

ART. IX.—*On the Form of Government under the Native Sovereigns of Ceylon.* By A. DE SILVA EKANÂYAKA, Mudaliyar of the Department of Public Instruction, Ceylon.

THERE being unquestionable historical facts and monumental ruins to testify to a considerable amount of civilization amongst the Sinhalese at an early period of their history, it may not unreasonably be supposed that they had a code of written laws, and a regular Government with a suitable executive. This cannot well be doubted, since it appears that law itself formed, in ancient times, a subject of study in the island. No regular records of these things, however, have come down to us, owing, in all probability, to the wanton destruction of literary records and libraries during the several invasions from the continent of India. Sinhalese historians with one voice deplore the devastations committed by the Cholas about the commencement of the thirteenth century, when the island suffered irreparable losses, both in a literary and political point of view, from the Saracenic fury of the invaders.

The native kings who reigned at Cotta and Kandy, during the time that the Portuguese and the Dutch exercised their sway over the maritime parts of the island, governed the interior provinces upon the basis of the constitution and laws derived from the more ancient kings who reigned in such cities as Anurâdhapura, Pollonnaruwa and Dambadeniya. The principles which guided the later kings were apparently in accordance with the *lex non scripta* of the country, or such customary laws, dating from a remote antiquity, as may in most instances be believed to have originated from ancient written laws of which no record then remained.

As in all countries in the East, the supreme authority, both legislative and executive, in this island centred in the sovereign, whose power was amenable to no fixed constitu-

tional control. It was, nevertheless, limited to a considerable extent by religious opinion, established customs, and priestly interference. Under these restraints the princes of Ceylon seldom ventured on an extreme abuse of power. When inclined to such excess, the favourite courtiers too, who knew that the monarch was more frequently feared than loved, sometimes used their influence to prevent it, lest the patience of the people should become exhausted.

The crown was hereditary, and females were not excluded from the throne, as we find that an Anulâ¹ and a Lîlâwatî respectively swayed the sceptre of Lankâ. Even during the more modern periods of Sinhalese history, the right of females to the regal dignity was neither denied nor disregarded. When the Portuguese became masters of Kandy for a short time, on the death of Râjasinha of Sitawaka in 1592, their general Don Pedro de Sousa proclaimed Dona Caterina (a native princess who had been under their guardianship) as Queen of Kandy, "in order to favour the desire of the Sinhalese;" and Wimaladharmâ (who was also named Konnappu Bandar and Appuhâmi Don Juan after his conversion to Christianity), when he had defeated the Portuguese in a well-contested battle, married Dona Caterina, "being persuaded that the stability of his kingdom depended on their union," his own title to the throne being very questionable.

Though the King was despotic, he was assisted in the exercise of the functions of Government by a Council of State. This council, we find from a MS. work written towards the close of the reign of Kîrti Srî, was composed of the two Grand Adigârs (Prime Ministers); the Mahâ Mohottâla (Chief Secretary); the four Mahâ Dissâwas (Governors of Provinces), namely, those of Ûwa, Mâtalê, Satkôrala, Hatkôrala; and such of the Dugganna Nilamês (Royal Household Officers) as were Bandâras (sons of chiefs) by birth.

The Sovereign was the head of the national Buddhist

¹ "The infamous Anulâ," as she is called in the MAHAWANSA, who, in the year B.C. 47, after having poisoned her husband and her son, seized upon the throne, was the first female sovereign of Ceylon on record.

religious establishment, and under him it was governed by Chief Priests and their deputies. To reform abuses that might have crept into the established religion of the country, and to bring refractory priests to their duty, a Sangharâja (Pontiff) was occasionally appointed. And it may be remarked that the last individual who held this high office was Weliwitta Saranankara, a son of a Mudaliyar of Tumpanê, during the reign of King Kîrti Srî. With his death in 1779, the office itself expired, and has never since been revived.

After the removal of the seat of government to Kandy, there were two Adigârs who were styled *Mahâ Nilamês* (grand officers). They were next in power and dignity to the King. They acted as judges to the *Wahal Habe* (king's court), and also had the command of the guards called *Katupullê*. The usual number of Adigârs was two,¹ both of whom possessed equal powers. The "services" due from the inhabitants of Udagampaha and Pallêgampaha districts under the Râjâ-kâriya system having been given to the two Adigârs, they were respectively designated Udagampahê Mahâ Nilamê and Pallêgampahê Mahâ Nilamê, the former taking precedence of the other. Though an Adigâr was very powerful, yet his emoluments and influence being less than those of a Mahâ Dissâwa, the Government of a province was added to his office of Adigâr. Being Prime Minister also, he resided in the city which was the seat of Government; and, whenever he visited the provinces over which he was Dissâwa, he was required by the laws of Kandy to leave his wife and children as hostages for his good conduct during his absence.

