulla, must have profited greatly. By the mid-1860's the rate varied from 1s.8d. to 2s.6d. per bushel of paddy in the Central Province, but in outlying districts like Nuwarakalawiya it was 8d. Kegalla and Sabaragamuwa were commuted for at 2s.6d. per bushel in 1868-69.[4] While it is said that during the collection of the tax "every allowance [was] made for the improvident character of the people"[5] and there appear to be other signs of moderation in policy and practice, the rate of commutation seems questionable. Government's defence was that rates below or on par with the market price were fair and that

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1. 1869 Admin. Reports. Batticoloa. Adams. A.G.A. 22 Jan 1869. pp 190-91. [Orders sent out in 1863 when an Ordinance was under discussion stipulated that "appraisement" must be "fair". C.G.A. Lot 41/174. Flanderka - G.A. Jaffna. 41. 4 Sept 1863.]
2. 1862 Blue Book Reports ... Encl.7 [1862 Admin. Report. Batticoloa. 20 Feb 1863. Morphew. p 176. But, as he added, "with the very best of intentions on the part of those who make the assessment it [could] not be based on any very exact calculation and many [would] pay less while a few perhaps [might] pay more than is quite equitable, [though] the latter instances [were] very rare".
3. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 18. pp 19-20. [Inevitably revenue-conscious Agents thought them too low. Ibid. App.I. No.78. Morris. p cviii.]
4. S.P. XVI of 1877. op.cit. App.VI. 1869 Admin. Reports. Nuwarakalawiya. L. Liesching. A.G.A. 2 April 1870. p 105 [raised to 10d. in 1868.]
5. 1870 Admin. Reports. Sabaragamuwa. Saunders. A.G.A. n.d. p 25.

they should be increased from time to time in proportion to the increases in this price. But commutation, as The Examiner pointed out, was a fixed rate which had to bear bad seasons and should not have been on par with the market price.[1] As did occur moreover, the market price could well decrease during the course of an agreement.[2] But most salient is the argument of several officials in the 1880's - that most cultivators consumed the paddy they grew and little or none was taken to market and, hence, that the comparison with the market price was fictitious.[3] In any case, the Grain Tax Commission found that the high rate of commutation was one of the "principal objections made by cultivators".[4]

It was claimed that even the higher rates of the mid-1860's were "gladly accepted" by the people.[5] Russell would seem to deny this when he stated that his enquiries did not "entirely confirm Mr. Braybrooke's opinion", and that the people looked on the rates "as very high".[6] Massie stated that the

> commutation system [was] not acceptable - [a] great deal of persuasion [being] needed even in the Central Province to induce people to commute.7

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1. C.1210. "The Examiner". 12 Oct 1867.
2. 1871 Admin. Reports. Kandy District and Central Province. Russell. 23 March 1872. p 41.
3. Tropical Agriculturist. Vol.37 (Dec 1911.) E. Elliott. op.cit. pp 506. The officials were Fisher, Le Mesurier and Christie.
4. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 17. p 19.
5. 1867 Admin. Reports. Kandy District and Central Province. Braybrooke. G.A. 23 June 1868.
6. 1871 Admin. Reports. Kandy District and Central Province. Russell. G.A. 23 March 1872. pp 36, 41.
7. S.P. XVI of 1877. op.cit. App.I. No.34. R. Massie. A.G.A. Mannar. 3 April 1877. p lxi.

It is certain that the Agents did use their powers of persuasion to full effect.[1] But it is also patent that the commutation system was acceptable. Russell himself effected a new commutation agreement to popular satisfaction in the year 1872 largely on the foundation of that of 1864, though there were some cases where relief was given to fields "manifestly ... overtaxed".[2] There are many other official opinions that the 1864 agreement was acceptable.[3] There are as many from headmen reporting in favour of the commutation system and it is not surprising that the Grain Tax Commission concluded that "where commutation [prevailed] it [seemed] generally approved of".[4]

This suggests that perhaps commutation was not intolerable for the mass of the people. There were several peculiar reasons why this may have been the case. As we have seen, many persisted in regarding entry in the commutation register as a valuable record of ownership that would aid them in land disputes. Secondly, a factor peculiar to the Central Province was the implication of the redemptions under the 1835 scheme. In some instances it would seem that portions of redeemed mudland were cultivated together with the taxed. Under the alternative mode of collection by farming it out or any method involving payment in kind this could be troublesome.[5] Payment in cash was more convenient in

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1. S.P. XVI of 1877. op.cit. App.I. No.72. O'Grady [G.A. Eastern Province.] p cii. [referring to Birch in 1868.] CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865. Encl. [1864 Admin. Report. Matale. Sharpe.] n.d.
2. 1871 Admin. Reports. Kandy District and Central Province. Russell. G.A. 25 June 1868.
3. 1868 Admin. Reports. Nuwara Eliya (G. Liesching). Sabaragamuwa (Saunders) Kegalla (Worthington) pp 53, 21, 32 resp.). 1871 Admin. Reports. Nuwara Eliya. Fisher. Acting G.A. 8 June 1872. p 62.
4. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 18. p 17. Ibid. App.I. No's 61, 65, 74, 76 [Answers] from Nugawela [Ratemahatmaya of Harrispattuwa], G. Banda [Ratemahatmaya], J.A.G. Bambukpotha [Ratemahatmaya,] Dickwelle [Acting Ratemahatmaya of Yatakinda] pp xciii, xcvi, cii, cv. resp.
5. Ibid. App.I. No's 58 and 61. [Answers from M.B. Nugawela, Ratemahatmaya of Udunuwara, and Nugawela, Ratemahatmaya of Harrispattuwa.]

such cases. Thirdly, acceptance of commutation must be considered in the light of the alternatives available. To the people of some districts the renting system was highly distasteful.

> Considering the oppressive and pernicious system pursued by renters the landowners [chose] commutation as the lesser of two evils.1

This applied with particular force to the Kandyan districts where, as we have seen, the renting system was novel and where the renters were, as likely as not, Low-countrymen. It is not surprising that the Kandyans considered the system so "hateful" that they were willing to commute their lands for sums beyond a safe margin.[2] Moreover, in those parts of the Central Highlands where there were plantations, "native coffee" and attendant benefits loose money was in circulation (whether much more than in the coastal strips of the South-West is uncertain). The relative prosperity of these areas, generally, enabled them to bear the commuted paddy tax of the 1860's and 1870's even though it was high. As so many stated, the tax on paddy lands was "paid out of the small incomes got from coffee, cocoanut and vegetable gardens".[3] Thus it was that Edward Elliott argued that

> the increase in the tax [in 1864] was the deliberate and well considered action of Government and in accordance with precedent and practice elsewhere and justified by the prevailing prosperity of the people, who though they did not perhaps sell very much of their paddy, got a good market for their straw.4

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1. S.P. XVI of 1877. op.cit. App.I. No.2 [Answers] from J. Crowther Esq. Batticoloa. 15 March 1877. p iv.
   Also see C.C.A. "Colombo Observer". 2 March 1857. [A letter from Batticoloa. 24 Feb 1857.]
2. 1871 Admin. Reports. Kandy District and Central Province. Russell. 23 March 1872. p 41.
   In Badulla one year's experience of the renting system sufficed to make the people revert to a commutation settlement they had refused a year earlier. [supra. p 375].
3. S.P. XVI of 1877. op.cit. No. I. No.60. [Answers] from Paranagama, Ratemahatmaya. p xcvii. [see also supra. pp 332.]
4. Tropical Agriculturist. Vol.37 (Dec 1911.) E. Elliott. op.cit. p 505.

## III. Appraisal

Plantations are often regarded as the chief medium by which a money economy was introduced into much of Ceylon and the Central Highlands in particular. But the commutation system deserves almost as much attention in this respect. Indeed, so far as such regions as Nuwarakalawiya, Batticoloa and Jaffna went it must have been the principal medium for they had no plantations (excepting some coconut plantations in the latter two districts) and commutation prevailed in them throughout the period under review. The inducements offered by Turnour to commute in cash rather than in kind reveal that it was one of the conscious designs of this system to further the use of money;[1] and it was not long before money was made the sole method of payment under commutation. This compares with Burma where officials disliked payment in kind and a barter economy because it "conflicted with liberal canons of taxation and with practical convenience" and where the use of money "was encouraged by the collection of revenue in money and, still more effectively though indirectly, by the importation of goods that the people liked to buy".[2] It is easy to criticise this policy. The unsophisticated cultivators of the interior were brought too suddenly into the orbit of a new economic world with its money transactions and its law of contract. The situation called for the wisdom of a Gordon whose system of taxation in kind in Fiji was adopted as "complementary to his plans for preserving, as far as possible, the essential characteristics of native society" and was

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1. A writer of the time suggested the levying of a land-tax in money in the Kandyan Provinces so as to force a greater use of it. CO 59/1. "Colombo Journal". 25 Jan 1832. Letter from "Timon". 17 Jan 1832. p 30.

2. Furnivall. Colonial Policy and Practice. (1956. New York.) pp 33, 51.

designed to stimulate the industry of the Fijians and to train them in Western forms of economic relations rather than forcing them "to enter the hard school of experience through the usual route of engagement in wage labour or through a money tax".[1] But there were few Gordons. In Upper Burma of the late nineteenth century the "British revenue system was a potent factor in the disintegration of the village".[2] In Burma as a whole,

> [under] British rule, the cultivator was encouraged to borrow and to spend money, and deprived of the customary protection against borrowing and spending it unwisely, which he was only too prone to do under the temptations of "attractive foreign novelties".[3]

When taken together with individual rights in land in a situation where land had become more valuable and sought after, it could be said that the people of Burma and India were led into the hands of moneylenders and bound to them "in chains firmly rivetted by western law".[4] The shortcomings of such a policy in Ceylon, therefore, were essentially a weakness in the thinking of the Liberal Age.

Money payment apart, the commutation system implemented at this time had other shortcomings. These were not quite evident at the outset when the tax was low or moderate and Government lacked machinery for dealing summarily with defaulters. But Government tended to raise the rate of commutation, and even perhaps the assessments, as new settlements were made.[5] There is

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1. J.D. Legge. Britain in Fiji 1858-1880. (1958. Lon.) pp 232, 238-9.
2. Furnivall. op.cit. p 107.
3. Ibid. pp.114-5.
4. Ibid. p.214.
   P. Moon. Strangers in India. (1944. Lon.) pp 33-4.
5. "Jus". The Grain Tax or Native Distress in Ceylon. (1889. Obo.) pp 6-8, speaks of an increase of 200 per cent in the tax, but see Elliott's views [supra. p 371 ]. "Jus" has got several dates and facts wrong and is not a reliable source but we have seen that Government did raise the rates.

no ground for assuming that this was the ultimate intention of those who originated the idea of a commutation system. It seems to have grown with the rise in market prices and the increasing prosperity of the people. It was a common feature of land-revenue policy in India. But it was dubious policy in circumstances where the producers took little paddy to market and relied on other crops to pay the tax imposed on them. The very fact that Kandyans paid the tax from other sources of income suggests that it was pitched too high. The implications were the greater after 1865 because Government could use Ordinance 5 to distrain on the property of defaulters. Hence a few were evicted from their land or some of their land. But general prosperity and "native coffee" in particular enabled the majority of Kandyans to tide over the demands of paddy tax and other demands such as the Road Tax. It was largely with the decline of the coffee industry by the 1880's that the pinch became sharper - with its consequences in landlessness, rootlessness and pauperization.[1] Critics of the time were quick to point out that commutation meant a tax on the gross produce and on the land.[2] The system admitted of improvement. The tax levied could have been less. The option of payment in kind could have been retained. Greater flexibility could have been gained by a commutation on the crop rather than on the land. Greater experience did, in fact, lead Government to decide on these improvements in 1878 (when they were implemented only in some areas and very gradually).[3]

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1. C.S. Salmon. The Grain Tax in Ceylon. (1890. Lon.) pp 7-8. [Extracts from Fisher's Admin. Report for Uva. 1886.]
   A.M. and J. Ferguson. Taxation in Ceylon. (1890. Cbo.) pp 40, 60-61, App. pp vi, xii-lviii. [The degree of landlessness etc. is uncertain. It was confined to a few districts]

2. C.S. Salmon. The Grain Tax in Ceylon. (1890. Lon.) pp 7-8. [Extracts from Fisher's Admin. Report for Uva. 1886.]

3. A.M. and J. Ferguson. Taxation in Ceylon. (1890. Cbo.) App. pp 1-lviii.
   C.S. Salmon. The Crown Colonies of Great Britain. (1886. Lon) pp 140-42 describing the Grain Tax Ordinance of 1878.

If all this suggests that the commutation system at this time was worse than the renting system, this is simply because the possibility of eviction is considered worse than the possibility of extortion. The effects in practice would hinge on which was the more prevalent. It would seem that under the lower rates of the 1840's and 1850's and before Ordinance 5 of 1866, commutation held lesser terrors in practice, though some districts did not think so; there are insufficient statistics to reach a conclusion either way. In any event it was a choice between two evils.

The practical evils of the renting system were readily acknowledged, and even overdrawn, by officials. Government's answer was to move towards a different system - to make commutation island-wide. Ward, and then MacCarthy, found that this could not be done. Yet throughout the 1860's Government continued to hope for general commutation, at the same time doing absolutely nothing to amend Ordinance 14 of 1840 and otherwise improve the working of the renting system. This failure is hard to excuse.

Such criticism pertains to the modes of collection. But the very existence of a paddy tax can be called into question - particularly in the light of the precarious and unremunerative nature of rice cultivation, a fact known to contemporaries by the 1860's,[1] if not earlier. The existence of both paddy tax and import duty on rice had, indeed, been questioned by Colebrooke, and by others in the succeeding decades. While agreeing with this criticism, Colombo retained these taxes solely because of the needs of revenue for public works; and the Colonial Office, with its usual pragmatism followed this lead. The justification

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1. CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865. Encl. [1864 Admin. Report. Matara.] C. Liesching. 7 Feb 1865. Ludovici. Rice Cultivation. (1867. Cbo.) pp 126-9. A.M. Ferguson. The Ceylon Directory for 1866-68. (1868. Cbo.) pp 191-4 quoting C.P. Layard.

was cogent enough. But the assumption behind it that there were no alternative sources of revenue may be questioned. A land tax was not a practicable alternative and would have been even more distasteful, but Government failed to look further. Coffee could have born an export duty.[1] What Salisbury said of India in his famous minute of 1875 is apposite here:

> it is not in itself a thrifty policy to draw the mass of revenue from the rural districts where capital is scarce, sparing the towns where it is often redundant and runs to waste; ... as [the country] must be bled, the lancet should be directed to those parts where the blood is congested, or at least sufficient, not to those which are already feeble from want of it.2

But coming from a country where the ruling class were thrifty in taxing themselves, the officials could hardly be expected, in Ceylon, to direct "the lancet" on the coffee planters and the emergent local moneyed-class.

