

CRIME AND PREVENTION IN NINETEEN CENTURY NORTH CEYLON (SRI LANKA)

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Ceylon (Sri Lanka) in the nineteenth century was relatively a peaceful possession of the British. There were "revolts" but they were quelled, and these protests had been from the central highlands. North Ceylon was calm and comparatively a quiet area. The British who found the administering the island an expensive exercise were not too anxious to maintain any costly machinery for enforcing law and order. To keep the troops was itself a burden, and, therefore, they did not bother about a police force for the passive Northern province where the Government Agent was the 'Rajah' of his domain.

Without an effective organisation to detect crimes and systematically apprehend criminals in the early and mid nineteenth centuries the Government Agent was responsible for ensuring security, peace and order within the limits of his province. This was a vital function of the provincial administrator for, since the beginning of British administration, during a period of thirty or forty years, gang robbery had increased in North Ceylon and caused much mischief.¹ The headman, who had been earlier responsible for maintaining law and order, although expected to continue performing their duties in enforcing law and order, on the contrary, appeared to aid the robbers.² This was because the quality of the headmen and their calibre had fallen low.

Later on, however, mainly under Government Agent, P. A. Dyke (1829—1867) the numbers of headmen gradually reduced and only competent and respectable officials were chosen to positions of headmen. They acted more firmly and conscientiously and the numbers of the robber gangs decreased. Further, as more roads were built following the efforts of

Dyke to improve the facilities for communication, transport and travel many of these habitual robbers were apprehended and were meted out deterrent punishment. But when Jaffna town itself became unsafe, the criminals migrated into the interior areas of the Vanni or the remoter parts of the district where they continued indulging in acts of depredation.³

In the other parts of the island, the government had introduced a police system but Jaffna lacked one and crime could not be easily suppressed during the early years of the 19th century. Idleness, drunkenness and gambling commonly accounted for this increase in crime.⁴ A police force in North Ceylon had hence become essential, but in Jaffna the Government Agent stubbornly insisted that there was no need for a regular police force.

From the islands, off Jaffna peninsula, and from some ports in North Ceylon there was extensive smuggling in contraband like opium.⁵ Another common offence was encroachment on crown property and on private property. Complaints regarding encroachments were regular and numerous.⁶ Palmyrah palm timber was highly priced in India. Palms were felled and stolen by merchants and complaints concerning this illicit activity had been several from the mainland and offshore islands.⁷ Moreover the majority of the inhabitants who were small scale cultivators, suffered constant losses owing to the damage caused to their garden produce in villages like Neevely and Kopay.⁸

Since there were several facilities for smuggling with impunity, the Government Agent suggested paying rewards to "informers" who could help the government to detect the culprits.⁹ This scheme was approved in April 1833.¹⁰

A category of a headman called police *Vidanes* were also employed in attending to police duties.¹¹ But quite often the service these police *vidanes* provided was unsatisfactory. The Government Agent realised that these police *vidanes* were not maintaining a proper system of regular patrols,¹² Consequently several offences were being committed and complaints were too many.¹³

The tradition of indulging in crime had been common during the time of early British rule. In 1830, the Chief Justice, Sir Richard Outley, commenting about crime to the Celebrookes-Cameron Commission concluded that the inhabitants of North Ceylon were using their slaves for committing depredations on the property of others,¹⁴ Moreover, since the evidence of slaves was admissible in court, the crime of perjury was commonly committed by slaves on the instigation of their masters.¹⁵ The rather common offences in North Ceylon were the theft of cattle, especially in the interior, forgery, frauds and the cutting off of ears for stealing ornaments.¹⁶ The latter type of crime was peculiar to the Tamil regions of the North and East Ceylon. The inhabitants adorned their ears with expensive jewellery, and in spite of severe punishments meted out by the supreme court the robbing of the ear rings could not be checked.¹⁷

In 1835, the District Judge of Mannar district observed that thefts and breaches of the peace following excessive indulgence in drinking were frequent. ¹⁸ The facility for obtaining toddy was unrestricted - there were two hundred toddy booths within a small area. Liquor was so freely sold and the number of drunkards and idlers were large. The Judge suggested that as a beneficial and necessary measure in the interests of the welfare of society that restrictions needed to be imposed on the provision for buying toddy. ¹⁹ A scheme whereby licenses may be issued on the payment of a sum of money for tapping toddy from a limited number of palms was mooted and sales of liquor were to be channeled through a restricted number of retail dealers. Such restraints would also help in conserving the palmyrah fruit which was a source of food normally of the poorer folk, Indiscriminate and unlimited use of the palms for obtaining toddy had diminished a valuable source of sustenance. The Governor inquired from Dyke, the Government Agent, whether an unrestricted sale of alcohol had similar ill-effects in Jaffna as in Mannar. ²⁰ He wanted to control the sale of toddy in North Ceylon making it a dutiable article, as in the Southern, Western and Central provinces. However, this suggestion was not welcomed and no restrictions on the sale of liquor were imposed. ²¹