In addition to the great officers who formed the Council of State, every province and district had its *Dissâwa* or *Ratê-mahatmayâ*. The Dewâla (Hindu Temple) establishments

¹ The last King of Kandy, Srî Vikrama Râja Sinha, had a third Adigâr called Siya Pattu Mahâ Nilamê. This king, in order to fill his treasury, created several new offices, and divided the large Dissâwanies into smaller provinces with Dissâwas appointed to each. This was also one of the proximate causes of the disaffection of his subjects and his unpopularity, which attained their climax in the exasperation caused by his treachery to the troops under Major Davie and other British subjects, and his barbarous cruelties to the family of Ehalepole, and his own subjects, generally; the result being the annexation of the Kandyan provinces by the British in 1815.

had also another class of rulers styled *Basnâyaka Nilamês*, who were secular chiefs appointed for the management of affairs connected with the Dewâla temporalities. These chiefs appear to have been appointed to check to some extent the immense powers with which the provincial governors or Dissâwas were invested. Basnâyaka Nilamês, like the Dissâwas, paid an annual fee to the Mahâ Gabadâwa (Royal Treasury) on their yearly appointments to office; whilst they themselves received similar fees from subordinate head men whom they appointed over temple villages.

All the great officers received their appointments from the sovereign on paying certain stated sums to the Royal Treasury. These appointments were annually renewed at Perahara, when the chief officers were required to pay them annual fees, which formed a not inconsiderable part of the king's revenue. In addition to the income thus obtained, the revenue of the Kings of Kandy consisted of the produce of the royal villages, stated presents from the chiefs on three different occasions during the year, confiscation of estates, and dues received on the death of a *Nindagam* proprietor (lord of the manor) called *Marâle*. The Dissâwas as viceroys also received stated sums of money by the appointment of subordinate head men, such as Kôrâlas, Mohottâlas, and Widânas, within their provinces, besides the produce of *muttettu* fields (maintenance lands), and in addition to these sources of income, we must not omit to mention the fines which they had the power to impose for petty offences.

The King and all his officers of every grade exacted *Râjakâriya* (king's service) from the inhabitants, partly to themselves and partly to the State. *Râjakâriya* was one of the national institutions sanctioned by ancient usage, and was a kind of feudal tenure of lands. The sovereign was held to be the proprietor of all the landed property of the kingdom, and every family in the island received a portion upon the understanding that every male should perform "service" according to his rank and caste for fifteen days in the year without other payment for his possession. The military force of the country consisted of men who were bound to

perform service as soldiers for possessing fiefs under the King. Adigârs, Dissâwas, and other chief officers had villages or estates given them according to their respective dignities and ranks. Tradesmen, mechanics, and men of inferior castes, such as Dhobies, Tomtom-beaters, Paduwâs, and Palanquin-bearers, had their fiefs, and were obliged to render free service to the King and the superior chiefs. Public works, such as the construction of canals, bridges, roads, irrigation works, etc., were carried out by calling out the inhabitants for Râjakâriya. This being the case, there was no necessity for taxes or other imposts. Though a subject was bound to do service for fifteen days as compensation for the enjoyment of the produce of his lands, it was customary, particularly with the soldiers, to serve fifteen additional days voluntarily. Nevertheless this power which Government officers possessed of calling out the quota of labour was frequently abused; and the only mode of relief from undue exactions consisted in the right allowed to the subject to relinquish the land given to him by the sovereign or the lord of the manor—a right, however, which was very seldom exercised, because such an act on his part would deprive him to some extent of the means of living. The fear of offending the King, or a powerful chieftain, also deterred him from relinquishing his fief for possession of which “service” was due. Owing to the whims and caprices of Dissâwas and other territorial chiefs and head men, to say nothing of the arbitrary legal power with which they were invested, and owing also to the dread of offending these officials, the condition of the lower grades of the people and that of the more enslaved castes was only a little better than that of ordinary serfs of the soil. During the Portuguese and Dutch periods in Ceylon, the Mudaliyars, setting almost every established usage and rule at defiance, exacted Râjakâriya to an unlimited extent, and hence Râjakâriya came to be usually designated *compulsory labour*¹ by Europeans, and *Oolium* by Tamils. Every man not holding high offices being obliged to perform

¹ Râjakâriya was abolished by the English Government. An order of the King in Council, proclaimed September 28th, 1832, abolished compulsory labour in the Colony.

“service” or Râjakâriya to the State, and this obligation being, as it were, hereditary, this institution perpetuated the caste system. In Ceylon, under Sinhalese kings, caste was never a religious institution; but it was enforced and kept up for political purposes. It may be conjectured that Râjakâriya, at least in Ceylon, must have existed prior to caste distinctions, and the former most probably gave rise to the latter.