Again the defenders of the paddy tax erred in taking the import duty and paddy tax together and in regarding the abolition of the latter and the retention of the duty as protective in its effects.[3] They could well have shifted ground and stated that the paddy tax alone brought roughly £80,000-110,000 (in the late 1860's) and could not be jettisoned without harming the public

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1. James Stewart was critical of the fact that "the producers and exporters of produce" were inadequately taxed in Ceylon. [Notes on Ceylon and its affairs. (1862. Lon.) p 75.] There was an export duty until 1848 when it was abolished during the depression. In 1857 export duties were established to finance the railway and abolished by 1869-70 once the debt was met. Once the paddy tax was done away with, a moderate water-rate on fields benefiting from irrigation works would have been justifiable and would have been an useful aid in financing irrigation works. One or two officials also felt that the coffee interest could afford to pay more.- S.P. XVI of 1877. op.cit. App.I. No's 17 (C.H. Cameron) and 23 (A.A. King) pp xxvii, xlvii.
2. Bhatia. Famines in India. (1963. New Delhi.) p 23.
3. Later, critics even argued that "there [was] no economic relation between the two and [that] no economic principle would be violated by the abolition of the one and the retention of the other. [Ceylon National Association. Report of the Special Committee on the Grain Tax. (1890. Obo.) p 4.] Free Traders would not have agreed with this view - but it is true that in practice relatively little of home-grown paddy entered the market.

works programme which included at this time many irrigation works as well as 'unreproductive' social expenditure on hospitals and the like. The case for abolition or reduction of the paddy tax would rest on whether one considered the evils outweighed the benefits of these public works, a very difficult question to answer. Many abolitionists argued that a direct tax on the land retarded increase in production - particularly in the case of a discriminatory tax which would "[fall] exclusively or most heavily on paddy".[1] Some local opinion, including several landlords, believed this so and also attributed the "unsatisfactory state" of rice cultivation to this tax and its consequences.[2] Some officials would seem to deny this.

> I do not admit that the tythe or rent charge has tended to interfere with the cultivation of rice

said the Colonial Secretary of 1870; while Governor Longden believed that "these taxes" did not "either affect trade or cultivation to any appreciable extent" - and instances were cited in proof of this contention.[3] It is difficult to believe that this contention was generally true. Dr. Mukherjee has found that in Madras under the ryotwari system high assessments prevented both the improvement and the extension of cultivation.[4]

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1. Supra. p 347.

2. C.1210. "The Examiner". 21 Sept 1867. Report of the Sub-Committee of the Agricultural Society. Sept 1867.
C.1202. "Colombo Observer". 8 Nov 1866. Letter to editor from "A Liberal Conservative".

3. A.M. and J. Ferguson. Taxation in Ceylon. (1890. Obo.) Memo by A.N. Birch. 7 May 1870. App. pp xc, xci; Ferguson quoting Longden, p 23; Letter from "Backwoodsman" [W.A.Swan] pp 140-41.
P.P.C. C.R. Buller - Col.Sec. 577. Sept 1846. p 134. This was associated with the view that the paddy tax was "a stimulus to action" [Cf. Madras in the time of Munro. The authorities believed high assessment would lead to improved cultivation. N. Mukherjee. The Ryotwari System in Madras. 1792-1827. (1962. Calcutta.) p 255.]

4. N. Mukherjee. The Ryotwari System in Madras 1792-1827. (1962. Calcutta.) pp 255, 259, 264-5, 269, 278-9.

In Ceylon, to use Wall 's words

> [the] paddy tax [precluded] the possibility of creating capital in any but the best and most productive districts where no want [existed] and where advocates of the paddy tax [pointed to] to prove that the tax [was] not oppressive.1

The truth was that in Ceylon "paddy cultivation, save in exceptional cases [did] not leave any margin for profit or taxation".[2] As we have seen, in several districts the rice crops were insufficient for a peasant's needs and he had to "eke it out by chenaing".[3] As Wall put it,

> [to] all but the small portion of well-to-do villagers in the favored districts the difference between a good and a bad crop [of paddy determined] only whether the growers and their families [had] a more or less scanty supply of food or whether they [had] to eke out their more than usually deficient diet [from other sources].4

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1. G. Wall. The Grain Tax in Ceylon. (1890. Cbo.) p 33. Wall was prone to exaggeration and his evidence must be viewed with circumspection.

2. Ceylon National Association. Report of the Special Committee on the Grain Tax. (1890. Cbo.) p 7.
On Ludovici's calculations it cost 31s. to cultivate an acre and after deductions for seed paddy, paddy tax etc. from the average yield of twenty bhls a peasant would have been left with 6s.6d.; and in his opinion whatever the price of the land paddy cultivation "scarcely if ever [gave] more than 6% interest on the outlay". [Rice Cultivation. (1867. Cbo.) pp 127-9.] An official, Lee, calculated that a tenant cultivator would have nineteen/fourtieths of a twelve-fold crop for himself, an owner-cultivator nineteenth/thirtieths ... [S.P. XVI of 1877. op.cit. App.I. No.14. 2 April 1877. pp xvi-vii.] Others like "Speculum" and Le Mesurier have also attempted the difficult task of working out a peasant's profits on a money basis. Elliott picked out errors in the Layard-Ludovivi views and believed the opposite [E. Elliott. "Rice Cultivation under Irrigation in Ceylon". J.R.A.S. CB (1885.) pp 160-70.] but, as he points out later, conditions varied "so largely even in the same locality" that it is useless trying to "reduce to its money equivalent the outlay in labour and kind"; while recognition has to be accorded to "compatible contemporaneous pursuits" of the paddy growers". [Tropical Agriculturist. Vol.42. (May 1914). E. Elliott. op.cit. p 381]

3. 1868 Admin. Reports. Nuwara Eliya. C. Liesching. 29 April 1869. p 50. See Supra. pp 292-93.

4. G. Wall. The Grain Tax of Ceylon. (1890. Cbo.) p 19.

In effect, it seems to have been a tax on "the producer" and not on"the consumer".[1] It taxed the peasant's capital.[2] It left him with little or no reserve. It often compelled the cultivator to sell his paddy "far below its price while he [was] pressed for money to pay the tax".[3] It was on the pressure of this tax and the want of capital that some witnesses before the Grain Tax Commission blamed the non-cultivation of certain lands.[4] Even if Hall's picture is overdrawn, it cannot be doubted that it contributed to peasant indebtedness and undernourishment[5] - both of which existed by 1870, though the extent and degree is uncertain.

In many cases, then, the paddy tax had a pernicious influence. On top of this, the peasants of some districts faced the extortions and vexations of the renting system and those of other districts the pressure of a commuted tax payable in money and under the threat of distrainment for default. Compared with the Indian peasant they had to pay only one-tenth of the crop on their own lands - and this surprised the Madras Government[6] and also led Strachey to remark that, while in India Government was liable to go beyond the safe margin and demand too much, the existing "demand of Government in Ceylon ... [involved] no such risk".[7] This was a superficial, if a natural, view. The

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1. Ludovici. Rice Cultivation. (1867. Cbo.) pp 125-6.

2. Idem.
"Government, in taking from one-tenth to one-fourth the gross produce from the people, takes the lion's share and more of the profit, if profit there can be ..." said the "Colombo Observer". [C.1202. Supplement. 18 July 1864.]

3. Ceylon National Association. op.cit. p 6.
Under the renting system in Matara, the best sums offered to Government were in years of scarcity if we are to rely on L. Liesching [CO 54/404. Robinson - Cardwell. 134. 16 Sept 1865. Encl. [1864 Admin. Report. Matara. 7 Feb 1865.]]

4. S.P. XVI of 1877. op.cit. Resumé of Answers. Q 3. p 14.

5. Hall. op.cit. pp 4-5, 12-15, 19, 29-30, 33. He admits that there were "considerable districts" in which the people were "fairly well to do" and one is led to gather that this meant all areas in the Wet Zone and those in the neighbourhood of plantations [p 13]. This would exclude a good segment of the population.

6. CO 54/182. Mackenzie - Russell. 185. 9 Dec 1840. Encl. in Encl. Revnue Board Office, Fort St. George - Chief Sec. to the Govt. of India. 285. 3 Aug 1840.

7. CO 882/1. No.1. Memo on the Land Revenue of Ceylon. 29 April 1847. p 5.

comparison hinges on the question of yields per acre. We have already seen that in Ceylon the yields remain "among the lowest in the world". Yields are usually taken according to the quantity of seed sown per acre and this "[varied] from 3½ bushels (in Batticoloa) to 2 bushels (in the Central Province) and even less in other parts of the island".[1] The average yield was normally taken as 10 fold but the Irrigation Committee of 1866-67 took it as 4-8 fold.[2] In other words, the average return per acre (at tenfold) was 20 bushels of paddy or, to be safer, 11½-18½ bushels on Elliott's calculations.[3] In contrast, writers of the time placed yields in Madras and Bengal between 20 and 30 fold per acre, and 40 fold was attributed to Burma.[4] In the circumstances comparisons are difficult.

But if the paddy-tax had a detrimental influence on rice culture, it clearly militated against Government's very aims of providing incentives to the peasantry and of increasing agricultural output.

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1. Tropical Agriculturist. Vol.38 (April 1912). E. Elliott. op.cit. p 314.
   It varied from 2-fold to 48-fold and higher [R.E. Lewis. "Rural Economy of the Singhalese". J.R.A.S. CB. (1849-50.) pp 33-4.] Moreover the local measure of capacity, the amunam, varied from district to district. ["Speculum". Ceylon Her Present Condition. (1868. Cbo.) p 66.]
2. A Wright. [ed.] Twentieth Century Impressions of Ceylon. (1907. Lon.) Article by H.T.S. Ward (Director of Irrigation) p 172.
   A.M. Ferguson. Summary of useful information regarding Ceylon. (1865. Cbo.) pp 8-9.
3. Idem.
   Tropical Agriculturist. Vol.38. (April 1912.) E. Elliott. op.cit. p 314.
4. C.1204. "Ceylon Times". 3 Dec 1867.
   Colvin R. De Silva. Ceylon under the British Occupation 1795-1833. 1st ed. (1942. Cbo.) Vol.II. p 359.
   Tropical Agriculturist. Vol.25. (Aug 1905.) W.A. De Silva. "Paddy cultivation in Ceylon". p 360.

> It should be the study of the Government to render paddy cultivation as attractive, lightly burdened and profitable to the mass of the people as possible. The advantages accruing directly and indirectly to the State both in a political and social point of view, from the extension of cultivation, are not commensurable by a mere money standard,

said an Assistant Government Agent, Steele, in 1872.[1] There were certainly hopes of making the paddy tax lighter and more attractive. The commutation system was undertaken with this conception. Strachey mooted a scheme of partial redemption with the object of

> [preventing] the resident landowner's interest in improvements becoming insignificant and out of all proportion to that of the great absentee-landowner and virtual mortgagee ...2

The redemption scheme went even further and was with a view to the virtual extinction of the paddy tax. Even official antipathy to chenaing stemmed from a desire to encourage more "permanent" forms of cultivation. Nevertheless the "money standard" intervened harmfully. The redemption scheme was quietly abandoned in 1842 once Government found themselves losing revenue. Many officials, as we have seen, were unduly concerned with this crimping accountancy (but this was only to be expected under a colonial administration). Having inherited a paddy tax from the past and needing its revenue, Government was loth to give it up. But the needs of revenue conflicted with the aim of stimulating cultivation and effecting "a vast improvement in the prosperity and happiness of the people".[3] Government policy was at cross-purposes. The hope of the optimists was doomed to remain unfulfilled.

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1. S.P. II of 1872. Reports on the working of the Paddy Cultivation Ordinance. (No.21 of 1867.) Report of the A.G.A. Hambantota. T. Steele. 25 July 1872. p 20. [This was repeated almost word for word in his Admin. Report of 1872 ... 10 March 1873. p 166.]
2. CO 54/250. Torrington - Grey. 138. 5 Aug 1841. Memo by Strachey. 12 Oct 1848.
3. CO 54/282. Anderson - Grey. 175. 8 Nov 1851.

One can add another point of criticism - and one that can be termed a "Government consideration". Both the appraisement and collection of the paddy tax, particularly under the commutation system, brought headmen and European agents into contact with the peasantry in a manner which bred friction and unpleasantness even though it helped the latter to learn more about the country and its people. It also took up a great amount of time, particularly when defaulting was common. Yet the European agent was supposed to be cast in the role of a paternal despot. Needless to say this was difficult to reconcile with the mantle of tax-gatherer, but it was a shortcoming common to most colonies.

It would seem reasonable conjecture to consider that many of the shortcomings of policy in Ceylon stemmed from the readiness with which the paddy tax was accepted by the people. Officials of the 1870's in particular laid great store on this point[1] seemingly oblivious to the fact that they had presented the peasants and landlords with a choice between a land tax and a paddy tax and not between the abolition and retention of the latter. Hence officials remained content with this comfortable fact of acceptance. They did not probe deeper. They even permitted the notorious defects of the renting system to persist unremedied. They reclined on the deck-chair of tradition. In assuming that quieta non movere they failed to see that, while the peasants chose to lie voiceless, some lay prostrate.

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1. A.M. and J. Ferguson. Taxation in Ceylon. (1890. Obo.) pp 22-3 quoting Gregory and others.

# Chapter Eight

# CONCLUSION

## 1. Other factors bearing on the condition of the peasant.

If the conditions of some of the peasants were depressed it was not necessarily the result of the paddy-tax alone. We have already seen that waste lands policy and the coffee plantations had some effect on the Kandyans of the Central Highlands. But there were other factors which, like the paddy-tax, had island-wide implications and affected in greater or less measure the condition of the peasant. The rural situation was the product of a mass of variables.

Apart from the paddy-tax, the people had to bear an additional impost by virtue of the monopoly exercised by Government over the sale of salt which raised the price by 4s. 2d. to 4s. 8d. per cwt. On the basis of annual consumption Robinson calculated that it cost the people 6½d. per head per year.[1] This would have amounted to 3s. 6d. for a family of five. But transport from the centres of production raised the costs in the interior and 10-15s. per cwt. was not an uncommon price.[2] It is no surprise that "amongst the people salt [was] looked upon more as a luxury than a necessity".[3] Whether from European notions or

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1. CO 54/434. Robinson - Buckingham and Chandos.77. 9 April 1868.

2. CO 59/25. "Colombo Observer." 14 Aug 1856. Letter to editor from "Anicus". n.d.
   C.1202. "Colombo Observer." Supplement. 22 March 1866. Letter to editor from "S.T." n.d.

3. Idem.

such practical effects this monopoly was consistently criticised by officials and unofficials.[1] It was as consistently defended by Colombo as the only means by which they could reach the masses.[2] They did not add that (from 1848) the Road Ordinance imposed the additional burden of six days labour per year or the option of commutation at 6d. per day (less in poorer areas). But Government opinion was obviously coloured by the conviction that "the aggregate taxation [was] not excessive".[3]

The nature and size of peasant holdings and other tenurial factors have often been held to have hindered improvements in their condition: "no single factor has contributed more to the backward state of the Kandyan peasant than the complications of his customary law".[4] The Victorians in Ceylon certainly believed that this was true of fragmentation, sub-division of holdings and undivided proprietorship. Besides stultifying individual initiative, such features could be held to have arrested the concentration of landed property which pioneered capital development in so many countries. But the example of Japan would suggest that large holdings were not a necessary condition of progress.[5] At any rate, contemporaries erred in assuming that with "the consolidation of property the investment of capital on

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1. For e.g. C.1203. "Overland Ceylon Observer." 24 Jan 1871.
CO 54/457. Robinson - Granville.184. 17 Aug 1870. Encl.4.
Minute by the Treasurer, H.Vane. 23 July 1870.

2. CO 54/324. Ward - Labouchere. 227. 6 Dec 1856.
CO 54/434. Robinson - Buckingham and Chandos.114. 23 May 1868.

3. CO 54/457. Robinson - Granville. 184. 17 Aug 1870. Encl.4.
Minute by the Col.Sec., H.T.Irving. 20 July 1870.
Supra. p 352.

