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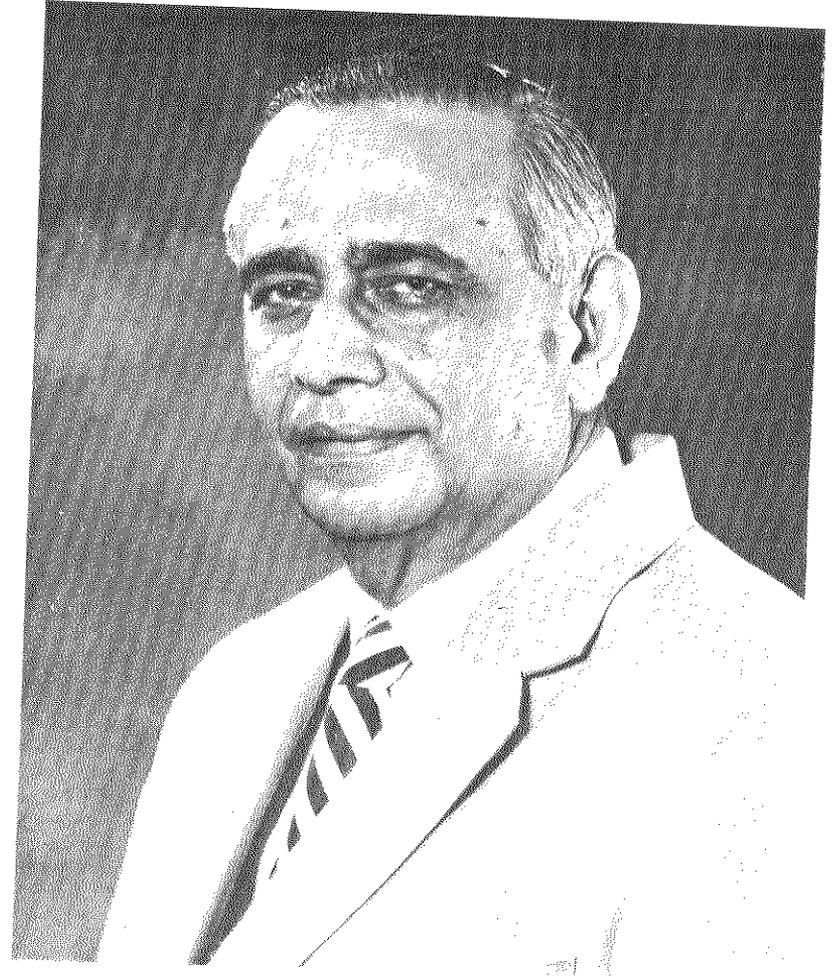
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**Mr. A.I.E. de Kretser**  
President, Dutch Burgher Union

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## EDITOR'S NOTE

Amyas Ivan Eustace de Kretser, the new President of the Dutch Burgher Union, was born on the 21st March 1923. He had his education at St. Thomas' College, Mt. Lavinia and after leaving school he followed a two-year course of training at the School of Agriculture, Peradeniya (1940-42).

After creeping at Walahanduwa Estate, Galle he was appointed Assistant Superintendent, Pimburagala Group, Wanduramba, in 1943. In 1945 he was appointed Superintendent Kehelwatte Estate, Lunugala. He served on several estates and was Superintendent of Kuttapitiya Estate, Pelmadulla (1959-61), Kiriporuwa Group, Yatiyantota (1962-71) and Dyraaba Estate, Bandarawela (1971-75).

Mr de Kretser was also Visiting Agent of 30 estates on behalf of Carson Cumberbatch & Co., Ltd., Whittal Estates & Agencies Ltd. and George Steuart & Co., Ltd.

He was a Director of Mackwoods Estate & Agencies Ltd. from February 1975 to March 1976.

From April 1976 to December 1977 he was appointed Regional Manager, Janatha Estates Development Board, Avissawella. He was General Manager/Executive Director, Sri Lanka Sugar Corporation from January 1978 to December 1983. Mr de Kretser has earned encomia from both the private and public sectors for the high quality of his work and devotion to duty.

At present Mr de Kretser is a Senior Executive of Carson Cumberbatch & Co. Ltd.

Mr de Kretser's long and distinguished career in planting has resulted in his appointments as a Board Member of the Tea Research Institute, as a Member of the Extension and Experimental Committee of T. R. I., as a delegate to the Rubber Research Institute of Malaysia conference in

Malaysia, as vice Chairman of the K. V. District Planters Association, as Chairman of the Kegalle District C. P. S. and as a General Committee member of the Uva District PA/CEEF.

Mr de Kretser has been a long standing member of the General Committee of the DBU. His wide experience of administration has been of considerable assistance to the Union. As Chairman of St. Nikolaas Home and the Social Service Committees he has done excellent work. He is a person of unquestioned integrity, well known for his drive and thoroughness. We wish him success in his tenure of office as President of the Dutch Burgher Union.