Later in 1864, in referring to the association of inebriation, and crime the Government Agent commented that in the Jaffna peninsula, unlike in Mannar, the population was largely Hindu and did not habitually consume liquor. ²² In the island of Kayts, however, where there were a large number of Roman Catholics liquor was commonly consumed and there was more crime: hence a Magistrate was needed to maintain peace there. ²³

In Nuwarakalavia, a Sinhalese district attached to the Tamil Northern province a category of headman called *kariakarawansa*, were authorised in 1840 to act as police officers in their village divisions. ²⁴ But there was still a need for a regular police force because lawlessness in villages persisted as the authority of the headmen proved to be ineffective. In fact at one time "generally speaking, wherever there was crime, the headmen had a hand in it". ²⁵ This was true, Yet, Nuwarakalaviya had no police officer till 1896. ²⁶ The Government was so slow in establishing a force to maintain law and order.

As early as 1843, the imposition of an assessment in Jaffna for utilising the income from it for establishing a police force had been mooted. ²⁷ The government was unable to defray from the general revenue the cost of a police establishment. The expenses of it had therefore to be met by special taxation, or some such levy. ²⁸ Governor Colin Campbell (1831-47) was also determined to establish an effective police system in the interior areas. ²⁹ The increase in crime called for serious attention and numerous deficiencies existed in the manner in which rural areas were being policed, and in the way police *vidanes* were functioning. ³⁰

The Government Agents were hence required to report on the conditions of the police system in villages in their areas and on measures for improving it. ³¹ If changes were to be made and they were imperative, the Agents were also to propose the manner whereby the additional expenses required for making policing more effective could be obtained,

But the Government Agent disagreed. There was sufficient security provided for life and property in the villages of the Northern province.³² In his classic report of August 1844.³³ he pointed out that, unlike in the Sinhalese provinces of the South, in North Ceylon crime had greatly decreased,³⁴ in the years following the establishment of British rule.

By the mid 'forties' gang robberies had become less frequent, while the despicable crime of cutting off ears for robbing ornaments had almost disappeared.³⁵ Nevertheless, the gang robberies needed to be totally stopped. They were similar to the type of crime in South India than to the sort of offences common in the Sinhalese area. But, savage and cruel murders, highway robberies and brutal assaults were now noticeably rarer in the Northern province.³⁶

This decrease in crime was owing to the measures the Government Agent had introduced for improving the system of police *vidanes*. Although the number of police *vidanes* had been reduced the quality of these officials had been improved with more efficient supervision and other salutary changes.³⁷ The headmen of the superior grade, the *maniagers*, too had been often connected with serious crime in the past. They had screened criminals from arrest and obstructed the judicial process by exercising undue influence. They themselves were been involved in acts of terrorism, sometime maintaining their own undesirable gangs. The Government Agent had therefore effected improvements in the *maniagar* system too in 1831.³⁸

Now, only a few of the next grade of headmen, the *udaiyars*, seemed to have some connection with the criminals. Dyke had been for long urging on the government a need for improving the lot of this type of headmen too. In 1832, therefore changes had been introduced for improving the character of these headmen: and they were now paid regular salaries. Since then, most *udaiyars* also had improved.³⁹

The Agent finally suggested that fairer remuneration should be paid to police *vidanes*; and that endeavours should be made for increasing the self-respect of these officers.⁴⁰ For providing a better police service through the medium of these headmen by paying them responsible emoluments a rate could be levied on the houses in a village.⁴¹ But the Government Agent clearly and consistently saw no need for a regular police establishment in the North.⁴²

In the mannar district in 1834⁴³ there had been six police *vidanes* in charge of the different divisions. Later both in the Mannar and Vann districts the number of police *vidanes* was increased. These districts, largely composed of vast jungle tracts, provided secure hide-outs for undesirables. Hence, a larger police *vidane* establishment was required here, especially, where jungle lay adjacent to the inhabited parts. But the principal difficulty in these parts lay again in finding personnel suitable for police work without the provision for proper remuneration.⁴⁴

However, although the Agent recognized no need for a regular police force in North Ceylon and was convinced that he could maintain security peace and order through the services of headmen there were instances of

trouble. In December 1848, the police vidane of Vannarponnai divisions complained to the Magistrate that his deceased's son's body had been disinterred and it had been decapitated alleging that a notorious "native doctor" and his family practising witchcraft were responsible for this deed.⁴⁶ In the next year, a similar complaint was lodged against the same suspects.⁴⁶

Yet, in 1844 and thereafter, whenever the police system was to be reorganised, the Government Agent had been adamant that within his province crime was not increasing, but had decreased. Therefore, a regular police force was unnecessary.⁴⁷