4. L.J.de S.Seneviratne. "Land Tenure in the Kandyan Provinces."
Cey. Economic Journal. Vol.IX. (1937). pp 49-50.

5. G.B.P.De Silva. Investment and Economic Growth in Ceylon.
(1962.Lon.). Ph.D. Economics. pp 69, 129-31.

agricultural improvement must necessarily follow".[1] This was a European concept that did not always apply in Ceylon. Paddy yields were so low and costs of hired labour relatively high that the big landlords preferred to lease their land to share-croppers. Under such a precarious enterprise as rice culture, hiring labour could mean greater losses whereas sharecropping assumed "the form of a sliding scale, the wage-bill varying directly with the size of the harvest".[2] One can, therefore, challenge the view that the size and fragmentation of holdings caused agricultural stagnation.[3] In several ways the laws of succession cushioned social stress. As a contemporary official admitted, even if it occasioned poverty, undivided proprietorship did not result in "pauperism".[4]

Since low paddy yields were partially a result of backward agricultural techniques as well as a deterioration of the seed these factors can be considered to have affected the condition of the peasant.[5] Contemporaries were prone to make much of the negligent cultivation of the Sinhalese. If so, the Sinhalese were not exceptional. In Madras the "culture of the lands was extremely defective".[6] One has also a suspicion that too much was made of it. Elliott held that the peasant knew his business

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1. Ludovici. Rice Cultivation. (1867.Cbo.). pp 138-39.

2. S.B.T.De Silva. op.cit. pp 138-39.

3. Following S.B.T.De Silva. op.cit. pp 217-19; and p 173.

4. 1871 Admin. Reports. Report of the District Judge, Colombo. T.Berwick. 30 July 1870. pp 290-91.

5. S.P.IV of 1867. Report ... upon IRRIGATION WORKS AND RICE CULTIVATION ... 18 Sept 1867. pp 5-6 and App.1. Replies from the G.A.Eastern Province. p 65.

6. I.Mukherjee. The Ryotwari System in Madras 1792-1827. (1962.Calcutta). p 255.

and while "well aware of the various ways of working in other districts [followed] the course which paid him best".[1] As Furnivall points out, European experts too often tried "to adapt native life to scientific principles instead of adapting scientific principles to native life".[2] Beyond a few experiments with Carolina seed paddy and new implements in the late 1860's Government attempted little in this field in the period under review but such an approach governed verdicts on the local methods of cultivation.

Litigation acted more positively to the detriment of some peasants. Whatever the ulterior cause, litigation led to much "indebtedness" through "money claims and fiscal's executions" as well as the costs of suits.[3] Several Kandyan families of note impoverished themselves through litigation while peasants were often tied up interminably over land disputes.[4] Where litigation was so rife, inevitably there was "now and then a prostitution of justice".[5] But fictitious cases were common.

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1. Tropical Agriculturist. Vol.41. (Oct 1913). H.Elliott. op.cit. pp 287-88.

2. Furnivall. Colonial Policy and Practice. (1956.New York). p 328 [and they held peasants to be unreasonable if they disliked this approach].

3. 1872 Admin. Reports. Report of the District Judge, Colombo. R.Berwick. p 552.
Supra. p 334.

4. Lawrie. A Gazetteer of the Central Province. (1896.Cbo.). Vol.1. pp 67, 418-19.
In Saberagamuwa and the Seven Korales (Kurunegala) most disputes were over paddy land - unlike in Galle District [1870 Admin. Reports. Report of the District Judge, Galle. Gillman. 21 June 1871. pp 239-40.] In the other Kandyan provinces it was mostly over chena. Cf. Burma where "law multiplied litigation".[Furnivall. op.cit. p 216.]

5. 1869 Admin. Reports. Report of the District Judge, Badulla. A.A.King. 5 July 1870. p 192.

The British courts were an useful medium for revenge and oppression. Moormen, in particular, excelled in trumping up cases.[1] While proctors benefited all along the line, the rich had added advantages over the poorer in that the Colonial Office had seen fit to override Cameron and instituted a stamp duty on all cases. As elsewhere, so too in Ceylon the courts were perverted by, and perverted, the people.[2]

Of far wider consequence was the impact of the credit system. In pre-British times the scarcity of floating money meant that the usurious rates were very high - 50%.[3] Thus it was that some peasants, at least in the Maritime Provinces, were badly in debt even in pre-British times.[4] Though land was a far more negotiable security in the nineteenth century the rates of interest continued to be 50%. Seed paddy was the most common item that was borrowed. If not repaid in kind, with one-half added, by the end of the crop the quantity due was doubled.[5] But seed paddy was not the only occasion for loaning on usurers. "The actual

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1. 1869 Admin. Reports. Report of the District Judge, Badulla. A.A.King. 5 July 1870. p 192.
1872 Admin. Reports. Kumara Eliya. B.F.Hartshorne, Acting A.G.A. 29 March 1872. p 71; Reports of the District Judges of Kegalla and Pangalle, Mainwaring and Campbell [respectively]. pp 566, 573.

2. F.Moon. Strangers in India. (1944.Lon.). pp 51-53.

3. Knox. op cit. p 163 [Knox himself became an usurer].
Pieris. Sinhalese Social Organisations (1956.Cbo.). p 112.
Lawrie MSS. Vol.I. Mortgages and Contracts.

4. Colvin R.De Silva. Ceylon under the British Occupation 1795-1833. 1st ed. (1942.Cbo.). Vol.II. pp 361-62.

5. CO 54/328. Ward / Labouchere.31. 27 Feb 1857. Encl. [Birch's Report on the Patipola-Aer.] 15 Dec 1856.
P.P.11 of 1872. Reports on the Working of the Paddy Cultivation Ordinance. (No.21 of 1867) ... R.W.D.Noir, A.G.A.Trincomalee. [July 1872]. p 15. He argued that it was 60% and when not repaid it worked out at 250%.

cultivators [indented] on the same lines for the maintenance of themselves and their families while engaged in cultivation,[1] or borrowed money for the hire of cattle or for social ceremonies. This system horrified officials in the field. They believed that it "[deterred] people from cultivating more of their land than [was] absolutely necessary".[2] They were convinced that it beggared many a peasant.[3] King complained against the frequent mortgaging of land in Hambantota on the ground that

> it [imposed] on the individual a burden which he never [could] get rid of or [from which] he [extricated] himself at the price of deeper impoverishment; [and because it alienated] the cultivator's personal interest from his land. [4]

But certain qualifications are essential. Elliott pointed out that interest rates were "erroneously interpreted as equivalent to a 50% exaction in cash ... whereas in fact from a money point of view the advantage [was] on the borrower's side". When paddy seed was required the price of paddy was dear. When repaid 1½ bushels could bring even less than the bushel borrowed earlier.[5] It is said that many a moneylender was not a Shylock who sought his pound of flesh but rather tended to suspend interest payments in bad times and served as a useful "insurance agent".[6]

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1. Tropical Agriculturist. Vol.41. (Nov 1913). W.Elliott. op.cit. p 393.

2. 1867 Admin. Reports. Saharagamuwa. Saunders. n.d. p 18.

3. S.P.11 of 1872. op.cit. Moir.A.G.A.Trincomalee. p 11.
[Anon.] "Historical Sketch of the Vanni." Monthly Literary Register. Vol.11. (1894). pp 123-24.
Bertolacci. A View of the Agricultural Financial and Commercial Interests of Ceylon. (1817.Lon.). p 299 fn.

4. 1870 Admin. Reports. Hambantota. King. n.d. p 137.
Note that complaints come largely from officials in the Dry Zone.

5. Tropical Agriculturist. op.cit. p 393.

6. S.B.D.De Silva. op.cit. pp 197-98 quoting Kosambi re India as well.

On the other hand, officials were speaking from their experience of the effects. Dr. S.B.D.De Silva himself believes that usury in British times caused "a concentration of rural property and reorganisation of the institutional framework of the peasant economy".[1] Detrimental as the credit system was, Government did little to diminish its dangers beyond distribution of seed paddy on odd occasions and lived true to the Laissez-faire norm in this field. In Bombay, at least, regulations had been instituted in 1827 to combat abuses in moneylending though in practice the law was "quite inoperative";[2] but in 1859 even these theoretical restrictions were swept away and Bombay, like Ceylon, reverted to type.

Borrowing, however, largely arose from other causes. One was cattle disease, particularly murrain (rinderpest). While in such districts as Galle and Matara the abundance of rain and the lack of pasture meant that draught animals had a very limited role in rice culture, elsewhere they were a vital asset[3] and the consensus of opinion was that cattle disease had an extremely prejudicial influence.

> If Punchirala's buffaloes [died] he [was] compelled to give out his field in 'anda' to some neighbour more fortunate in the possession of cattle than himself, or ... to accept the laborious alternative of cultivating with the hoe in place of the plough.

for hiring cattle was not often within the means of the cultivator.[4] One of the Irrigation Committees concluded that

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1. S.B.D.De Silva. op.cit. pp 198-99.
   In Furnivall's view easy credit greased the road to agricultural indebtedness. op.cit. p 335.

2. G.Keatinge. Rural Economy in the Bombay Deccan. (1912.Lon.). pp 82-84.

3. C.L.IV of 1867. Report ... upon IRRIGATION WORKS AND RICE CULTIVATION ... 12 Sept 1867. App.I. passim.

4. 1872 Admin. Reports. Hewaraka1awiya. H.P.Cameron, Acting A.G.A. 28 April 1873. p 110.
   H.White. Manual of the Province of Uva. (1893.Cbo.). p 69.

"the destruction of cattle by murrain [was] at times so great as to present serious and occasionally insurmountable obstacles to paddy cultivation".[1] Epidemics were not uncommon and could wipe out enormous numbers of draught animals.[2] Contemporaries were convinced cattle were decreasing in number:

> it is certain beyond question, if credit is to be given to the statements of the people, that cattle are not by half so numerous as they were. [3]

In Ceylon as a whole cattle disease was noticeably more pronounced in the areas subject to drought.[4] This points to the over-riding influence of climate, whether directly or indirectly, on rice culture. In a tropical climate rainfall plays a crucial role in determining crop yields. This is an obvious point; so obvious that a critic such as George Wall could pay it scant attention and lay everything at the door of the nebulous phrase "misgovernment".[5] It bears repetition. Many are the instances when climatic effects ruined crops, caused the sale of some cattle, or the sale or mortgaging of the land.[6] A bad crop spelt

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1. S.P.IV of 1867. op.cit. App. Resolutions of the Committee. No.27. p 210.

2. Ibid. Resolution 5.
L.Woolf. Growing An Autobiography of the years 1904-1911. (1961.Lon.). pp 187-200.
Hartshorne attributed the poverty of the people in his district partly to the losses from cattle disease. 1872 Admin. Reports. Nuwara Eliya. 29 March 1873. p 68.

3. S.P.XVI of 1877. [Report of the Grain Tax Commission.] App.1. No.14. L.F.Lee, Acting District Judge, Kalutara. 2 April 1877. p xvii.
1869 Admin. Reports. Sabaragamuwa. Saunders. n.d. pp 19, 21.

4. S.P.IV of 1867. op cit. p 6.

5. "Speculum." Ceylon: Her Present Condition. (1868.Cbo.) passim
He does give this factor some recognition (pp 49-50) but not in his general critique.

6. S.P.IV of 1867. op cit. App.I. ... from F.Elliott,A.G.A. Western. 30 Aug 1867. p 95; App.II. Extracts of Report from W.O'Grady,G.A.North-Western Province. 1861. p 127.
1870 Admin. Reports. Hambantota. King. n.d. p 137.

"misery, fever and perhaps death".[1] It could set the peasants rolling downhill while contributing at the same time to ill-health and the vicious circles we have spoken about. It forced the peasants into the hands of the moneylender, for the "absence of capital [made] the people incapable of enduring reverses".[2] This is what made the paddy-tax objectionable in that it reduced the peasant's capital, though quite conceivably the extra one-tenth would not have made much difference in some cases.

## 11. Government policy and peasant conditions.

Given this variety of factors and the pervading influence of climate and environment on the condition of the peasantry, there were obviously many limitations under which Government worked in endeavouring to develop indigenous agriculture. Their policy in various fields did bear on the peasant. The Irrigation Ordinances benefited many regions. A few irrigation works rendered much greater security to rice culture in their localities. But many aspects of policy were prejudicial. The collection of the paddy-tax under the renting and commutation systems admitted of several improvements for they worked to the detriment of the peasant, if in varying degrees in different districts. The paddy-tax admitted of reduction. Its very existence was doubtful policy for the tax (in association with the water-rate from the 1860's) milked the peasant of his profits and reduced the capital which an enterprise of marginal value needed to withstand natural reverses. In having this influence it undermined Government's very policy of providing incentives for increased rice output. One such incentive was security of tenure. It was achieved in

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1. 1868 Admin. Reports. Matara. E.Elliott, A.G.A. 28 Feb 1869. p 235.

2. "Speculum." op.cit. pp 49-50.

sufficient degree to enable the growth of the plantation industry as well as the evolution of a local moneyed class, many of whom were landowners or became such. But it was not achieved extensively because no survey-settlement was undertaken. No survey was attempted largely because Government policy was dominated by a short-term financial outlook. The lack of such a settlement only conduced to more land disputes, some insecurity of tenure and retarded agricultural improvements. The Western judicial system created in part to support security of tenure and stimulate economic development, in turn, fostered an unhealthy amount of litigation which retarded the very social and "moral" improvements the Victorians were seeking to achieve. The problems in the judicial sphere were inherently difficult. More courts and no stamp duty on cases would only foster litigation. Fewer courts and a stamp duty would favour the rich and make the courts more oppressive than they already were. Much of the trouble lay in the obscure and dilatory nature of the law and its procedure. The Western law of contract served to strengthen the hands of moneylenders, mortgagees and the like and placed the peasantry in more insecure positions. These dangers were not as obvious to the Victorian as they are today. Neither do Victorians in Ceylon seem to have grappled with the question of the relationship between the plantation interest and the peasant interest or faced up to the inherent difficulties of reconciling their wish to stimulate the peasant through European example with the policy of consolidating him in his holding. Perhaps they were blinded by their over-simplified faith in the "compatibility" of the two. In the last resort however it cannot be doubted that they would not have slowed the pace of plantation development merely to aid the peasant. To a question requesting his views on the causes of disaffection in 1848, Tennent listed several causes, among them the intrusion of roads and plantations into the privacy of the Kandyans and the Kandyans' antipathy to the Low-countrymen and South Indian immigrants who came in the wake of the plantations; he

concluded:

> it must be obvious that these are grievances to which we can apply no remedy, because they arise out of legitimate causes which it would be injudicious in us to control, I mean to check coffee-planting. 1

The plantations were far too useful for that. Taken as a whole, policy was too often at cross-purposes. There was a tendency to let matters drift. Problems had to become acute before they were confronted. This does not show the virtue of empiricism, occurring as it did in a society that was hardly articulate. It denotes a certain lack of thought and imagination.

Given the welter of variables and imponderables that influenced the rural situation, a generalised picture is very difficult. Intensive zonal studies are called for. These are beyond the scope of this study but some of the wisps of evidence we have come across are of some significance and sketches of a few areas can be attempted.

Of the Kandyans, in the 1840's Capper stated:

> A picture of one of [the groups of families which comprised a village] is a portrait of them all. Poor to abject misery in all but rice and a few fine grains, these people are invariably landholders, some of them on an infinitessimally small scale. 2

So too in 1868 Saunders said of the district of Sabaragamuwa:

> The general population is not very rich nor very poor - most persons have a share of a hut, a paddyfield, a chena and a garden - insufficient certainly for the maintenance of all, but ample if every male could find remunerative work for a week or ten days in each month. 3

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1. B.P.P. Reports from Committees. Vol.VIII. (1851). Third Report. Tennent's evidence. 25 March 1850. p 172.