We are privileged to have as a contributor to the Journal the well known and brilliant author Mr. Lorenz Ludovici. He left Ceylon in 1929, read History at Oxford and during the war received the commission of Squadron Leader in the Royal Air Force, performing fighter control and special intelligence work. After the war ended he devoted his life to writing and publishing. He is the author of 20 books including the definitive biography of Sir Alexander Fleming entitled "Fleming, Discoverer of Penicillin" which was very favourably received. He has also compiled a narrative of the "Night Defence of Great Britain in 1939-41", and several Air histories. He was the author of various BBC features and plays and has given several talks on the BBC.

Mr Lorenz Ludovici is a descendant of Charles Ambrose Lorenz and Leopold Ludovici, distinguished Editors of the *Examiner* in the last century. No wonder writing is in his blood.

He visited Sri Lanka, with his charming wife Maria, after a lapse of 58 years. His article contains a vivid and interesting account of his life in England and his impressions of Sri Lanka as it is today.

It is heartening to note that President Premadasa is determined to attack hard-core poverty with renewed vigour — through education, job-training, employment, housing and other measures. The Government must also attack discrimination in every form and take steps to ensure civil order.

We must break through the terrible symmetry of action and reaction, assault and counter assault, hatred and responsive hatred. And the only way to do that is to ask the moderates on each side to cope with the haters and the doers of violence within their own ranks.

## THEN AND NOW

Lorenz Ludovici

Then can I drown an eye, unus'd to flow,  
For precious friends hid in death's dateless  
night,  
And weep afresh love's long-since cancell'd woe,  
And moan the expense of many a vanish'd  
sight.

Shakespeare, Sonnet XXX

In mid-March of 1929 some of my close friends had gathered together at the Colombo jetty to see me off to London. Those were the days of fair ships: P&O, Bibby, Orient and Bay. We had not yet taken to the air. As I bade my friends goodbye I asked myself, 'When would I see them again? Would I ever see them again?'

We had all been at the Royal College together. I had matriculated and secured a place at Oxford to study in the Honour School of Modern History.

At the time of my departure the British were the benevolent masters of Ceylon though the air hummed with the clamour for independence. Once gained, independence would presage a millenium.

I think I was envied by my friends. Few Ceylonese visited England, only the wealthy had their children educated at English universities. Scholarship winners were the exception and members of our community figured well in the lists: Dr. Dick Spittel, Dr. Garvin Mack, Dr. Lucien de Zilwa, Tom Tweed, Noel Gratiaen, Lyn Ludowyk, Neil Wille and quite a few others. The van Geyzel brothers went to Cambridge out of their own pockets and there, Carl, that most strikingly elegant of athletes, not only won his blue but represented Great Britain in the Olympic Games. Pieter Keuneman became President of the Union at Cambridge.

When I left, Garvin, Driberg, Schneider, Soertsz and Maartenz were all justices of the Supreme Court.

A thriving community? You can say that again.

The trip to London was in those days as significant to a Ceylonese as a trip to Mecca might be to a Muslim.

England was the seat of the true culture. England was the home of the sweet civilized life where golden portals swung open to intellectual attainment. But we were 'colonials' and felt we were disadvantaged. Merle Oberon, the movie actress, always passed off her Indian or Anglo-Indian mother as her housekeeper. She knew that to admit to her miscegenation could seriously impede her ambitions towards a film career. I remember staying at a lodging house in Gower Street and telling the amiable landlady that I was from Ceylon. 'You must be so happy to have left behind them savage parts' she remarked consolingly. My gift for repartee for once remained stifled. The ignorance of the average Englishman about his far-flung empire was barely believable. Ceylon was carelessly lumped together with India.

Such shocks were, however, ahead of me. I was heavy-hearted at my parting from my dear friends and adolescent loves, and from the land of my forefathers teeming with cherished memories. True to his antecedents my father had booked on a Dutch vessel and as we steamed out of Colombo harbour Adam's Peak, sacred to the Buddhists, offered me my last glimpse of the Island of Ceylon.

A violent storm in the *Golfe du Lion* kept us from entering Marseilles harbour. Our train, with sleepers for Paris and Calais, reserved in advance, had long gone. We were compelled to board a midnight express on which we shared a compartment with a Baron van Lyndon, a Dutch shipboard companion of ours. His command of French there and then decided me to learn that incomprehensible tongue. As our train circled Paris to reach the Gare du Nord from the Gare de Lyon, I had my first glimpse of a Manet come to life, *café terrasse* with tables set out as far as the pavement edge and waiters in black with white napkins slung over their forearms. I knew then I would lose no time in visiting Paris.