Though caste is hereditary, yet there was no title or dignity, which, properly speaking, descended from the father to the son, as in countries in the West. One of the prerogatives of the King consisted in the conferring of rank and title on the subject. In ancient times the title of *Situ* appears to have been bestowed on great landlords or merchants of superior castes, whose income enabled them to live in the style of princes. But after the removal of the seat of Government to Dambadeniya, during the reign of Mahâ Vijayabâhu, when the national prosperity of the Sinhalese began to decay, this title seems to have been abolished. The degenerate princes also, in their jealousy and hauteur, shunned to see a subject living in the style of a prince. During the reigns of later kings, the title of *Mudiansé* (Mudaliyar) was conferred on such persons as had secured the good-will of the reigning prince by some service to the country, or who had displayed much valour on the field of battle. Sinhalese kings generally selected Adigârs, Dissâwas, and other chiefs from such families as had been thus ennobled. The recipient of this title was prohibited from carrying loads, climbing trees, etc. He also received a royal grant of land for his maintenance, and was allowed to wear on State occasions a cap and a frilled jacket.¹ A new name was also given to him, e.g. Wæligala Ukkurâla, when made a Mudiansé, would be called Wæligala Jayasundara Mudiansé; or, Hiswelle Dhana-pâlahâmi would be called Arthanâyaka Mudiansé of Hiswelle. This custom of giving a new name when a subject was raised to a dignity is very ancient, and seems to have prevailed in

¹ The Portuguese in the low country, making the title of Mudiansé a military rank, invested its recipient with a sword and belt. The Dutch made it not only a military, but also a civil rank.

most Eastern countries. The readers of the Bible will recollect that when Joseph was raised to the dignity of sub-King under Pharaoh of Egypt, he received the new name of Zaphnathpaaneah; and that Nebuchadnezzar King of Babylon conferred new names on Daniel and his companions.

Among a semi-civilized people, it is not to be expected that justice should be administered in its utmost integrity. However, Courts of Law, such as they were, for awarding justice to the injured, and for settling disputes, were amply provided. Among these, the venerable institution of *Gansabâwa* was very prominent. It was a court of arbitration, consisting of the elder and more experienced respectable people of the village, presided over by the *Gâmarâla* or syndic of the village. When a dispute could not be compromised or otherwise settled by the *Gansabâwa*, the suit was instituted in a superior Court. This was called *Dissâwa Naduwa* (Provincial Court). It was presided over by the *Dissâwa* or Governor of the province; and the provincial *Mohottâlas*, generally three or four in number, acted as assessors. The power of the *Dissâwa* in his judicial capacity was limited. He could punish a subject by fines, imprisonment, and whipping. In civil cases he could grant a *Sannasa*, or a decree ordering any one to quit possession of landed property, but he could not revoke any royal grant of land upon a royal *Sannasa*. The highest judicial court in the kingdom was called *Wahal Habe*. This was presided over by either of the *Adigârs*, and was an Appellate Court, to which an appeal lay from the decisions of the *Dissâwani* Court, and its decisions were final.

The *Adigârs* had the power to condemn a criminal to death, but the capital punishment could be carried out by the will and order of the King alone. According to the MS. above referred to, capital punishment was inflicted for the following crimes, namely, murder, high treason, violently assaulting Buddhist priests, wilful destruction of religious edifices and sacred Bo-trees, sacrilege, robbing of the royal treasury, gang robbery (or "dacoiti," as it is called in India) and highway robbery. Persons convicted of these capital crimes were decapitated, or impaled, or hanged. Persons of

higher ranks, all above a Mohottāla, were beheaded. Men of inferior castes were either hanged or impaled after severe whipping. Recourse was occasionally had by enraged tyrants, especially for high treason, to such species of torture as flaying alive, trampling by elephants, starving to death, and burying alive up to the shoulders; but such barbarous punishments, revolting to humanity and the spirit of Buddhism, were very rare, except during the reigns of the later Kings of the Malabar dynasty. The lesser crimes were punished by maiming, heavy fines, whipping, imprisonment, and banishment to distant towns and districts, where fever and other infectious diseases prevailed, such as Bintenna, Pandikkulam, and Teripâhe. Persons guilty of notorious crimes, after being made to wear red flowers and a chain of cow-bones, were led through the streets preceded by tomtom-beaters, the criminal being compelled to proclaim his crime all the while, and at each proclamation he received a kind of knouting, *pættê potta una-pottata enaturu*, "until the skin of the sides came off to the split piece of bamboo." This punishment sometimes preceded impaling, and was called *Wadabera-gæstma*. Common assaults upon men of inferior castes, and disobedience to chiefs and head men, were generally punished by *Ætulpâragæstma*, which consisted of severely beating the back with the open palms of hands.

Persons guilty of crimes against the State, and the established religion of the country, and utter disregard of caste distinctions, were sometimes degraded and made to lose caste, by ordering their countrymen not to eat rice at their houses, and the dhobies and other menials not to render their services to them.

Superstition helped, to a great extent, the judges and magistrates to settle disputes: in doubtful cases recourse was not unfrequently had to ordeals and making of oaths in celebrated temples. The principal ordeal in use consisted in plunging the hands of both complainant and defendant in oil or cow-dung made boiling hot. Robert Knox, in his History of Ceylon, alludes to this practice as being in existence at the time he was a captive in Ceylon.