2. J.Capper. Old Ceylon. (1878.Cbo.). p 9. [Portions of his articles were written in 1846 and most of it was published in his book Pictures from the East (1854.Lon.) which contains the same quotation on p 129.]

3. 1868 Admin. Reports. Sabaragamuwa. App.A. Extract of letter: Saunders - G.A.Western Province.411. 26 Aug 1868. p 25. This district had only a relatively small proportion of land as plantations.

Hartshorne found the heavily planted (coffee) district of Kotmale "comparatively rich and prosperous" and affording "but little room for improvement"; but refers to "the extreme poverty of the people in many parts" of Upper Hewaheta and Walapane.[1]

Significantly Walapane, and portions of Upper Hewaheta, lie within the Dry Zone or on its fringe. In North Matale, also on the fringe, a bad year in 1856 was sufficient to force the people to "[barter] away their cattle for small quantities of grain".[2] Much of the North-Western Province was also in the Dry Zone and while J.G.Jayatilleke found that many people were selling their capital goods to purchase imported rice, Fyers found those in the north "too poor to purchase rice".[3] On the other hand the people around Kurunegala and in the southern parts of this province were, it would seem, in a fairly satisfactory condition and had both coffee and coconut gardens.[4]

The worst conditions were in the heart of the Dry Zone. Officials were convinced that the population in the Vanni had decreased in the course of mid-nineteenth century.[5] Of Trincomalee District in 1867 it was said:

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1. 1872 Admin. Reports. Nuwara Eliya. Hartshorne. 29 March 1873. pp 68, 74, 75.
   With reference to Walapane also see 1870 Admin. Reports. Nuwara Eliya. Fisher. 7 July 1871. p 62. On the other hand a landlord in Upper Hewaheta was quite satisfied with the condition of the country, Low-countrymen apart. CO 59/19. "The Examiner." ? 1856. Letter from "XYZ". n.d.

2. CO 59/25. "Colombo Observer." 1 Dec 1856. Season Report for October. [Matale] F.Layard.

3. S.P.XVI of 1877. [Report of the Grain Tax Commission.] App.1. No.1. J.G.Jayatilleke. Kurunegala. p ii; No.21. Encl.Captain Fyers - Col.Sec. 21 Aug 1869. p xxxvi.

4. 1870 Admin. Reports. Kurunegala District and North-Western Province. J.Parsons. 3 Feb 1871. p 174.
   1869 Admin. Reports. Puttalum. W.C.Macready. n.d. p 62. [re Pitigal Korale South].

5. 1870 Admin. Reports. Mannar. P.A.Templar. A.G.A. n.d. p 101.

> The condition of the Paddy cultivators of this District appears to be more unsatisfactory than that of any other community in the Island ... the ordinary yield of the soil is so low that, added to the great and frequent destruction of cattle by disease, the people have fallen into a state of the deepest poverty, and appear to be entirely in the hands of the moneylenders. 1

There is little evidence at hand on the Western Province where the renting system revealed its worst features. In Galle District in the Southern Province there were many tenant-cultivators and "[except] in the case of very fertile lands, these cultivators [produced] scarcely sufficient for their bare subsistence whilst the owners [lived] in ease and comfort on the shares of their produce".[2] Neighbouring Matara, reputedly a rich district, had many absentee landlords[3] and one could infer that there were many tenants-at-will, as in Galle, and that richness was confined to the few. In Tangalle which adjoins Matara on the east and lies within the Dry Zone the people were "very poor" and "only the monied few" could carry on paddy cultivation.[4] Of the Southern Province as a whole O'Brien found an "absence of those material improvements so visible in the more favored Provinces of the Colony".[5]

Within the period under review and in so far as one can

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1. S.P.IV of 1867. op cit. p 15.

2. Ibid. p 18.

3. 1872 Admin. Reports. Matara. E.Elliott. A.G.A. 25 March 1873. p 180.
At first glance, Ludovici appears to contradict himself but from a close reading one gathers that the "great mass" of people were tenant-cultivators, that there was no class of agricultural labourers who could be hired [Ludovici. Rice Cultivation. (1867.Cbo.) pp 123, 140-41.]. His experience pertains to the Southern Province.

4. 1871 Admin. Reports. Report of the District Judge, Tangalla. F.H.Campbell. 25 July 1872. p 350.

5. S.P.VI of 1864. Notes on Tours of Inspection in Ceylon. O'Brien. [Feb-March 1864.] p 115.

generalise, the Central Highlands, contrary to general opinion today, were better off than the lowlands. Apart from the influence of climatic factors in some of these lowlands, the obvious point of causal difference would seem to be that of relative population pressure on the land - as highlighted by Sims' reference to the abundance of high land in the Kandyan districts in contrast with their inadequacy in the Maritime Districts[1] (south-west). The rise in market prices and other associated features flowing from the coffee plantations also contributed to this difference. This is not to say that the impact of the coffee plantations was wholly good, even from a purely economic standpoint. The blessings were considerably adulterated.

But to Ward the

> fusion of interests ... [was] very striking. And though Oriental feelings and customs still [maintained] their sway there [was] a curious dash of European feeling, a consciousness of legal rights and above all, a very general conviction of the substantial benefits of British rule. 2

The leading officials were all convinced of the general progress of all the people. Layard believed that the people had never, in Ceylon's history, been "more prosperous" and Skinner that the

> rural population [were] so well circumstanced (better perhaps than almost any country in the world) that there [was] little need for them to work for a subsistence. 3

O'Brien and Robinson were equally convinced of the prosperity and "the contentment and absence of want prevailing everywhere".[4]

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1. Supra. p 280.

2. 1859 Blue Book Reports. Ward - Newcastle.20. 15 June 1860. p 138.

3. 1862 Blue Book Reports. MacCarthy - Newcastle.141. 20 Aug 1863. Encl.7. [1862 Admin. Report. Colombo District and Western Province.] C.P.Layard. 14 April 1863. p 163; Encl.2. [1862 Public Works Dept. Report.] T.Skinner. 24 Feb 1863. pp 151-52.

4. Governor's Addresses. Vol.11. O'Brien. 17 Aug 1864. p 41; Robinson. 27 Sept 1865. p 57.

Even De Alwis stated that there were no Sinhalese destitute in Ceylon and brought forth a prompt denial and challenge from the more realistic Capper.[1] As Wall pointed out Europeans were too prone to rely on "the frontage" rather than on conditions "in the remoter districts".[2] From what we have seen of conditions in places like Trincomalee, Walapane and the Southern Province it is patent that the official view was exaggerated, too generalised and superficial. They were too inclined to equate rise in revenues, land buying and the like with an increase in prosperity among the majority of the people.

> It is the great commercial movement ... that is carrying the vessel into port. It shows in everything - the increase in customs, the rise in the value of land, the larger receipts from tolls, salt, arrack, rice, the number of vessels frequenting the harbour, a higher standard of living amongst all classes, both European and native,

said Ward.[3] It was a common failing of the age to believe that economic progress necessarily meant social progress and general welfare. From our standpoint it is tempting to attack this assumption as well as the laissez-faire ethos and fabric with which it was associated.

> Liberals, regarding economic freedom as the key to progress and welfare, released economic forces which for a time furthered economic progress, but, at the same time, preyed on social welfare, setting bounds to progress leading to stagnation ... 4

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1. C.1204. "Ceylon Times." 12 Feb 1867.
Cf. "No people in Ceylon starve ..."[L.Woolf. Diaries in Ceylon 1908-1911. Cey. Historical Journal. Vol.IX. (1959-1960). p 17. (diary: 17th Nov 1909.)].

2. C.1202. "Ceylon Observer." 9 July 1868. "Speculum in Defence No.11." 8 July 1868. But it is clear that he believed the Wet Zone and the Central Highlands were prosperous and that the plantations were partially responsible for this state of affairs. ["Speculum." op.cit. p 40.]

3. 1856 Blue Book Reports. Ward - Labouchere.135. 25 July 1857. p 283.
There was a similar approach with regard to Burma. Furnivall. op cit. p 99.

4. Furnivall. Colonial Policy and Practice. (1956.New York). pp 285-86.

Speaking from the nature of the impact in Burma, Furnivall is convinced that economic freedom and the rule of law "undermined all the stable elements in social life" for the rule of law alone was "powerless" in preventing the corroding influence of individualism. In such circumstances even public works, whether roads or irrigation works, by serving "to expedite development" could often "enhance the difficulty of protecting natives against its evil consequences" for while "sometimes in some ways [improving] the common lot, ... they [extended] and [intensified] the action of economic forces".[1] In Ceylon the Liberal principles gave a tremendous fillip to individualistic forces despite brakes applied by certain feudalistic features of the old society; they generated the economic progress of the island. As an unit Ceylon was a "good business"[2] but the question remains whether the pace was too quick; whether the foundations of society were sapped; whether numerous counter-eddies, whirlpools and backwaters marred the stream of improvement. Government policy, as we have seen, was too often at cross-purposes and unimaginative. Where imaginative, as in the 1840's, it was doctrinaire and not grounded on realities in the island. Laissez-faire inhibited Government aid to both planter and immigrant till the late 1850's. Regulations pertaining to the conditions of life on the estates remained inadequate and fell short of legislation in the sugar colonies. It is to Government's credit that the application of the land legislation was tempered. But that shortage of waste land in the Central Highlands was not marked was an outcome that was as much due to fortuitous circumstances - Government's inability to prevent encroachments; the ecological needs of the coffee tree; and the sparse population of many Kandyan districts. Our study also suggests that landlessness

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1. Furnivall. Colonial Policy and Practice. (1956. New York). pp 214, 216, 109, 288, 300, 303, 322.

2. As Burma was. Ibid. p 213.

(i.e. no access to land) did not prevail to any significant extent. In stating that "70 per cent of the fields" were cultivated by their owners, an unconfirmed source in the year 1890[1] supports this impression. Nevertheless British rule accentuated both sharecropping and indebtedness in several districts though the absence of data for both this period and pre-British times makes comparison difficult. In Hambantota mortgage-cultivation increased while in the rest of the Southern Province the majority of cultivators were tenants-at-will.[2] According to Sharpe there was "an enormous extent of land kept in cultivation throughout Ceylon, and not merely in Hindagamas, by men so holding as tenants-at-will, changed almost yearly".[3] The proprietors were often able to "impose their own terms" on these share-croppers.[4] Whether share-croppers or proprietary-cultivators it is clear that many of the peasentry were very poor. To use another unsupported source from the 1890's, "in many instances" peasants were inextricably in debt but "their indebtedness [was] not a fraction of what it [was] in India nor ... so widespread".[5]

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1. G.Wall. The Grain Tax in Ceylon. (1890.Cbo.). Note 10. [By a Sinhalese landlord.] p 55.

2. 1870 Admin. Reports. Hambantota. King. n.d. A.G.A. p 137. Supra. p 407.

3. S.P.XVIII of 1869. [Papers on Service Tenures.] Extracts from Memo by W.F.T.Sharpe, A.G.A.,Badulla. 10 Oct 1869.p 28.

4. Ludovici. op.cit. p 123.

5. Tropical Agriculturist. Vol.12. (1892-93). The Magazine of the School of Agriculture, Colombo. (June 1893). "Agricultural Loans" by "W.A.D.S." p 80.
Another writer also says that peasants were hopelessly indebted and that most proprietary-cultivators did not have "a comfortable income". G.Wall. The Grain Tax in Ceylon. (1890. Cbo.) Note 10. [Letter from a Sinhalese landlord.] p 55.
The hypercritical Wall was convinced "the people" were being "impoverished" and were "dying out". ["Speculum." op.cit. pp 64-65.]

Findings from within the period under review show that indebtedness was on the increase, in several instances leading to the sale or mortgage of the land.[1] As Wertheim says,

> [such] institutions as the moneylender, the professional trader, the artisan working for a market, the land tenant and the absentee-owner [which] were already discernible in ancient Southern Asia in an embryonic state ... now made headway in agrarian society and began to cut across the traditional status systems. [2]

While remnants of feudalism remained to slow this process, and the use of money was still very scarce in many parts of Ceylon,[3] the spread of a money economy and the individualistic basis of landownership undermined the stability of rural society. The "passive attitude" of the peasant

> made him the defenceless victim of the middleman and the moneylender, both of whom were more calculating and more at home in the price system and ... possessed [of] some capital. [4]

As in Britain, and even more so in the tropics, 'one law for the lion and the ox' meant oppression. As elsewhere the gainers were the moneyed class and the moneylenders in particular - in Ceylon a varied group comprising Moormen, Chetties, other traders, headmen, wealthy proprietors, proctors, even a few immigrants and Government servants of various grades, and, in the

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1. Supra. pp 334, 405-07.
   See also A.M. and J.Ferguson. Taxation in Ceylon. (1890.Cbo.)
   [Anon.] "What a Land Tax would mean in Ceylon." n.d.
   [1889-90] p xcvi.

2. Wertheim. Indonesian Society in Transition. (1956.The Hague)
   pp 13-14.

3. G.P.11 of 1872. Reports on the Working of the Paddy Cultivation Ordinance (No.21 of 1867.) Matara and Hambantota.
   Elliott and Steele [respectively]. pp 20,22.
   1869 Admin. Reports. Kegalla. Lee. April 1870. p 32. [However note that L.F.Liesching found that "money was by no means scarce with many of[the Kandyans]". - A Brief Account of Ceylon. (1861.Jaffna) p 20.]

4. Wertheim. Indonesian Society in Transition. (1956.The Hague).
   p 94.

Kandyan country, the Low-country 'entrepeneurs'.[1] For instance, most of the land in Matara District was owned by the headmen.[2] Ward spoke of the "native Proctors" as "a race of low practitioners into whose hands the smaller properties in Rural Districts [were] rapidly passing".[3]

Nevertheless indebtedness, poverty and land-alienation do not seem to have been as pronounced as in India and Burma. That landlessness was limited was partly due to the great degree of sharecropping that prevailed. In many ways this was a fortuitous circumstance and diminished social stress. On the other hand it undermined the very rationale of the Liberal philosophy. The Liberal expected the ruling and emergent elite to be an 'improving class' economically and intellectually. Forerunners of the latter day middle class in Ceylon, the new moneyed class, broadly speaking, were not improving landlords. As we have seen they preferred to share-crop their land. Where they put any money into the land it was to purchase more land. Status conceptions

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1. Supra. pp 333-34.
A.M. and J.Ferguson. op.cit. [Anon.] op.cit. p xcvi. Campbell referred to them as the "better-off classes" [1871 Admin. Reports. Report of the District Judge, Tangalle. 25 July 1872. p 350.] It is said that they were usually renters of the paddy tax as well; ["Speculum." op.cit. pp 49,91; Ludovici. op.cit. p 136.] but this is challenged as exceptional [C.1204. "Ceylon Times." 12 June 1868. "Speculum Dissected No.5." from "Englishman". (Kandy) 10 June 1868.] As Meek points out there were many "amateur creditors" in Ceylon ranging from lawyers to minor officials. [op.cit. p 61] According to Elliott (in 1872) in Ceylon the moneylending class was not as strongly established as in India. [1872 Admin. Reports. Matara. 25 March 1873. pp 180-81.]

2. CO 54/404. Robinson - Cardwell.134. 16 Sept 1865. Encl.[1864 Admin. Report.] Matara. 7 Feb 1865.

3. CO 54/317. Ward - Molesworth.47. 25 Oct 1855. [However in a study of a village in Uwara-Kalawiya during the course of the 20th century a sociologist has found that it was "the property of the relatively wealthy" which "passed through the hands of the traders" and that the poorer folk, having less pretensions and being less inclined to lavish prestige expenditure, "mostly" managed to keep "their lands intact" - E.R. Leach. Pul Eliya A Village in Ceylon.(1961.Cambridge) p 175.]

were such that both capitalist and peasant sought to extend their holdings rather than improve them. Often culturally and economically separated from their fellow-villagers the new moneyed class indulged in conspicuous consumption on a prodiguous scale,[1] particularly where it was a question of keeping ahead of the Jones'. By and large, the land was starved of capital.[2] European seeds sprouted into different forms in the tropics.