A common and widely prevalent crime was the illicit removal of timber after surreptitiously felling trees on government lands. To counter this crime, the Government Agent had recommended that ten percent of income derived from licenses issued for felling and removing timber from state lands should be paid to the headmen. Given such an incentive headmen would be more enthusiastic in protecting the trees on government land.⁴⁸ The proposal was accepted and in 1854 the Government Agent was also authorised to reward those who furnished information regarding irregularities practised while felling timber.⁴⁹

But the most baffling of the problems to be handled was cattle theft. It was so widespread and common in certain interior parts of the Northern province. In 1836, therefore, Ordinance No. 5 was enacted to stem the increase in cattle stealing. The number of offences became alarming. The Supreme Court, meeting periodically, was an inadequate instrument for dealing with an evil which was so widespread in remote areas and speedy apprehension and trial of the culprits were essential. Hence, headmen were required to report cases of cattle theft and if they failed to comply with this order headmen were penalised by a fine of five pounds sterling and three months of imprisonment. Thus the responsibility to check this crime was given over to headmen. The unauthorised slaughter of cattle was also prohibited as yet another step for checking this offence. There were several complaints of this crime, made to the Government Agent and District Judges especially from areas in Nuwarakalaviya. Cattle provided the peasants with the means for their livelihood and loss of cattle almost economically crippled the poor cultivators.

But as complaints kept on recurring, A.C. Brodie, a civil servant was specially appointed a Justice of the Peace for the Eastern, Northern and North Western provinces to inquire only into the rampant cases of cattle lifting in remote regions such as Nuwarakalaviya, Tamankaduwa and the Seven Korales.⁵⁰ After a summary investigation he could commit cases for trial by the Supreme Court. In spite of the various preventive measures taken still there were numerous complaints about losses of cattle, especially from outlying areas, and it had been difficult to bring offenders to justice owing to long distances which the owners of cattle and witnesses repeatedly had to traverse to reach the town where alone investigations were conducted.⁵¹ Representations against cattle stealing came mainly from the Southern division of Nuwarakalaviya. Therefore in 1848, Brodie, an intelligent, active

official was chosen to be a Justice of the Peace who was to journey from place to place for inquiring into these crimes on the spot itself. If summary punishment could not be imposed the complainants would have to call hereafter only once at the sessions of the court in town, and if they had travelled over twenty-five miles expenses incurred by them were reimbursed. Brodie's enterprise brought immediately a considerable decline in this crime, ⁵² but he observed, cautiously and shrewdly, 'The cattle stealers are by far the most intelligent people in the counryt' ⁵³ He was correct indeed.

In March 1849 when the Government Agent visited the interior districts he was again inundated with representations about the universal prevalence of the crime of stealing cattle. ⁵⁴ Summary inquiries in the villages revealed immediately that there had been a theft of three head of cattle, ⁵⁵ and during three years in one village alone thirty-seven animals had been lost. ⁵⁶ Similarly, in another village, the main complaint referred to the loss of cattle. The losses of animals had considerably increased since 1843, and the villagers explained their difficulties if they were to go to court for redress. ⁵⁷ It entailed expenditure, loss of time and absence from fields and homesteads. In spite of appointing the itinerant judge to deal with this type of crime, the Government Agent was taken aback when he was pestered with so many complaints, and at every village.

Therefore, in April 1849, on representations from the Government Agent the District Judge of Anuradhapura was instructed by the Government to proceed to the Southern part of Nuwarakalaviya for inquiries into cases of cattle stealing. ⁵⁸ He was also required to record the names, connections, places of abode and practices of the parties suspected of being engaged in this crime. A general report on cattle theft was to be despatched to the Government Agent ⁵⁹

Brodie's report outlining the cases of cattle stealing at Anuradhapura was forwarded to Dyke, ⁶⁰ the Government Agent. The Assistant Agent of Nuwarakalaviya, J.T. Tranchell, was also ordered to proceed forthwith into remote areas and to assist effectively in checking the occurrence of these thefts. ⁶¹ 'The Queen's Advocate had observed that the crime had not only been carried on extensively, but also openly. ⁶² Brodie's action, it was anticipated, would prove to be beneficial in arresting this criminal activity which was "... an organised system of theft, connived at, if not participated in, by the local Headmen". ⁶³

In the same year, in May the Agent again toured Nuwarakalaviya mainly to gain more information about that crime. ⁶⁴ He was interested in discovering the extent to which this crime was widespread and frequent, in devising measures for repressing thefts, and in arriving at recommendations and measures for ending this evil. ⁶⁵

The Southern division of Nuwarakalaviya district was bounded on the South by Matale and the Seven Korales. This district consisted of three divisions under the supervision of ratemahatmayas. Fifty four cases of thefts of cattle had

taken place in the area alone within twelve months preceding May 1849. ⁶⁶ The "thieves" had perfected their system of operation—cattle were driven off to a distance for disposal; but the real and ultimate intention of the culprits was to extort money from the owners of the animals as a fee for finding "lost" cattle and returning them. This crime was rapidly and generally increasing; and unsavoury elements within villages prayed on their neighbours. ⁶⁷ Victims were deterred from complaining to the courts because it entailed expense and delay. Their experience made them reluctant to request aid from headmen, who had been unhelpful in either detecting offenders or recovering lost property. Obviously, the headmen too were involved. The offence was particularly rampant within the seven Korales and in areas adjacent to Matale. The villagers, therefore, requested the government to take special cognisance of their miserable position and to afford them relief. ⁶⁸