The Ceylon that was emerging from the Coffee Period, therefore, contained both unblended and blended elements of the old and the new and was not simply a Victorian creation. The modern spirit merged with traditional mores[3] while to individuals the results were both sweet and sour.

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1. S.B.D.De Silva. op.cit. pp 68-69.
2. Idem.
3. Wertheim. op.cit. pp 13-14 quoting Schrieke.

APPENDIX A

## THE "PLANTER-OFFICIALS"

A. A Ceylon merchant George Ackland stated that on a single day in 1840 the following Civil Servants had bought 13,725 acres in the Ambagomuwa District, Central Province. [B.P.P. Reports from Committees.Vol XII.1850. Second Report from the Select Committee on Ceylon.Ackland's evidence.17 July 1849.p.303]

| | Acres |
|---|---|
| The Rt. Hon. J.S.Mackenzie[Governor] | 1120 |
| The Hon.W.O.Carr[Puisne Justice]and P.Skinner | 862 |
| F.B.Morris[Surveyor General]and others | 762 |
| G.Turnour[G.A.Central Province and Acting Col.Sec.] | 2217 |
| H.Wright[District Judge.Kandy]and G.Bird | 1751 |
| Sir R.Arbuthnot[C-in-C]and Capt.Winslow[ADC] | 855 |
| C.A.[sic]Buller[later G.A.Kandy] | 764 |
| Capt.Layard and others | 2264 |
| P.E.Wodehouse[G.A.and Assistant.Col.Sec.] | 2135 |
| | 13275 |

B. Tennent provided the following list of officials who held land before restrictions were applied in 1845. [B.P.P.Reports from Committees.Vol VIII.Part 1.1851. Third Report from the Select Committee on Ceylon.Tennent's evidence.8 May 1850.p.392. Also see CO 54/276 Tennent-Grey.23 Feb.1850.]

| | Acres |
|---|---|
| J.S.Mackenzie | 11200[probably a misprint for 1120] |
| Carr and Skinner | 1100 |
| Wodehouse | 900 |
| Turnour | 2217 |
| C.R.Buller | 1929 |

| | |
|---|---|
| T.Robertson | 516 |
| H.Wright and G.Bird | 780 |
| F.B.Norris | 1633 |
| Anstruther | 3793 |
| T.Skinner | 56 |

Other landowners included the 2nd Puisne-Judge; the D.J. Jaffna; the D.J.Trincomalee; the Assistant Col.Sec; G.A.,N.W.Prov. A.G.A.Batticoloa; A.G.A.Kegalla; D.J.Chilaw; A.G.A.Kurunegala; A.G.A.Kandy; A.G.A.Colombo; the District Judges at Colombo,Kandy, Mannar; the Postmaster-General; the Collector of Customs; the Collector of Revenue; the Fiscal Colombo; the Assistant Civil Engineer; the Master-Attendant,Colombo; the Police Magistrate , Kandy; the Deputy G.A.Kandy "besides a number of military officers and some judicial functionaries".

As K.M.De Silva points out Tennent has omitted two big land-owners, the Chief-Justice Sir A.Oliphant and the Archdeacon of Colombo, the Rev. J.S.Glenie[1976 acres]. [K.M.De Silva 'Some aspects of the development of social policy in Ceylon,1840-55, with special emphasis on the influence of missionary organizations.(1961.London)Ph.D.App.C]

Note that some of the land bought under Anstruther's name was not his. He had purchased land for Sir James Elphinstone and Gordon Forbes under his own name,(to the value of £1000). See B.P.P.Third Report.op.cit.Anstruther's evidence.5 July.1850. p.742.

# APPENDIX B

## ANNUAL REVENUE & EXPENDITURE: 1840-1871

| Year | Revenue | Expenditure | Expenditure from surplus funds | Annual Deficit or surplus |
|---|---|---|---|---|
| | £ | £ | £ | £ |
| 1840 | 331,200 | 355,298 | | - 24,098 |
| 1841 | 344,465 | 361,326 | | - 16,861 |
| 1842 | 322,369 | 327,103 | | - 4,734 |
| 1843 | 383,118 | 325,155 | | + 57,963 |
| 1844 | 444,318 | 374,876 | | + 69,442 |
| 1845 | 454,146 | 448,232 | | + 5,914 |
| 1846 | 416,404 | 498,205 | | - 81,801 |
| 1847 | 440,619 | 518,987 | | - 78,368 |
| 1848 | 414,765 | 431,325 | | - 16,560 |
| 1849 | 409,306 | 418,424 | | - 9,118 |
| 1850 | 415,667 | 390,425 | | + 25,242 |
| 1851 | 429,701 | 409,124 | | + 20,577 |
| 1852 | 411,806 | 412,871 | | - 1,065 |
| 1853 | 412,835 | 386,519 | | + 26,316 |
| 1854 | 408,041 | 393,268 | | + 14,773 |
| 1855 | 476,273 | 405,610 | | + 70,663 |
| 1856 | 504,174 | 457,137 | | + 47,037 |
| 1857 | 578,028 | 535,804 | | + 42,224 |
| 1858 | 654,961 | 594,333 | 40,256 | + 60,628 |
| 1859 | 747,037 | 698,268 | 53,826 | + 48,769 |
| 1860 | 767,100 | 705,440 | 78,425 | + 61,660 |
| 1861 | 751,997 | 635,230 | 19,759 | + 116,767 |
| 1862 | 759,135 | 626,654 | 3,484 | + 132,481 |
| 1863 | 952,790 | 738,194 | 120 | + 214,596 |
| 1864 | 867,728 | 843,292 | 250,000 | + 24,436 |
| 1865 | 978,492 | 838,193 | 28,162 | + 140,299 |
| 1866 | 962,873 | 917,669 | 40,323 | + 45,204 |
| 1867 | 969,936 | 927,932 | 96,393 | + 42,004 |
| 1868 | 925,266 | 974,950 | 79,021 | - 49,684 |
| 1869 | 946,495 | 881,373 | 79,431 | + 65,122 |
| 1870 | 1,091,606 | 1,026,871 | 21,475 | + 64,735 |
| 1871 | 1,121,679 | 1,064,184 | 61,139 | + 57,495 |

APPENDIX C

## 1. ORDINANCE 5 OF 1840[1]

Whereas divers persons without any probable claim or pretence of title have taken possession of lands in the colony belonging to Her Majesty, and it is necessary that provision should be made for the prevention of such encroachments. Clause 1. It is hereby enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof that it shall and may be lawful for the District Court, upon information supported by affidavit charging any Person or Persons with having without probable Claim or Pretence of Title, entered upon or taken Possession of such Land, which belongs to Her Majesty, her Heirs or Successors, to issue its Summons for the appearance before it of the Party or Parties alleged to have so illegally entered upon or taken possession of such land, and of any other Person or Persons, whom it may be necessary or proper to examine as a Witness or Witnesses on the hearing of any such Information; and the said District Court shall proceed in a summary way in the presence of the Parties, or in the case of wilful absence of any Person against whom any such Information shall have been laid, then in his absence, to hear and determine such Information, and in case of the hearing thereof, it shall be made to appear by the Examination of the said Party or Parties, against whom such Information shall have been laid, both or have entered upon or taken Possession of the Land mentioned or referred to in such Information, without any probable Claim or Pretence of Title,[2] then and not otherwise, such District Court is hereby authorised and required to make an Order, directing such Party or Parties to deliver up to Her

1. A Collection of the Legislative Acts of Ceylon.(1854. Colombo.) Pp. 99-101. Note that the first Draft of Ordinance 5 as published in the Gazette did not have some of these clauses.

2. This is where an additional sentence recognising prescriptive rights was inserted in Ordinance 12 of 1840.

Majesty, her Heirs or Successors, peaceable possession of such Land together with the Crops growing thereon, all Buildings, and other Immovable Property upon and affixed to the said Land, and to pay the costs of such Information: [Thence - the penalty for disobedience of such an order after 14 days grace, or penalty in case of renewed encroachment: fine of £5 and maximum of 14 days imprisonment].

Clause 2. [Subsequent proceedings by ordinary course of law].

Clause 3. [Court may order payment of costs].

Clause 4. [Proceedings subject to rules of Court].

Clause 5. And it is further enacted that all Forest, Waste, unoccupied and uncultivated lands, shall be presumed to be the roperty of the Crown, until the contrary thereof be proved; and all Chems and other lands which can be only cultivated after intervals of several years shall, if the same be situate within the Districts formerly comprised in the Kandyan Provinces (wherein no Thombo have been heretofore established) be deemed to belong to the Crown and not to be the Property of any private person claiming the same against the Crown, except upon proof only by such Person of a Thombo or Grant for the same, together with satisfactory evidence as to the limits and boundaries thereof, or of such customary Tenure, Use or Servitude having been rendered within 20 years for the same, as have been rendered within such period for similar lands being the property of Private Proprietors in the same Districts. And in all other Districts in this Colony such Chena and other lands which can only be cultivated after intervals of several years shall be deemed to be forest or waste lands within the meaning of this Clause.

Clause 6. And it is further enacted that it shall be lawful for any person in the possession of Land to make application in writing to the Government Agent of the Province in which such Land is situate, for a Certificate of the Crown having no Claim to such Land, which application shall contain a full description of the property together with a Survey thereof made by or under the authority of the Surveyor-General, and shall contain

a declaration by the applicant stating the nature of his right or the manner in which he acquired possession; and if the Government Agent shall upon investigation be satisfied that the Crown has no claim to such Land, he shall, with the consent of the Governor, grant a certificate to that effect to such applicant, and a copy of such Certificate shall be previously entered in a Book to be kept in the Office of the Government Agent for that purpose, and such Certificate, or any copy from such entry thereof attested by the Government Agent, shall be received by any Court as a good and valid Title to such Land against any Right, Title or Claim of the Crown thereto existing at the date of such Certificate.

Clause 7. And it is further enacted that whenever any person shall have without any grant or Title from Government taken possession of and cultivated, planted or otherwise improved any Land belonging to Government, and shall have held uninterrupted possession thereof for not less than 10, or not more than 30 years, such person shall be entitled to a Grant from Government of such Land, on payment by him or her of half the improved value of the said Land; unless Government shall require the same for public purposes or for the use of Her Majesty, her Heirs or Successors, when such person shall be liable only to be ejected from such Land, on being paid by Government the half of the improved value thereof. Provided always that nothing herein contained shall extend to any land referred to in the Fifth Clause of this Ordinance.[1]

Clause 8. [Re punishment for headmen who withhold information].

1. This last sentence became Clause 9 of Ordinance 12 and the rest of Clause 7 was Clause 8(half-/the-improved value"clause) of Ordinance 12.

APPENDIX D

## ORDINANCE 12 OF 1840[1]

Whereas divers persons without any probable claim or pretence of title have taken possession of lands in the colony belonging to Her Majesty, and it is necessary that provision should be made for the prevention of such encroachments.

Clause 1. It is therefore hereby enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof that it shall and may be lawful for the District Court, upon information supported by affidavit charging any Person or Persons with having without probable Claim or Pretence of Title, entered upon or taken Possession of such Land, which belongs to Her Majesty, her Heirs or Successors, to issue its Summons for the appearance before it of the Party or Parties alleged to have so illegally entered upon or taken possession of such land, and of any other Person or Persons, whom it may be necessary or proper to examine as a Witness or Witnesses on the hearing of any such Information; and the said District Court shall proceed in a summary way in the presence of the Parties, or in the case of wilful absence of any Person against whom any such Information shall have been laid, then in his absence, to hear and determine such Information; and in case of the hearing thereof it shall be made to appear by the Examination of the said Party or Parties, or other sufficient Evidence to the satisfaction of such District Court that the said Party or Parties, against whom such Information shall have been laid, hath or have entered upon or taken Possession of the Land mentioned or referred to in such Information, without any probable Claim or Pretence of

1. CO 54/182. Mackenzie-Russell 183. 8 Dec.1840. Incl.

Title,[1] and that such Party or Parties hath or have not cultivated, planted or otherwise improved or held uninterrupted possession of such land for the period of Thirty Years or upwards,[2] then and not otherwise such District Court is hereby authorised and required to make an Order, directing such Party or Parties to deliver up to Her Majesty, her Heirs or Successors, peaceable possession of such Land together with the Crops growing thereon, all Buildings, and other Immoveable Property upon and affixed to the said Land, and to pay the costs of such Information; [Thence - the penalty for disobedience of such an order after 14 days grace, or penalty in case of renewed encroachment: fine of £5 and maximum of 14 days imprisonment].
Clause 2. [Subsequent proceedings by ordinary course of law.
Clause 3. Court may order payment of costs.
Clause 4. Proceedings subject to rules of court].[3]
Clause 5. [Cinnamon lands: when the property of the Crown].[4]
Clause 6. [Same as Clause 5 in Ordinance 5. This "objective-test" clause, therefore, remained constant throughout though ambiguously worded].

1. The underlined portion was not included in Ordinance 5. It was inserted there after the home authorities ordered recognition of prescriptive rights.

2. This was changed to 5 Years by the Colonial Office, in 1841, because the Law Officers objected to summary proceedings being used in cases where the land had been occupied for more than 5 years. This change was through the Order in Council of 11 Aug 1841."and whereas the period of Thirty years or upwards of uninterrupted possession, which by the said recited Ordinance is limited as the period after which an Order for delivering up possession of land may not be made, is unreasonably long, Her Majesty is, with the advice aforesaid, pleased to order, and it is hereby ordered, that the said recited Ordinance shall be , and the same is hereby amended by the substitution of the period Five Years for the above-mentioned period of Thirty Years".

3. Clauses 2-4 as in Ordinance 5.

4. This clause was a new addition.

Clause 7. [Same as clause 6 in Ordinance 5 - the "no-claim certificate's" clause - in Ordinance 5].

Clause 8. And it is further enacted, that whenever any person shall have, without any grant or Title from Government, taken possession of and cultivated, planted or otherwise improved any Land belonging to Government, and shall have held uninterrupted possession thereof for not less than Ten, or not more than Thirty years, such person shall be entitled to a Grant from Government of the said Land; unless Government shall require the same for public purpose or for the use of Her Majesty, Her Heirs or Successors, when such person shall be liable only to be ejected from such Land, on being paid by Government the half of the improved value thereof and the full value of any Buildings that may have been erected thereon.[1]

Clause 9. Provided always that nothing in the preceding, or in the First Clause of this Ordinance contained,[2] shall extend to any Land referred to in the 6th Clause of this Ordinance, nor to any public road, street or highway nor to any land known or held as Toonhavul Land; and provided also that all Judgements, Orders and Decrees heretofore given or pronounced in any Action, Suit or Proceeding, shall be conclusive, and bind the Parties in such and the same way as if this Ordinance had not been passed.