After this study and survey, Government Agent, Dyke, reported to the Government that the crime was very common. ⁶⁹ Furthermore, it was increasing and spreading into areas where such thefts had before been rare. The villagers lived in fear feeling insecure about their property. Following the losses in cattle, cultivation had suffered and might further decline if this crime continued to be unchecked. The inhabitants harboured an intolerable grievance against the government and had abandoned ideas of resorting to court or to the police or to headmen; the police and the headmen had forfeited the confidence of the villagers. ⁷⁰ The manner in which cattle stealing prevailed indicated that the practice had been recently introduced from the Seven Korales, and had later spread gradually southwards and eastwards. ⁷¹

The Government Agent realised that it was an extraordinary situation and that measures for dealing with it hence had to be exceptional. Comprehensive powers to settle the cases summarily had to be provided to the District Judge who had to be authorised to decide cases in any part of the district, and even be empowered to try cases in any of the districts adjoining his own area of jurisdiction. ⁷² Additionally, the concession to bail out offenders needed to be reduced; the requirement of written affidavits had to be dispensed with and if the evidence of the owners of cattle was essential they should not be subjected to expenditure or delays. A Supreme Court of one circuit should be empowered to try cases of another circuit. ⁷³

Furthermore, headmen who did not report cases of cattle thefts to court were to be punished; those who informed owners of cattle of thefts thereby hoping to extort a reward were to be penalised; removal of cattle from area to area was to be made an offence; and police headmen should compulsorily serve for a specified period in an area. ⁷⁴ But already, the posts of police headmen were constantly abandoned in Nuwarakalaviya, since none valued such offices. Now, if they were expected to work under stricter conditions and demands none may accept office at all. Therefore, if police headmen were required to function compulsorily for a stipulated period they had to be remunerated or even otherwise these officials needed to be paid. ⁷⁵

The Government now designed an Ordinance prohibiting the removal or bringing in of cattle between sunset and sunrise. ⁷⁶ Jurors felt such a deterrent measure would be expedient. Also as several people in the villages had complained of the innumerable liquor shops, the jurors thought that if the majority of the inhabitants of an area did not desire it, facilities for the sale of liquor should not be provided. The Chief Justice too agreed that this was a reasonable suggestion. ⁷⁷ Apparently, cattle thieving, crime and drinking were interlinked.

Accordingly, in October 1850 an Ordinance was enacted to provide for the more effectual suppression of cattle stealing in the interior as a measure of the greatest urgency and importance. ⁷⁸ Cattle stealing was not a mere common crime. It affected poorer people in a practical way. As a result of this crime there was a total disorganisation of society in some areas; there was no law, the strongest was right and the weak were helpless. Month after month, the same complaint had been repeatedly lodged; and clearly thousands could get no redress for this one grievance. The out-cry against this crime and for measures to combat it has been universally exclaimed within the interior regions from the important district of Nuwarakalaviya where the crime was being extensively and systematically committed. ⁷⁹

Up to 1851, moreover, the offence could be tried only by the Supreme Court, which was an unsatisfactory arrangement. Therefore, the Governor transferred the authority for trying such cases from the Supreme Courts to the local District Courts. The Supreme Court had been ineffective in dealing with this dereliction. It met at the town, away from areas where the offence was common, and also so infrequently that speedy trials or immediate action was impossible; and as there was so much uncertainty about the outcome at such trials the Supreme Court had not exercised any lasting effect in suppressing this wave of crime. Hence, peremptory justice was to be meted out. ⁸⁰ With a grant of jurisdiction to try these cases of cattle theft to the District Courts, Ordinance No. 6 of 1850 was expected to provide a more effectual means of combating this crime.

Nevertheless, cattle thefts continued unabated. Several representations from the Government Agent and other officials about the state of the districts of the Seven Korales, Nuwarakalaviya, and Matale had principally referred to the degradations caused by cattle thieves. ⁸¹ The Governor and the Executive Council, therefore, turned their attention once again to this serious problem. An active official was to be immediately assigned to those districts as Justice of the Peace, with his headquarters at Dambulla. A few efficient police officers were to assist in apprehending criminals to be produced for trial. Thus, a stipendiary Justice of the Peace was appointed from January 1855 assisted by an interpreter and four police officers. ⁸² Largely, because of the interest and energy exhibited by the Justice of the Peace, A. Y. Adams, there was forthwith a noticeable decrease of thefts.