1. Substantially the same as Clause 7 in Ordinance 5(the "half-improved clause") but without the Proviso.

2. The underlined sentence was altered by Clause 2 of Ordinance 9 of 1841 to "nor the provisions touching prescription in the First Clause" [A Collection of the Legislative Acts of Ceylon.(1854.Colombo.) p.127]

# APPENDIX E

## SOME INFERENCES FROM THE ADVERTISEMENTS OF LAND IN GOVERNMENT GAZETTES

### A. NATURE OF THE ADVERTISEMENTS

1. SAMPLE from CO 58/19. "Govt. Gazette". 10 Oct 1840 p 69.

Notice is hereby given that on Thursday the 27th Nov 1840 will be exposed for sale at the Cutchery [sic] in terms of the Government Advertisement of the 13th April 1839 a piece of Government forest land called Mahawewkella situated in Oodebulatgamme [Uda Bulatgamuwa] estimated contents about 1000 acres, and bounded to the north-east by the boundary line of the land purchased by the Hon. George Turnour Esq, to the south-west by the forest Wellekaddeyeena Mookoolana [sic], to the north-west by the south-eastern boundary line of the land applied for by C.R. Buller Esq, to the south-east by the forest called Rillegolle Mookoolana [sic], distant from Kandy about 34 miles and about 6 miles from the nearest high road.

GA's Office Kandy
27 Aug 1840 JN Mooyaart Actg GA.

NOTE a: Unless otherwise stipulated all information and inferences relate to the Central Province only.

2. In 1839 the initial advertisements did not specify the boundaries in the manner above. The first advertisement was on 17 Aug 1839 [CO 58/18. p 285.] In the S. Province the first example is on 8 June 1839 [p 157] but these advertisements do not specify the boundaries. Apparently much depended on the particular G.A's or on the planters who were interested in the lots.

3. From around 1844 all advertisements were made through the Colonial Secretary, and not only through the Provincial headquarters.

4. By the early 1840's moreover the acreage extent of the lots had been (roughly) surveyed and were not mere approximations as in 1839, 1840.

5. Moreover whereas in 1839-40 the name of the land was not given often, it was usually specified (unless unknown) in the advertisements of 1844-45.

Note b: All advertisements were made for a period of three months and thus repeated in succeeding Gazettes. Thus volume 24 with the Gazettes of 1845 in effect has advertisements for fifteen months (Oct 1844 - Dec 1845).

Note c: My inferences are all drawn from an examination of the "larger lots" advertised, i.e. all lots of 40 acres and above. However, there are a few cases when I have included smaller lots - even some of 5 to 10 acres - in my computations as they were bordered by a plantation or for some other obvious reason seemed to be wanted for the planting of coffee. As for the small plots occasionally advertised, they are obviously part of town lots or are paddy fields and gardens (which evidently some "natives" wished to acquire) and which are clearly unsuitable for plantations. These small lots are invariably surrounded by "private property", "gardens" and "fields".

Note d: The presumption made - given the system of lots being advertised after a request by a planter who had already staked it out, rather than due to a Surveyor's work - is that all the lots advertised were sold. Exceptions, however, are admitted as possible.

B. ON THE TYPE OF LAND ADVERTISED: 1839, 1840, 1845

1. In all provinces, and from the outset, the term "Government forest land" is the most common one used. Sometimes it is "waste forest land". On other occasions "high ground", "waste land", "Government land" or "Government waste". These latter three are rather ambiguous and could refer to forest chena or patena, but fortunately they are not used very frequently except in the Southern Province. Sometimes the terms "chena" or "pattena" (and once "Crown grass land called hena") are used.

2. It should also be noted that the name of a particular lot could give a clue as to the type of land. The ending "kelle" or "kelay" or "mookoolana" clearly indicates it to be jungle; the ending "hene", chena.

3. Thus in the Central Province from the outset there is a distinction drawn between chena and forest. [See CO 58/19. "Govt. Gazette". March 1840. pp 158-59. In one case 6 lots of chena of between 2 and 18 acres are advertised: all clearly not for plantations]. The inference is plain: Government knew what it was selling, and planter what he was buying.

4. There are some occasions when large lots of chena or patena are advertised for sale. Thus despite the opinion that chenas were not suitable for coffee, a few lots of chena seem to have been bought.

5. But these were clearly the exception to the rule. In CO 58/24 of the 62 lots advertised, 3 were chena, 2 probably so (i.e. having ending "hena" in the name) and 6 probably patena (having ending "pattena").

C. <u>ON THE SITUATION, BOUNDARIES AND PROXIMITY TO NATIVE LAND: SAMPLES IN THE 1840's</u>

1. On several occasions the lot advertised is described as being "near" or "at" or "in" a specified village. At first sight this might seem to indicate adjecency to village land or even outright expropriation of village forest. But these terms must not be taken at face value. In a good proportion of these instances, the lot is further described as being bounded by Government forest, or a property of a planter or a (named) area of rocky land. Thus it would seem that this was merely an indication that the lot was within the large limits of the specified village.

2. It is on the index of the boundaries of the lots that one must judge the extent to which the plantations were proximate to the villages. This question of proximity is important. The greater the proportion of plantations adjacent to cultivated village land (whether fields or hena) or private land, the greater the extent of friction over land rights, cattle trespass etc. In fact this study has some bearing on the question of expropriation of chenas. If most of the lots were not bordered by chenas or village or private property, it would be a fair conclusion that the lots were, in fact, virgin forest; and that, therefore, chenas were not expropriated.

3. For a sample study on these lines I categorised the type of land on the borders into the following:

(a) Ambiguous terms like Government land.
(b) "Government Forest", "Forest" or a specified name which was clearly a forest because of the ending "kelle" etc.
(c) "Crown Pattena" or "Pattena".
(d) A ground with a specific name given, or rockland or a precipice or a specified tree.
(e) The property of a planter [the name of the planter or the estate was always given].
(f) Streams.
(g) A Road or a Path.
(h) A "village" or the term "private property" or fields or the land of an individual who was named.
(i) Village or private chena.

Only in the latter two cases can we definitely assume that there was <u>danger</u> of some expropriation of native land

having occurred. Certainly in such cases they indicate that the plantation was adjacent to a populated and cultivated area on one side or the other. In the case of "streams" and "roads" too there are possibilities that the lot was near a peopled district (though how densely peopled is a moot point in both instances).

Note: Quite often the lot is described as "bounded on the north by X and by Y and by ..." - thus, in fact, there are halves or one-thirds. But in sample II below for purposes of computation, each of these are taken as one.

4. I Sample study: October 1844-December 1845 inclusive; a total of 60 lots. (CO 58/24)
II Sample study: in Gazettes: Jan-March 1840; a total of 24 lots. (CO 58/20)

| The categories | I | | | | II |
|---|---|---|---|---|---|
| | fulls | halves | thirds | Total | |
| a. Ambiguous terms | 12 | 3 | - | 15 | 4 |
| b. "Govt. Forest", "Forest" or forest-ending | 47 | 7 | 4 | 58 | 18 |
| c. "Crown Pattens" or "Pattens" (usually former) | 28 | 7 | 3 | 38 | 11 |
| d. Specified ground, hill, ravine, rocks, tree etc. | 20 | 6 | 3 | 29 | 30 |
| e. Properties of planters (i.e. bordering another estate) | 41 | 11 | 7 | 59 | 16 |
| f. Streams | 25 | 10 | 3 | 38 | 9 |
| g. A road or a path | 4 | - | - | 4 | 4 |
| h. Private or village property, a "Village" or fields | 20 | 8 | - | 28 | 11 |
| i. Private or village "chena" | 5 | 7 | 1 | 13 | 3 |
| | | | | 282 | 106 |

41 14

5. Thus on the basis of the total number of sides, one finds a clear minority of sides adjacent to villages, cultivated land and lands claimed by villagers: 41 cases out of 282, or 14·5%, in Sample One; and 14 cases out of 106, or 13·2%, in Sample Two.

6. One can also examine this question from another angle: to what extent did each particular lot touch on village land etc. on any one side or portion of side or more. On this basis one finds 26 cases out of the total of 60 lots, or 43·3% in Sample One. Thus only in 43.3% of the lots is there any possibility of local lands having been sold - a danger that was very slim when one considers the preference for forest and for a high elevation.

7. In a majority of cases, on the basis of total number of sides, they seem to border on forest or waste, i.e. all in category d being taken as waste or forest, or at any rate uncultivated land, (moreover all planter-properties can be presumed to have been forest). Thus categories b, c, d, provide 125 out of the 282 cases, or 49.2% in Sample One, and 59 out of 106 in Sample Two.

8. Thus these statistics provide circumstantial proof in support of the theory that expropriation must have been, and was, very limited: a theory based on the preference for forest and higher elevations, as well as on evidence of a moderate Government policy.

9. Nevertheless the instances of proximity are sufficiently numerous to indicate that plantations could have been a potent source of friction. There was room for boundary disputes as well as quarrels over cattle trespass etc. in all such cases. Thus the land problem itself cannot be ruled out as a contributory cause for 1848.

10. The description of the boundaries reveals several instances (CO 58/19. "Govt. Gazette". 12 Dec 1840 p 958, CO 58/24. "Govt. Gazette". 8 Feb 1845. p 95 for e.g.) when village chena was recognised. Sometimes it is written: "bounded by lands claimed by the village of X". Thus Government seems to be taking cognisance of village claims and village land.

## D. A SIMILAR EXAMINATION OF 1854 AND 1856 ADVERTISEMENTS

### The Nature of the Advertisements and Differences from the 1840's

The name of the lot is not given except in rare instances.

The acreage is given in detailed and specific form. However the type of land being sold is rarely well described - usually the term "a track of Crown Land", though occasionally that, "Crown forest Land", being used. The acreage of the lots tend

to be smaller in extent than those of the 1840's.
In 1854 very few lots (twenty-one) were advertised for sale - a reflection on the state of the Survey Department.

Categories of Boundaries: They differ from the terminology of the 1840's in several ways. Instead of "Crown Land", "Government Forest", and so forth, one has the term "said to belong to the Crown" used constantly. Neither is the description patens or chens ever used. The names of planters or estates continue to be given but one also has many examples of "bounded by Lot No.123" or "... by allotment No. ..." - quite clearly properties being prepared for sale. Nor is the description "bounded by fields belonging to a native", or "chens of village X" used: instead it is invariably by the term "lands claimed by natives" - the very term indicating a cognisance of the claims of villagers though at the same time revealing the fact that the question of ownership was not fully settled (hence also the term "lands said to belong to the Crown"). Except for rare instances, one does not find any lot being described as bounded by "X mountain" or "Y tree" and so forth, and this category seems to have been merged into "lands said to belong to the Crown". Thus one has the following categories:

1. "Lands said to belong to the Crown" comprising b, c and d of the 1840's samples.
2. Properties of Planters and allotments, same as e before.
3. Streams (f).
4. A road or a path (g).
5. "Lands claimed by natives" comprising h and i in the former sample.

Results of Sample in Tabular Form and Inferences

CO 58/31 for 1854
CO 58/33 for 1856

| | 1854 | | | | 1856 | | | |
|---|---|---|---|---|---|---|---|---|
| | "Falls" | "Halves" & two-thirds | "Thirds" & one-fourths | Total | "Falls" | "Halves" & two-thirds | "Thirds" & one-fourths | Total |
| 1. "Lands said to belong to the Crown" | 17 | 16 | 4 | 27 | 64 | 44 | 10 | 118 |
| 2. Properties of Planters and allotments | 20 | 11 | 2 | 33 | 33 | 27 | 9 | 69 |
| 3. Streams | 6 | 9 | 4 | 19 | 25 | 28 | 9 | 62 |
| 4. A road or a path | 1 | 2 | 4 | 7 | 2 | 6 | 5 | 13 |
| 5. "Lands said to belong to the Crown" | 8 | 7 | 3 | 18 | 21 | 26 | 13 | 60 |
| | 52 | 35 | 17 | 104 | 145 | 131 | 46 | 322 |

1. On the basis of the total number of sides (as in D 5 a very rough estimation), one has 18 cases out of 104, or 17.3% in 1854, and 60 cases out of 322, or 37.2% in 1856: as against 13.2 and 14.5 in samples I and II of the 1840's. Thus clearly a greater proportion of the lots bordered lands claimed by local peasants in the 1850's. Nevertheless the findings confirm those of the 1840's, namely that only in a minority of cases was there the possibility of the lots advertised by Government having sliced off lands claimed by the local peoples.

2. On the second basis - how many of the lots bordered lands claimed by villagers on any one side or more - one naturally finds a greater percentage: 11 out of 21 lots, or 52.6% in 1854, and 25 out of 60 lots, or 40.3% in 1856 (as against 43.3% in sample I (1845) in the 1840's). Thus in both periods only half the lots touched on land demanded by villagers at any one spot or more, and the rest were wholly clear of them. This does not mean that there was expropriation in the former instances, even if one admits that all the local claims were bona fide (which they were not). It merely limits the danger to half the number of official land-sales.

APPENDIX P

PART ONE: VISUAL TEST CONTINUED

The three groups Dolosbage-Yakdessa, Kotmale-Ambagamuwa and Dimbula, marked A, B, and C respectively, can be classed under one category. They preponderated over the unalienated land (presumably waste land, forest, chena, village or private property) in their immediate vicinity. The elevation ranged from over 1,000 - over 5,000 feet and is largely over 2,000 feet;[1] and while these estates 'sat astride' the upper reaches of the Mahaweli, it is in mountainous terrain where the hills rise sharply from the river. The population density, moreover, was very very thin.[2] In the circumstances, the conclusions are that there was no pressure on the Kandyans' land and that there was little or no clash for land.

The plantations in the Pussellawa-Ramboda districts (marked D) can be considered as another group. They differ from the above category in that they do not preponderate over the unalienated land. Their elevation is largely over 3,000 feet and only between 2,000 and 3,000 feet in small portions.[3] The estates are well clear of the Kotmale ganga (river). The population was sparse.[4] Pussellawa had been termed the "Black Forest" by the pioneer planters and in 1859 was described as having more than sufficient pasture for planters and villagers.[5]

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1. According to Ferguson's informants the estates in Dolosbage were 1,500-4,300 feet, in Lower Dimbula 3,500-5,000 feet, Kotmale from below 3,000-5,000 feet and the "general elevation"in Yakdessa 2,500. [Plantation Gazetteer.(1859. Obo.) pp clxv, cxxix, lxxxiii, lxxii.]

2. CO 59/25. "Colombo Observer". 31 Jan 1856. re Ambagamuwa. 1869 Admin. Repts. Kegalla. L.F. Lee. April 1870. p 30 re Upper Bulatgama. The administrative district of Kotmale had a population density of 35.8 in 1872 on the basis of the population given in the [1872 Admin. Repts. Nuwara Eliya. Hartshorne. 29 March 1873. App.H. p 80], and its extent per square mile in the 1921 Census. In 1821 Uda Bulatgama had only eight villages in 230 square miles (assuming the boundaries to be the same as in 1921). Kotmale thirty-nine villages in 248 square miles and Three Korales and Lower Bulatgama 126 in 323 square miles. Return of the Population of the Island of Ceylon.(1827. Obo.) p 149.

3. The impression rendered by the maps is supported by information in Ferguson [op.cit. pp cxii, cxxi-ii], which places the estates in Ramboda between 3,100 and 5,000 feet and Pussellawa at 3,000-5,000.

4. Pussellawa is in Udapalata - which had 139.9 to the square mile in 1871; Ramboda lies within Kotmale (administrative) district.

5. Ferguson. op.cit. p cxxiv; so did Ramboda [p cxiv].

One can conclude that there was neither pressure on the land nor any marked conflict over land in this area. The Walapane and the Upper Hewaheta-Maturata groups, marked E and F, had largely the same characteristics[1] and support a similar verdict. The block of estates depicted as G and lying in the southern portion of Lower Hewaheta were somewhat similar - with an elevation from 2,000 to over 3,000 feet but largely over 3,000 feet,[2] this block of plantations was not closely adjacent to streams and there was plenty of unalienated land in the vicinity. There were 223.9 persons to the square mile - not all that densely peopled. There was plenty of grassland.[3] The impression is that there was no shortage of land for the villagers but the increased acreage bought by planters in the 1860's[4] renders qualification necessary.