In July 1855, the Governor again warned that if the headmen or the *rata mahatmayas* of any particular division where cattle stealing prevailed aroused reasonable suspicion of themselves conniving in such crimes, those officials were to be summarily dismissed. ⁸³ This sort of drastic action was expected to do good;

and the higher and the more important the official selected for summary punishment the better would it serve as an example to the others. ⁸ The Government was further convinced that as they pecuniarily benefited, headmen were accomplices in the crime. Furthermore, where cattle stealing prevailed and the Government could detect no evidence to incriminate the culprits or could not apprehend them, the *ratemahatmayas* of the divisions were unworthy of the government's confidence and their inefficiency afforded ample justification for dismissal. ⁸⁵ Accordingly, in January 1858, a *ratemahatmaya* was retired owing to his inability to assist in repressing cattle stealing and lawlessness. ⁸⁶ Further, District Judges came to be more energetic in promptly disposing cases of cattle theft, and they act suitably to deter the increasing incidence of this offence. ⁸⁷

In 1859, the passing of Ordinance No. 41 however proved how futile had been the attempts in the long run to check cattle stealing. ⁸⁸ Cattle theft was as rife as it had always been in Nuwarakalaviya when R. W. Morris was appointed additional assistant agent in 1861. Morris was able to curb the occurrence of thefts suddenly, but not for long as Brodie had done so ten years ago. He "sentenced offenders to lashes and from being the plague of the country, cattle stealing became unknown." ⁸⁹ This crime remained a lure to law breakers and only severe punishment with lashes appeared effective in restraining offenders; ⁹⁰ but not for long.

Meanwhile by 1851, the question of establishing a police force at Jaffna came to the fore again. A European planter, R. J. Dunlop, drew the Governor's attention to the unprotected state of the Northern province, particularly of the Jaffna town, which lay at the mercy of bands of ruffians and thieves. ⁹¹ Thefts and robberies were frequent, and if delinquents were caught there were none to take them into custody, nor could they be securely confined. Within the past five years alone his house in Jaffna had been burgled eight times, but the culprits were not detected and the lost goods were not recovered. ⁹² He added that "... we are nearly as bad having a kind of Police Officer called *vidahns*..." ⁹³ who were unpaid and held their appointments by favour. Consequently they just did what pleased them, and when at their stations, which was rare, they were so careless in discharging their duties, and were almost useless. In every case of robbery, committed in their district Dunlop alleged that they were aware of the thieves, either before or after the offence, but they showed no zeal in performing the service "except where they do not receive their share of the plunder as blackmail". ⁹⁴ Dunlop emphasised the need for establishing a good paid police force in the town and the country and added that respectable inhabitants would consent to be taxed for the provision of it because he had heard, "daily on all sides nothing but complaints on this subject". ⁹⁵

Contrary to this view was the official attitude. The Colonial Secretary, advised by the Government Agent, did not agree with Dunlop. The returns from the Magistrate's courts and even the complaints of Dunlop indicated that there had been no such frequent robberies, or so extensively. ⁹⁶ Dunlop really had frequently complained that his servants had misconducted themselves by quitting from service

without obtaining his leave. Further, the past records of two-and-a-half-years revealed that there had been no cases of repeated robberies in Jaffna. ⁹⁷

Dunlop, however, insisted that his complaint was true. The Magistrate had no records because the culprits were never traced and hence cases were never instituted. ⁹⁸ Offenders were neither detected nor brought to trial owing to the want of a police force to pursue investigations. Further, if there had been a police force no such crimes would ever have occurred. Because of these contentions the government inquired from the Government Agent, whether a police force could not be established for the district of Jaffna from the proceeds of an assessment which would not be burdensome to the inhabitants. ⁹⁹

But the Government Agent was adamant in insisting that a police force was unnecessary. The town was quiet and the residents had been remarkably inoffensive. ¹⁰⁰ Yet there followed another representation in 1851 to the Colonial Secretary from some of the inhabitants of Jaffna reiterating the need for a police force. ¹⁰¹ Some action therefore had to be taken.

Meanwhile, in 1852, a report from the Executive Council on the police system in Ceylon was published. ¹⁰² Apart from a police force in Colombo and in Negombo, Galle and Kandy, the other areas had their own arrangements for a policing. The government however had been concerned for some time about the inefficiency of these arrangements, and way back in February and March 1843, the Colonial Secretary had wanted reports about these arrangements from the Government Agents and other officials. ¹⁰³

Dyke, the Government Agent of the Northern province, had submitted his report in August 1844. ¹⁰⁴ He stated that policing through the agency of police *vidanes* over a great mass of the island was impracticable and considerable improvement of that agency was impossible without paying an adequate remuneration to these police *vidanes*. If payment was made to the headmen, the agency could be rendered efficient even immediately. Finally, and most importantly, the Agent was emphatic that considerable improvement in prevention and detection of crime could not be effected except through the aid of such an improved agency. He did not espouse the establishment of a regular police force. ¹⁰⁵

The Government concurred with Government Agent Dyke on the need for providing suitable remuneration to the unpaid police *vidanes* and thereby winning their service and influence for maintaining law and order. ¹⁰⁶ But it hesitated in recommending an immediate adoption of the plan because it would be quite expensive. ¹⁰⁷ The Government was also reluctant to introduce a new tax for defraying the cost of paying police headmen after the experience of the 1848 rebellion. Therefore no action was eventually taken to implement any recommendations. Hence, the duty of protecting life and property, especially in the villages, was entrusted entirely to unpaid headmen, who remained unenthusiastic. ¹⁰⁸ Thus Agent Dyke's views and the Government's efforts ended abortively.

Thomas Skinner, the Civil Engineer in charge of road building, presented an admirably correct analysis at this time of the growth of lawlessness around the 1850's.¹⁰⁹ Disorder had grown owing to delays in the administration of justice and following the state's policy of weakening the power of headmen, who had earlier been vested with authority and responsibility for maintaining order.¹¹⁰

In 1856, after so much delay and deliberation a positive move was made towards creating a police system for Jaffna.¹¹¹ The Governor concluded that a small police force would be useful in spite of the Government Agent's views to the contrary.¹¹² The Superintendent of Police visited Jaffna and reported that almost all the advantages of a police system were being enjoyed by the populace. Everything appeared to be orderly, peaceful and clean.¹¹³ Acts of violence were rare, but much petty crime prevailed, and as there was no efficient police force culprits were never detected. Yet, providing only a small police force with its activities confined to a circumscribed area as the town, alone, would not be of much use for the Jaffna district.¹¹⁴ Hence, again nothing was done about establishing a police force:

Meanwhile, there were many complaints about the police vidanes and their unsuitability for discharging their obligations.¹¹⁵ In 1853, the government had circularised among these officials a set of rules to guide them in searching for stolen property. But owing to the obvious ignorance of the police headmen the ends of justice were being frustrated.¹¹⁶ No doubt, a police force was needed and had to be created.

The Government Agent, Northern Province, was still not favourably disposed towards providing a police service in Jaffna.¹¹⁷ The inhabitants would not be able to bear the costs of maintaining one;¹¹⁸ and the existing machinery of headmen for preserving peace and order and protecting property could be adequately improved and made more efficient. However, the Governor was now firm that a small police force would confer a great advantage to the inhabitants.¹¹⁹

Governor, Henry Ward, (1855-60) was influenced by the views of the Magistrate of Jaffna. The Magistrate and his predecessor had impressed on the Government the need to establish a police force.¹²⁰ There was a total absence of a police or patrol system or any other form of security for the life and property of the inhabitants of the town. The Pettah of Jaffna with thousands of people was provided with the woefully inadequate services of only an unpaid constable.¹²¹ The outskirts were in a worse position. Vidanes generally endeavoured to paint a peaceful picture of their divisions, but really these headmen were so cunning that they rendered it difficult to detect the actual situation.¹²² Vidanes, valued their appointments largely because of the advantages they derived by sly means that existed for extortion.

The more respectable inhabitants, were also quite unhappy with the prevailing conditions. They yearned for the establishment of a police force and were

willing to contribute towards its maintenance.¹²³ Furthermore, the Magistrate unequivocally pronounced that no trifling consideration of expenditure should be allowed to interfere when the welfare of the community itself was at stake.¹²⁴ Thus the Magistrate differed from the Government Agent on this question; and the central government accepted the views of the former.

By August 1855, the Government was quite convinced of the necessity for a police force at Jaffna. The Government Agent and the police Magistrate had differed in their views, but the Governor made it clear to the Government Agent that he should exercise his "undoubted abilities" in making the best arrangements for establishing a police force, and for obtaining the means to cover its costs.¹²⁵ Governor Ward also planned to visit the Northern province in early 1856, and confer with the authorities on the spot about further measures necessary for the preservation of public security, which was presently provided for inadequately.¹²⁶

Accordingly, by April 1856, it was proclaimed in Jaffna that a police force was to be constituted from January 1857.¹²⁷ But there followed forthwith a petition from the inhabitants of the Jaffna gravets,¹²⁸ who were apprehensive of the additional and heavier tax it would entail. When the Governor visited the province, the people pleaded for a reduction of the taxes, which were already being levied.¹²⁹ They complained that a police force was not needed as they could not afford to pay for one.

Nevertheless the decision of the government was to be implemented. But problems arose owing to Government Agent Dyke's tenacious insistence that a police force was unnecessary and could not be maintained out of impositions levied on the inhabitants. He prescribed conditions that had to be embodied in the proclamation, which made the Superintendent of Police, Colombo, to conclude that it was useless in establishing a force in accordance with these terms.¹³⁰ The Government Agent was hence asked for further views on this controversial question.¹³¹

The Superintendent of Police believed that an efficient police force could be established at Jaffna and with beneficial results. But out of the resources offered by Government Agent Dyke it was impossible to create a suitable police contingent.¹³² Within the town, the advantages a police system could offer were already being enjoyed to some extent by the residents—the place was calm, orderly and clean.¹³³ Although violent offences were rare there was petty crime and most of it were undetected because there was no police force.¹³⁴