In Tumpane, marked L, the estates are so few and the population density so thin(104.9) that, despite the low elevation, there could have been no pressure in the Kandyans' land and the likelihood of any clash was small.

The estates are also at a low elevation of 1,000-over 2,000 feet in Harrispattuwa (marked M) and set away from the river valleys. The unalienated land dominates the alienated.[5] But the population density of 605.4 per square mile was the highest in the Central Province. The impression is that there was neither pressure on the land nor conflict over land but the density of

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1. Elevations according to Ferguson: Upper Hewaheta, 4,000-5,000 feet [ibid. p xxx]; Maturata 4,200-5,000 feet [CO 59/24. "Colombo Observer" 13 Dec 1855]. Population density: 81.9 in Walapane and 121.5 in Upper Hewaheta [1872 Admin. Repts. p 80 and 1921 Census].
2. Given as 2,000-4,800 feet in the "Colombo Observer" of 29 Nov 1955 [CO 59/24] it was subsequently given as 2,500-4,800 feet and the "average height" as 3,200 [Ferguson. op.cit. p clxxxvi]. Note that this relates to the whole of the Lower Hewaheta 'planting district' whereas our category G excludes the estates adjoining the Mahaweli.
3. Supra. p 315, fn 4.
4. 2,201 acres between 1863 and 1871. [See Part Two of this App. infra.]. There were thirty estates in 1870 in Lower Hewaheta planting district. Only eighteen can be spotted on the map.
5. Unfortunately both L and M fall within the 'planting district' of Kurunegala which extended over a vast area and was of low elevation [600-2,400 feet with 1,500 as "the average" according to Ferguson. op.cit. p cvii]. Kurunegala also had the dubious distinction of having brought the ruin of many planters and with Ambagamuwa had the largest number of abandoned properties. C.1203. "The Overland Ceylon Observer". 9 Feb 1871. The 1863 figures had increased by twelve estates and 4,651 acres in 1870 [Part Two of this App. infra.]. It is not certain where this increase was; but it is sufficient to demand a circumspect conclusion regarding Harrispattuwa, though not Tumpane.

population necessitates a cautious and dubious note in a country which was "almost free from jungle" even before the coffee period.[1]

West Matale (marked M) had similar characteristics excepting that the estates seem to be largely over 2,000 feet.[2] The population figures have to be treated with circumspection,[3] but as we have seen, there was adequate pasture in Matale as a whole. On this basis one can render a similar verdict as that on Tumpane, but the fact that this region witnessed considerable discontent and several attacks on plantations in 1848 enjoins caution. Moreover, between 1863 and 1875, 6,185 acres were purchased in this region.[4] A considerable figure this, to the extent that it was to the eastward of the older lands the possibility of encroachment on local lands and that of pressure on the land seems very likely.

East Matale (marked O) was largely over 3,000 feet and clearly had a very thin population. On this basis one can safely assume that there was neither pressure nor conflict on any significant scale before 1861. But seventeen properties had been added between 1863 and 1870, 10,885 acres between 1863 and 1875. To the extent that it descended westwards towards the populated valley and was below 3,000 and particularly 2,000 feet, the chances are that some pressure was applied on the inhabitants, though it seems less likely than in West Matale on account of the elevation and population factors.

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1. S. Casiechetty. The Ceylon Gazetteer (1834. Cey.) p 98. "... and [was] picturesquely diversified with little round hills ... spotted with clumps of cocoanut and other fruit trees and narrow valleys covered with paddy crops." His account seems to have been taken from Davy. [An Account of the Interior of Ceylon.(1821. Lon.) pp 441-42.]

2. Ferguson places the estates in West Matale between 1,400 and 3,800 feet and the "general elevation" at 2,000-3,000 feet noting that the "lowest point [of coffee culture was] 1,400 feet at which height [it] almost [met] the Rice fields of the beautiful valleys of Matella [sic] and Aegiriya". [op.cit. pp clxvii, clxii].

3. 67.9 for the whole of Matale in 1871, they are too generalised in that Matale was an extensive district including malarial jungles and rugged hills. The population was most between Kandy and Matale and along the Matale Gap.

4. Part Two. infra.; Our map shows seventeen-eighteen estates as against the forty-three properties of 1870.

Hunnasgiriya, Kelebokke-Knuckles and Kanralla-Hedamahanuwara (marked P, C and K respectively) are groups which can be classed under one category. Largely over 3,000 feet (with a few strips between 2,000 and 3,000 feet),[1] in rugged jungle-clad terrain and in a region with a very low density of 67.9 to 86.4 per square mile,[2] it is fairly patent that there was neither pressure on the land nor any marked clash over land as a sequel to the growth of coffee.[3]

The estates in Sabaragamuwa, Uva and Naputale do not come within the orbit of this map but they were of comparatively small extent in contrast to the unalienated land around them, situated in regions which were not thickly peopled, often remote as well as highly elevated.[4] There could have been no pressure or clash here. There were hardly any coffee estates in Kegalla District (marked S).

## PART TWO: THE INCREASE IN PLANTATION PROPERTY 1863-1875.

Since the visual survey of the effect of the plantations on the Kandyan peasantry rests on a map of 1861, this Appendix sets out to indicate the extent to which land was purchased in each planting district in the 1860's and 1870's. This will reveal the principal areas of attention in this, the later phase of the Coffee Period; and incidentally demonstrate the extent to which the land purchased had been brought under actual cultivation.

On Coffee, fortunately, the statistics are reliable, if not always correct right down to the last digits. In the following table each "planting district" is taken in turn and (a) reveals the number of estates in the district, (b) the total

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1. According to Ferguson's information: the Kangalla estates were between 2,500-4,500 feet, Hedamahanuwara 2,500-3,500; Knuckles and Kellebokke 2,500-4,500 feet [op.cit. pp clxi, lxxix, lxxxvii, cxvii].
2. These estates lay largely within Matale and Upper Dumbara administrative districts- the former having 67.9 and the latter 86.4 people per square mile.
3. Notwithstanding some increase in alienated land in the 1860d
4. While the annexed map does not reveal these areas, the original does. It was not worthwhile reducing the scale in order to include these regions within our purview. A similar map of the coffee plantations [1859] can be found in Tennent. Ceylon. 4th ed. (1860. Lon.).

extent of the estate property, and (c) the extent under coffee. The vertical columns indicate the years 1863, 1870 and 1875; and the differences (increase or decrease) between them. Column 1 is based on A.M. Ferguson. Ceylon Directory. Calendar and Compendium of useful information (1863. Cbo.) pp LXIX-CVI and if not as reliable as the later figures, is closely approximate. Under this column (a) is occasionally difficult to tabulate as two estates are sometimes taken together. On occasions too the total acreage is short of the correct figure because acreagesfor one, two or three estates are not provided. An asterisk marks such totals. Column 2 represents the state of affairs in 1870 and is based on William Sabonadiere. The Coffee Planter of Ceylon. 2nd ed. (1870. Lon.) pp 210-11. A similar set of figures is provided by Peterson. Ceylon Almanac for 1870 (? Cbo.) p 495, but they do not seem as up to date because both (a) and (b) generally fall a little short of Sabonadiere's figures. There are several discrepancies between the two but Sabonadiere's is taken as the more reliable. He indicates the "number of estates now opened and worked" as well as the actual number of properties; Col.2 (a). These are represented in brackets.

Column 3 represents the difference between 2 and 1. Column 4 represents the statistics for the year 1875 as in Sir T. Villiers. Mercantile Lore.(1940. Cbo.) pp 13-14. Column 5 indicates the differences between 4 and 2; Column 6 the difference between 4 and 1.

There are times when the statistics conflict, as when Ferguson depicts a higher acreage of estate land in 1863 than Sabonadiere does in 1870. Detailed explanations of these are not attempted here, but they would have to be sought in regard to the boundaries assigned to the different districts; and note would have to be made of the new districts hived off betwixt our dates. Where the discrepancies between 1863, 1870 and 1875 are small - say our figures present an addition of only 50 acres - it could be inferred that one or the other of the columns was wrong and that no real change had occurred in the meanwhile.

| | | Col.1 1863 | Col.2 1870 | Col.3 | Col.4 1875 | Col.5 | Col.6 Alterations between 1863 & 1875 |
|---|---|---|---|---|---|---|---|
| Allagalla | a | 12 | 13(12) | +1 | - | - | - |
| | b | 4,358* | 4,618 | +260 | 5,065 | +447 | + 707 |
| | c | - | 2,092 | - | 4,451 | 2,359 | - |
| Ambagamuwa | a | 30-31 | 31(26) | same | - | - | - |
| | b | 23,069 | 20,879 | -2,190 | 28,267 | +7,388 | +5,198 |
| | c | - | 7,090 | - | 8,482 | +1,392 | - |
| Badulla | a | 28 | 57(52) | +28 | - | - | - |
| | b | 10,908 | 14,323 | +3,415 | 17,770 | +3,447 | +6,862 |
| | c | - | 9,265 | - | 11,412 | 2,147 | - |
| Dickoya & Maskeliya Valley | a | - | 44(36) | - | - | - | - |
| | b | - | 20,950 | - | 43,087 | +22,137 | - |
| | c | - | 6,599 | - | 31,808 | +25,209 | - |
| Dimbula | a | 23 | 61(51?) | 38 | - | - | - |
| | b | 13,354* | 26,228 | +12,874 | 47,129 | +20,901 | +33,775 |
| | c | - | 9,480 | - | 37,036 | +25,556 | - |
| Dolosbage | a | 38 | 53(44) | 15 | - | - | - |
| | b | 16,993* | 19,842 | +2,951 | 20,733 | +891 | +3,842 |
| | c | - | 8,707 | - | 10,825 | +2,118 | - |
| Dumbara (both Upper and Lower) | a | 17 | 18(18) | +1 | - | - | - |
| | b | 7,247 | 7,100 | -147 | 8,291 | +1,191 | +1,044 |
| | c | - | 3,519 | - | 4,291 | +772 | - |
| Hantane | a | 30 | 39(39) | +9 | - | - | - |
| | b | 9,722 | 10,836 | +1,114 | 10,352 | -484 | +630 |
| | c | - | 5,384 | - | 5,939 | +555 | - |

Table Cont'd.

| | | Col.1 1863 | Col.2 1870 | Col.3 | Col.4 1875 | Col.5 | Col.6 Alts. bet. 1863 & 1875 |
|---|---|---|---|---|---|---|---|
| Haputale | a | 38 | 58(56) | +20 | - | - | - |
| | b | 13,158 | 20,130 | +6,972 | 21,981 | +1,851 | +8,823 |
| | c | - | 11,690 | - | 14,267 | +2,937 | - |
| Hewaheta, Upper | a | 11 | 11(11) | same | - | - | - |
| | b | 8,222* | 9,120 | +898 | 10,944 | +1,822 | +2,720 |
| | c | - | 2,436 | - | 2,742 | +306 | - |
| Hewaheta, Lower | a | 29-31 | 28(21) | -1 | - | - | - |
| | b | 8,820 | 11,021 | +2,201 | 11,577 | +550 | +2,751 |
| | c | - | 6,075 | - | 6,167 | +92 | - |
| Hunnasgiriya | a | 23 | 27(26) | +4 | - | - | - |
| | b | 8,391 | 9,200 | +809 | 9,977 | +777 | +1,586 |
| | c | - | 6,951 | - | 7,797 | +846 | - |
| Kadugannawa | a | 37 | 41(37) | +4 | - | - | - |
| | b | 8,312 | 11,369 | +3,057 | 11,389 | +20 | +3,077 |
| | c | - | 5,620 | - | 4,033 | -1,587 | - |
| Kegalla | a | 3 | 6(5) | 3 | - | - | - |
| | b | - | 933 | - | 1,083 | +150 | - |
| | c | - | 482 | - | 497 | +15 | - |
| Knuckles | a | 18 | 21(19) | +3 | - | - | - |
| | b | 5,755 | 6,100 | +345 | 6,426 | +326 | +671 |
| | c | - | 4,037 | - | 4,624 | +227 | - |
| Kelebokke | a | 18 | 18(18) | same | - | - | - |
| | b | 7,099 | 8,129 | +1,030 | 8,000 | -129 | +901 |
| | c | - | 4,641 | - | 4,176 | -465 | - |
| Kurunegala | a | 39 | 51(40) | +12 | - | - | - |
| | b | 8,317 | 12,968 | 4,651 | 13,535 | +567 | +3,118 |
| | c | - | 5,073 | - | 4,681 | -392 | - |

Table Cont'd.

| | | Col.1 1863 | Col.2 1870 | Col.3 | Col.4 1875 | Col.5 | Col.6 Alts. bet. 1863 & 1875 |
|---|---|---|---|---|---|---|---|
| Kotmale | a | 24-26 | 30(28) | +6 | - | - | - |
| | b | 10,775 | 12,348 | +2,573 | 12,666 | +318 | +2,891 |
| | c | - | 8,245 | - | 7,597 | -648 | - |
| Matale, East | a | 50 | 67(65) | +17 | - | - | - |
| | b | 17,628 | 23,267 | +5,639 | 28,523 | +5,256 | +10,895 |
| | c | - | 11,839 | - | 13,500 | +1,661 | - |
| Matale, West | a | 25 | 43(43) | +18 | - | - | - |
| | b | 8,581* | 13,362 | +4,781 | 14,766 | +1,404 | +6,185 |
| | c | - | 7,533 | - | 8,499 | +966 | - |
| Maturata | a | 15 | 17(16) | +2 | - | - | - |
| | b | 5,486* | 7,508 | +2,022 | 10,128 | +2,620 | +4,642 |
| | c | - | 3,684 | - | 3,711 | +27 | - |
| Medamahanuwara | a | 24 | 28(23) | +4 | - | - | - |
| | b | 5,900* | 8,582 | +2,682 | 8,670 | +88 | +2,770 |
| | c | - | 3,464 | - | 3,419 | -25 | - |
| Morawaka Korale (Southern Province) | a | Virtually | 22(19) | - | - | - | - |
| | b | non ex- | 9,664 | - | 10,952 | +1,288 | - |
| | c | istent | 2,554 | - | 3,829 | +1,275 | - |
| Nillambe | a | 20 | 26(26) | +6 | - | - | - |
| | b | 6,708* | 9,650 | +2,942 | 10,368 | +718 | +3,660 |
| | c | - | 5,089 | - | 5,632 | +543 | - |
| Pussellawa | a | 36 | 40(40) | +4 | - | - | - |
| | b | 15,216 | 16,738 | +1,522 | 19,637 | +2,299 | +5,241 |
| | c | - | 9,941 | - | 10,350 | +409 | - |
| Ramboda (& Pundhul Oya) | a | 23 | 26(25) | +3 | - | - | - |
| | b | 10,958 | 9,202 | -1,736 | 12,326 | +3,124 | +1,756 |
| | c | - | 4,824 | - | 5,593 | +769 | - |

Table Cont'd.

| | | Col.1 1863 | Col.2 1870 | Col.3 | Col.4 1875 | Col.5 | Col.6 Alt. bet. 1863 & 1875 |
|---|---|---|---|---|---|---|---|
| Rangalla | a | 16 | 16(25) | same | - | - | - |
| | b | 5,431 | 6,038 | +607 | 6,700 | +693 | +1,300 |
| | c | - | 4,042 | - | 4,068 | - | - |
| Sabaragamuwa | a | 20 | 38(34) | +18 | - | - | - |
| | b | 6,813* | 12,003 | +5,190 | 17,697 | +5,694 | +10,884 |
| | c | - | 4,981 | - | 7,591 | +2,610 | - |
| Walapane or Uda Pussellawa | a | 11 | 20(17) | +3 | - | - | - |
| | b | 4,074 | 9,838 | +5,764 | 11,797 | +1,959 | +7,723 |
| | c | - | 3,934 | - | 3,096 | +1,162 | - |
| Walapane, Lower | a | 4 | 4(3) | same | - | - | - |
| | b | 1,653 | 1,751 | +98 | 1,744 | -7 | +91 |
| | c | - | 580 | - | 670 | +90 | - |
| Yakdessa | a | 17 | 19(11) | +2 | - | - | - |
| | b | 9,891 | 10,948 | +1,057 | 9,467 | -1,481 | -424 |
| | c | - | 2,600 | - | 2,465 | -135 | - |
| The following districts are not considered in the visual test. They are remote and of high elevation and only developed in the 1860's: | | | | | | | |
| Madulsima & Hewa Eliya | a | Not Listed | 30(20) | - | - | - | - |
| | b | | 11,925 | - | 11,736 | -189 | - |
| | c | | 3,273 | - | 4,706 | +1,433 | - |
| Nitre Cave | a | Not Listed | 14 (7) | - | - | - | - |
| | b | | 4,268 | - | 4,370 | +112 | - |
| | c | | 743 | - | 766 | +21 | - |

Appendix 4

# B I B L I O G R A P H Y

## MANUSCRIPT SOURCES

### Official

**The C.O. Series in the Public Record Office.**

CO 54: pertains to all despatches and letters from the authorities in Ceylon as well as from individuals or British departments such as the Treasury and the Land and Emigration Commission on relevant matters. They provide the main body of source material and include the views recorded by the authorities in the Colonial Office in minutes annoted on the original papers. Drafts of most of the despatches from the Secretary of State to the Governor are also found in these volumes.