Dyke, however, stubbornly insisted that the police were not required; and any attempt to establish a force without his co-operation and support would have been indeed difficult. On the other hand, a force created within the limits and constraints he had prescribed would be of no benefit. Thus the Superintendent had to overcome the intransigence of the Government Agent if a force was to be established. As he was helpless in the face of the Agent's obstinacy he apprised the Colonial Secretary of the difficulty.¹³⁵

Confronted with such obstacles, the sort of police organisation which was eventually formed was naturally unsatisfactory. By 1862, this was apparent and the government pointed out that without the aid of an efficient police force effective sanitary measures could not be enforced nor could a proper state of cleanliness be maintained.¹³⁶ It was certainly desirable to establish a better police organisation and the Government Agent was again asked for his suggestions.¹³⁷

But Dyke remained obdurate and dilatory. The people did not desire a police force. They generally entertained an unfavourable opinion of it, and the exposure of the poor conduct of an ill-organised police service recently had strengthened these views.¹³⁸

Even by 1864, without any police force for all practical purpose, the Government Agent was everything and handled all problems.¹³⁹ None of Dyke's acts had ever roused public opposition as none had caused any ostensible public dissatisfaction.¹⁴⁰ In such circumstances, Dyke's opposition towards the creation of a police force was intelligible.

But the Government had by now made up its mind. An Ordinance for the establishment and regulation of an efficient police force was framed. Dyke regretted that only a limited amount of time had been allowed to public officers for considering the proposal.¹⁴¹ And again, the Government Agent indicated his unhappiness about the creation of a police force within his domain.¹⁴²

In 1866, the residents of the Vanarponnai, Nallur, and Chundikuli divisions in Jaffna had requested the Governor to create a police force. Dyke's plans for establishing a small police force at Jaffna in the event of a withdrawal of the military force, which had hitherto restrained to some extent the commission of crimes, were required by the Governor.¹⁴³ The pressure for the creation of a police force was mounting in spite of the Government Agent's view that it was not indispensable. The people of Karaiyur and Jaffna town toonow asked for a police establishment¹⁴³ A small but efficient police force was imperative for providing security for the life and property of the residents of Jaffna and the Government Agent's proposals for establishing such a force were requested.¹⁴⁴

Unable to withstand the escalating pressure any longer, Dyke outlined the limits of the town and suburbs of Jaffna where a police force was to be established¹⁴⁵ The force was to function under the immediate superintendence of the Assistant Agent, who in turn would act under the general direction of the Government Agent. There was to be a Head Constable, two sergeants and a few constables. The Assistant Agent would officiate as the Assistant Superintendent, while the Superintendent of Police would be in Colombo.¹⁴⁶ Although Dyke, could not now oppose any more the establishment of a force, at least, he planned to ensure his control and direction over it.

In June 1866, at last, a final announcement was conveyed. ¹⁴⁷ The Governor would establish a police force in Jaffna and its suburbs from January 1867. A change in the Government Agent's suggested scheme was the replacement of the Head Constable by an Inspector, who was to be independent of the control of the Government Agent. The cost of the land and buildings for the police stations were to be defrayed from the general revenue. The government would contribute a proportion of the money necessary for the salaries of the police personnel. Pensions and contingent changes, however, were to be paid out of an assessment levied on the residents. ¹⁴⁸

While the Governor had generally approved Dyke's proposals, Dyke still entertained some misgivings about placing a force at a distance from Colombo under an inspector, independent of local control. He preferred instead, a Head Constable, lesser in rank, subject to him and his assistant. ¹⁴⁹ The Government Agent also discountenanced a formal force and there was to be no distinctive dress or uniform for the 'police. "...the people of Jaffna have a very strong dislike to any such requirement and the requiring of much in this respect would be a very great impediment to procuring respectable persons for the service". ¹⁵⁰

Finally, Dyke did have his way; the Governor permitted the force to be under a Head Sergeant, instead of an Inspector, and the establishment to be subject to the Assistant Agent's control. ¹⁵¹ Furthermore, the Governor, and the Chief Superintendent of Police, also concurred with Dyke's views concerning uniforms. ¹⁵² The force was to be composed of men from the area and in a newly created establishment if the recruits were compelled to don a type of garb to which they had an aversion the consequences could be undesirable. Now that a police force was set up, according to the recommendations of the Commissioners of Military expenditure the troops at Jaffna were withdrawn from January 1867. ¹⁵³

In January 1867, itself, however, the Government Agent complained that the police service was unpopular. ¹⁵⁴ The applicants to join the force were unsatisfactory, although a higher salary than that paid to messengers was offered. To be in charge of the collection of the tax necessary to meet the cost of the police force a writer or clerk was appointed ¹⁵⁵ but there was a lacunae in the law or no limit was prescribed defining the rate of assessment. ¹⁵⁶