CO 55: contains all despatches from the Secretaries of State to the Governors in Ceylon.

CO 57: has the rather misleading designation of "Sessional Papers". This series pertains to the Minutes of the Executive Council and of the Legislative Council - sometimes in separate volumes. From 1860 onwards the printed Sessional Papers laid before the Legislative Council, bound in separate volumes, form part of this series as well. From 1867 the printed Administrative Reports also come under CO 57.

CO 323: original correspondence to the Secretaries of State from all colonies. Those marked "Offices" are largely from other Government departments. Those labelled "Individuals" usually relate to patronage. But this series also contains the reports of Frederic Rogers (as legal counsel) on colonial acts from 1847 to 1860.

Private

Braybrooke MSS. Philip Braybrooke rose to be C.A., Central Province. A few newspaper cuttings, a complimentary note from Sir W.Robinson and the present he received from the Kandyan chiefs are in the possession of Mr.P.Braybrooke of Ardleigh Park, Essex to whose hospitality I am much indebted. The MSS., as such, are of little value.

Cardwell MSS. In the Public Record Office; PRO 30/48 being the call sign. Of little value with regard to Ceylon.

Carlingford MSS. At the County Record Office in Taunton, Somerset. Very little on Ceylon but of interest in showing the Colonial Office at work and giving sidelights on society of the time.

Carnarvon MSS. In the Public Record Office; call sign, PRO 30/48, contains some valuable letters on Ceylon affairs.

Lawrie MSS. In the Commonwealth Relations Office Library Whitehall. In five unprinted volumes without page numbers but with notes under different topics. Many of the notes are extracts from the works of Simon Sawers and John Armour (two early nineteenth century officials in Ceylon) on Kandyan law while the fourth and fifth volumes contain John D'Oyly's work on the Administration of Justice and that entitled "A Sketch of the Constitution of the Kandyan Kingdom" with Lawrie's notes on them.

Newcastle MSS. At Nottingham University Library; contains correspondence between Newcastle and Ward & MacCarthy with a gap between Feb.1861 and Feb. 1863.

Missionary

Baptist Missionary Society MSS. The MSS. letters are confined to those of the Rev. Mr. Etherington of the early twentieth century. Extracts of letters pertaining to the period under review can be found in The Missionary Herald besides scraps of information in The Oriental Baptist and The Baptist Recorder. They were of little use for my purposes. Since the Baptists had an active mission in the Kandyan regions it is rather unfortunate that no letters survived.

Church Missionary Society MSS. They too had a mission in Kandy but a reconnaisance into letters from missionaries stationed there produced little information of relevance to my interests.

Wesleyan Missionary Society MSS. The Wesleyans did not have a mission in Kandy but concentrated on the South and West of Ceylon and on the Eastern Province and the Jaffna Peninsula. A fairly comprehensive reconnaisance into letters from their missionaries also produced little of value.

## PRINTED SOURCES

Official

Addresses delivered in the Legislative Council of Ceylon by the Governors of Ceylon of the Colony together with The Replies of Council, 4 vols. (1876, 1877,

Administrative Reports [from 1867 onwards, printed for each year; also available in the CO 57 series].

Blue Book Reports [from Ceylon for each year printed together with such annual reports from all the other colonies and volumes entitled "Colonial Reports"].

H.P.P., Accounts and Papers, Despatches received from Governor Lord Torrington relative to the Commercial, Coffee Planting and Financial Difficulties of the Island of Ceylon,(1847-48), [309], XLII. 103.

B.P.P., Accounts and Papers, Papers relative to the Affairs of Ceylon, (1849), [1018], XXXVI. 1 - (1851), [1301], XXXV. 5.

B.P.P., Reports from Committees, First Report from the Select Committee on Ceylon together with the proceedings of the Committee, Minutes of Evidence and Appendix, (1850), XII.

B.P.P., Reports from Committees, Second Report from the Select Committee on Ceylon ...

B.P.P., Reports from Committees, Third Report from the Select Committee on Ceylon, (Session 1850) ... , (1851), VIII, Parts I and II.

B.P.P., Sessional Paper XXVIII, Viscount Torrington's letter to the Rt. Hon. H.Labouchere, M.P. reviewing the administration of the Government of Ceylon with reference to the remarks of Sir H.Ward with reply of Mr. Labouchere, (Vol.45, Session 2, 1857).

The Ceylon Almanac and Annual Register for [the years 1856, 1857, 1858 and 1859.] (Cbo.).

The Ceylon Almanac and Compendium of Useful Information for [the years 1835, 1836, 1844, and 1847.] (Cbo.).

Collection of the Legislative Acts of the Ceylon Government from 1796, [ed. W.Skeen] 2 vols. (1854, Cbo.).

The Colonial Office List.

Proceedings of the Legislative Council of Ceylon [also entitled "Debates in the Legislative Council of Ceylon" and later called the "Hansard"], volumes as per annual session.

Reports on the Finance and Commerce of the Island of Ceylon and correspondence relative thereto, (1848, Lon.).

Report of the Temple Lands Commissioners on the Progress and Results of the Commission, [A.Y.Adams and P.Braybrooke], 24 June 1859, (n.d. Cey.).

Return of the Population of the Island of Ceylon, (1827, Cbo.).

Sessional Papers, [from the year 1860 onwards being papers laid before the Legislative Council and also available in the CO 57 series].

Volume of Speeches and Minutes of Sir Henry George Ward,(1864,Cbo)

CO 59 Series, Blue Books [of Statistics].

CO 882 Series, Printed papers of the Colonial Office including "Memorandum on the Land Revenue of Ceylon" by W.Strachey (29 April, 1847) and "Memorandum of the Recent Financial Legislation in Ceylon and of the Government Measures and Political Events connected therewith" (16 Feb., 1849) probably by Strachey.

<u>Contemporary Newspapers and Periodicals.</u>

CO 59 Series in the Public Record Office has the "Ceylon Times", the "Colombo Observer" and "The Examiner" from the year 1848 to the year 1856; the years 1854-1856 have been read. The "Colombo Journal" of 1832 has also been covered selectively.

C.O.A. Nine months of the "Colombo Observer" for the year 1857 have been examined.

British Museum Newspaper Library, Colindale, has papers from the year 1863 only. The collection of English newspapers in Ceylon to the year 1870 inclusive is virtually complete. At least one of the major newspapers - generally the "Observer" - was read and the others were delved into. The "Colombo Overland Observer" of 1871 was also covered.

The periodical entitled "The Colonial Magazine and East India Review", vols. 16-18, 21 (1849-51), was of little value.

"The Journal of the Royal Asiatic Society, Ceylon Branch", was much more useful.

Contemporary and Pre-contemporary Books and Pamphlets


| | |
|---|---|
| Adderley, C.B. | Review of "The Colonial Policy of Lord John Russell's Administration" by Earl Grey, 1853, and of subsequent Colonial History (1869, Lon?). |
| "Aliquis" [Stewart Jolly] | Coffee Planting in Ceylon, (1861, Lon.) |
| "An Auld Scotchman". | How I Lost My Wattle or Life in Ceylon and the Coffee Planting Experience of an Auld Scotchman (1878, Lon.). |
| Baker, Sir S.W. | Eight Years' Wanderings in Ceylon, (1855, Lon.). |
| Barrow, Sir George | Ceylon: Past and Present, (1857, Cbo.) |
| Bennett, J.W. | A Manual of Useful Information upon the Island of Ceylon, (1841?). |
| Bennett, J.W. | Ceylon and its Capabilities, (1843, Lon) |
| Bertolacci, A. | A View of the Agricultural, Commercial and Financial Interests of Ceylon, (1817, Lon.). |
| Bisset, J.T. | A Journal of Two Years Travel in Persia Ceylon, etc., (1857, Lon.), 2 vols. |
| Brooke, R. | Extracts from the Journal of an Excursion to explore the Mahavilla[sic] Ganga, (1833, Cbo.). |
| Brown, Sampson [pseud.?] | Life in the Jungle or Letters from a Planter to his Cousin in London, (1845, Cbo.). |
| Campbell, Lt.Col.James | Excursions, Adventures and Field Sports in Ceylon; its commercial and military importance and numerous advantages to the British Merchant, (1843, Lon.). |
| Capper, John | Pictures from the East, (1854, Lon.). |
| Capper, John | Old Ceylon: Sketches of Ceylon Life in the Olden Time (1878, Lon.) virtually |

| | |
|---|---|
| | a reedition of his earlier book with the chapters in different order and one or two chapters added. |
| Casiechotty, S. | The Ceylon Gazetteer, (1834, Cey.). |
| ——— | The Ceylon Magazine, (Sept.1840-Sept,1841) |
| "Coloniat." | Is Ceylon to be Sacrificed at the Shrine of Party? a letter addressed to Sir R. Peel, Bart., M.P. (1850, Cbo.?). |
| "Coloniat." | A Few Remarks upon Colonel Forbes' pamphlet on Recent Disturbances in Ceylon in a letter to Sir R.Peel, Bart., M.P., etc. (1850, Cbo.). |
| Daniel, Rev.F. | Reminiscences of Two Years' Missionary Labours in the Junglos of Ceylon, (1843, Kandy). |
| [Darling, J. and D.A. (publishers)] | Extracts of Letters from Ceylon on Courtship, Marriage, etc. with a Peep into Jungle Life, (1848? Lon.). |
| Davy, John | An Account of the Interior of Ceylon and of its inhabitants with Travels in that Island, (1821, Lon.). |
| ——— | Debate upon Mr.Ward's Resolutions on Colonization 27 June 1839, (1839, Lon.). |
| De Dusseche, Capt.L. | Letters on Ceylon particularly relative to the Kingdom of Kandy, (1817, Lon.). |
| De Butts, Lt. | Rambles in Ceylon, (1841, Lon.). |
| Dickman, C. | The Ceylon Civil Service Manual, (1865, Cbo.). |
| D'Oyly, Sir J. | A Sketch of the Constitution of the Kandyan Kingdom, new ed., (1929, Cbo.). |
| Ferguson, A.M. [ed.] | Ceylon Summary of Useful Information and Plantation Gazetteer, (1859, Cbo.). |
| Ferguson, A.M. [ed.] | The Ceylon Commonplace Book, Directory, Road Book and Compendium of Useful Information for 1861, (1861, Cbo.). |

Ferguson, A.M. [ed.] — The Ceylon Directory, Calendar and Compendium of Useful Information, (1863, Cbo.)

Ferguson, A.M. [ed.] — Summary of Useful Information regarding Ceylon. Its Natural Features, Climate, Population, Religion, Agriculture, Commerce, etc., (1865, Cbo.).

Ferguson, A.M. [ed.] — The Ceylon Directory, Calendar and Compendium of Useful Information for 1866-1868, (1868, Cbo.).

Ferguson, A.M. [ed.] — Souvenirs of Ceylon, (1869, Cbo.).

Forbes, Major J. — Eleven Years in Ceylon, (1840, Lon.).

Forbes, Lt.Col. J. — Recent Disturbances and Military Executions in Ceylon, (1850, Lon.).

Grey, Earl of Howick — The Colonial Policy of Lord John Russell's Administration, (1853, Lon.).

Hardy, Rev. Spence — Jubilee Memorials of the Wesleyan Mission, (1864, Cbo.).

Henderson, Capt.J.M. — The History of the Rebellion in Ceylon during Lord Torrington's Government affording a comparison with Jamaica and Governor Eyre, (1868, Lon.).

Hoffmeister, Dr.W. — Travels in Ceylon and Continental India, (1848, Edinburgh).

Knighton, W. — Forest Life of Ceylon, (1854, Lon.).

Knighton, W. — Tropical Sketches or Reminiccences of an Indian Journalist, (1855? Lon.).

Knox, Robert [ed. J.Ryan.] — An Historical Relation of the Island of Ceylon in the East Indies, (1911, Glasgow.)

Lewis, P.T. — Coffee Planting in Ceylon Past and Present, (1855, Cbo.).

Liesching, L.F. — A Brief Account of Ceylon, (1861, Jaffna.).

Lorenz, C.A. — The Christmas Debates of the Island of Ceylon with numerous sketches of the principle speakers, songsters and silent members, [1860-65], (1866, Cbo.)

| | |
|---|---|
| udovici, Leopold | Rice Cultivation: Its Past History and Present Condition; with suggestions for its improvement, (1867, Cbo.). |
| arshall, Henry | Ceylon A General Description of the Island and its Inhabitants with an Historical Sketch of the Conquest of the Colony by the English, (1846, Lon.). |
| ember of the Ceylon Junior Civil Service. | Law Reform in Ceylon:Its History, Progress and Tendency, (1853? Cbo.). |
| erivale, Herman | Lectures on Colonization and Colonies, (1861, Lon.). |
| illie, P.P. | Thirty Years Ago or Reminiscences of the Early Days of Coffee Planting in Ceylon, (1878, Cbo.). |
| oll, C.F. ed.] | Young Ceylon [A monthly periodical in one volume, covering the years 1851 and 1852], (1851-52, Cey.). |
| won, P.P. | First Years Work on a Coffee Plantation, (1877, Cbo.). |
| eyne, C.C. | Ceylon Its Products, Capabilities and Climate, (1854, Lon.). |
| eterson | Ceylon Almanac for 1870, (1870? Cbo.). |
| hilalethés, [Rev. Robert Fellowes]. | The History of Ceylon from the earliest period to the year MDCCCXV with characteristic details of the religion, laws and manners of the people, (1817, Lon.). |
| hilalethes, [Sir R. Wilmot Horton]. | Letters containing Observations on Colonial Policy originally printed in Ceylon, in 1832, (1839, Lon.). |
| over, T.Rawdon. | On the Agricultural, Commercial, Financial and Military Statistics of Ceylon, (1863, Lon.?). |
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