By May 1867, the Superintendent of Police, G. W. R. Campbell, commented that the police force at Jaffna was large. ¹⁵⁷ Hence, Dyke reduced numbers—there was to be only a Head Sergeant and twenty-seven constables. A rate of five per cent on the value of the property of the residents was to be imposed, and the force was to be so composed so as to be maintained within the amount thus realised. ¹⁵⁸

In August, after the reduction of the establishment, the Colonial Secretary forwarded to the Government Agent the Chief Superintendent's critical constructive observations for improving the force. ¹⁵⁹ Even under the able administration of

Dyke, radical change was necessary to effect a substantial improvement in the police force. There was no individual with technical police experience attached to the service; the policemen did not live in a common place of residence, but lived scattered over an area. As they did not like to be transferred from one division to another they failed to gain a varied experience, which was useful and necessary. ¹⁶⁰ Briefly the police force in Jaffna was peculiar; it was functioning under the direct control of the Assistant Agent and had no connection whatever with the regular force, and it differed very much from the regular force.

To remedy these shortcomings, Campbell proposed a scheme whereby the force could be improved with training. ¹⁶¹ "...Mr. Dyke has with great pains selected a very fine body of men..." acknowledged the Chief Superintendent, yet, to bring the force in Jaffna up to the level of a force elsewhere in the Colony, the Jaffna police establishment needed improvement. ¹⁶² This would also render the police of the colony to evolve into one homogeneous force which would be uniformly good and easily supervised. This plan was approved by the government. ¹⁶³ Campbell further commented that the village headmen, supposed to perform some police duties, being unpaid for their services and not under the direct supervision of either the police or the magisterial officers, were often corrupt. Only a very few of them were efficient. However, they could with some changes be made to serve as valuable auxiliaries of the regular police. ¹⁶⁴

But Dyke continued to exhibit an intractable attitude. In view of the decisions and orders of the government, and the declarations of the Queen's Advocate, which were in support of Dyke's view, an adoption of Campbell's proposals for reform would amount to a breach of faith to the public, the recruits in the police service and to Dyke through whose instrumentality the orders and decisions for creating a police force had been implemented. ¹⁶⁵ Continuing his diatribe, Dyke observed that regarding the offences and other matters, which the force had been called upon to tackle, the number of nil entires was remarkable—the police force was therefore hardly needed. Moreover, a tax of five per cent for the maintenance of the force, often levied on a large proportion of poor properties, was an unnecessary burden. ¹⁶⁶ Thus was Dyke opposed to the last and recalcitrant in his attitude towards the plans for establishing a police force in North Ceylon.

Dyke's contention was supported by his worthy successor, Government Agent, William Twynam (1867-1895). Quoting statistics, Twynam demonstrated that the number of serious cases, tried during a period of twelve years ending in 1881, was two-hundred-and twenty-five; and by 1855 was as low as hundred. By 1867, in twelve years there had been one-hundred-and-fifty-seven cases. During these spells of twelve years each the numbers tried before courts had been 886; 649; 309 and 323, respectively. Twynam attributed this progressive decrease in crime to the efforts of Dyke ¹⁶⁸ and not to a police force. Dyke had raised the position and tone of headmen thereby inducing them to exert their influence in maintaining order.

Furthermore, in order to provide the necessary support to headmen, he had recommended the establishment of certain courts and insisted on the necessity for continuing them.¹⁰⁹ Consequently the cutting off of ears for robbing jewellery, gang robberies and other serious types of crime, which had been once common were later seldom heard of. If crimes had still been committed the culprits had been generally brought to justice.¹⁷⁰ Thus, Twynam, indicated that Dyke had effectively ensured a reduction of crime, without the machinery of a regular type police force, and he reinforced his predecessor's opinion that a regular police force was not needed for Jaffna or North Ceylon. An improved group of headmen were quite adequate and suitable for maintaining law and order in North Ceylon.

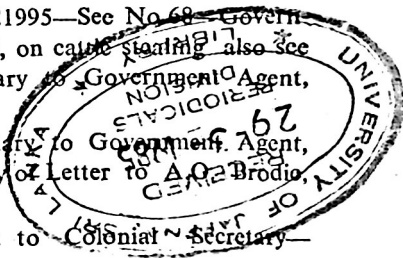
Government Agent Dyke had become an independent official. He was distant from Colombo, his province was an outpost, and as head of his area he wanted to be free to make his own decisions and arrangements for administering his province. Therefore, he was intolerant of any interference from the centre. With his long experience and intimate knowledge of his province, he considered himself the expert! not the Governor or his advisers in Colombo. Moreover, Dyke wanted to run his province economically and with the least burden on its inhabitants. The headmen could be paid and they could be entrusted with police duties. Such an arrangement was certainly cheaper than paying out of taxers for a special regular force. Through the agency of headmen imperial administration could be effected quite economically. There was a blend of the characteristics of indirect rule and imperialism on the cheap in the way in which Dyke wanted to discharge his duties as pro-consul in his province.

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