On the evening of 3 April we chugged into Victoria Station in London. A light snow was falling. We were to stay at Dr Sam Brohier's in North Finchley and his brother, Annesley, was to take us there from Victoria. We never spotted him. Delays caused by the storm had badly disrupted our schedules and misled him. We had seen our first snow on the Cretan mountaintops but now we were experiencing our first snowfall. We hired a taxi and as we bowled along through Swiss Cottage huge posters on the billboards announced Layton and Johnston at the Palladium. Everywhere in Ceylon record players had been sounding the voices of these

coloured duettists. Instantly I made a mental note. To the Palladium to hear Layton and Johnston in the flesh.

Here was civilization. Layton and Johnston. And more, Cortot at the Queen's Hall playing Chopin. Ceylon may have borne me but already London had captured me. Once settled my father arranged for me to take a preparatory course with Billy Hill, tutor to the India Office. Billy Hill had coached Harold de Soysa who went on to take his degree at Oriel College at Oxford and became, eventually, Bishop of Colombo. I'd been at Oxford a year when another old Royalist, Derrick de Saram, came up to Keble College. Neglected for a year, he played for the university cricket team and scored a century against the touring Australians. He also won a tennis blue and almost became a triple blue, only just losing a place in the Oxford golf team.

Derrick de Saram was the first Ceylonese to win a cricket blue at Oxford or at Cambridge. And, talking of cricket it was sport in England that so caught our fancies. My father had been a Colt, the club which may be said to have fathered cricket in Ceylon. He played along with Tommy Kelaart, who had once bowled out Dr Grace, Dr Ali Raffel, Dr Colvin van Geyzel and others. My father and I went first to the Oval to see Surrey v Yorkshire, a match during which we watched the matchless Jack Hobbs, the imperious Herbert Sutcliffe and those two chunks of Yorkshire granite, Percy Holmes and Maurice Leyland.

The very next year Frank Gunewardene, President of the Ceylon Cricket Association, got us tickets for the England-Australia test at Lords. 1930 was an *annus mirabilis* for cricket and, especially, for Australian cricket. It was Don Bradman's first tour of England. Bradman was a phenomenon. Glance at his recorded accomplishments. He stands far ahead even of such marvellous players as Sobers, Richards, Botham or Gavaskar. When Sir Douglas Shields operated on Bradman for appendicitis at his Park Lane nursing home, huge crowds gathered to await the posting of bulletins about his condition, 'just like royalty'. We shall never look upon his like again.

My father had played cricket for the Colts and he'd played soccer for the Chums. When the Ceylonese founded a serious base for their rugby football, the CR & FC, he became one of the club's first vice-presidents. In England we regularly went to Highbury to see Arsenal play. When England played Italy seven Arsenal players wore England shirts which proclaims eloquently the quality of the Arsenal teams of the early thirties. Nor did we miss Twickenham, the varsity match and the internationals.

Years later I went often to Twickenham with Noel Gratiaen who served his term as President of Blackheath RFC.

I had long since decided to settle in London and to go into book publishing. I joined the Hutchinson Group where my mentor was Robert Hale who later started his own firm which still figures actively among London houses. I moved on to become an editor at Methuen to whose list I introduced my friend Stephen Roberts, Chancellor of Sydney University. His 'House that Hitler Built' turned out a best-seller. Early in 1938 Methuen's Managing Director, Andrew Dakers, and I, joined up to form our own firm in which I was Literary Director. I kept my connections with this firm — the war years excepted — until 1954 when I devoted myself to writing whole-time. My war service amounted to some five years with the RAF from which I was demobilized with the rank of squadron leader.

In 1953 I was asked by a literary agent friend whether I would like to write the biography of Mary Milne who had just retired as Matron of St. Mary's Hospital in London with an OBE after thirty or more years of service. She protested it wasn't her life I should be writing but the life of Alexander Fleming, discoverer of penicillin. She took me to see Fleming at the Almroth Wright Laboratory at St Mary's Hospital and, with his approval, began my researches into his life story. I was privileged to meet his colleagues who had spent such exciting years with Almroth Wright: Charles Pannet who wrote the foreword to my biography of Fleming, Leonard Colebrook, Carmalt Jones. Wright himself was no longer alive but he and his ideas had been celebrated by Bernard Shaw in 'The Doctors Dilemma'. Professor Pannet and I remained good friends until he died. His wife, Diana Stanley, illustrated one of my later books.

My biography of Fleming was also published in the United States and even translated into Japanese. To launch into the history of science seemed a natural step and Dent in London and Putnam in the United States commissioned my second book. Tom Macpherson, a vice-president at Putnam next commissioned a series of books from me for their Science Survey Series which were widely used in American educational systems. Tom Macpherson and his wife were staunch friends of ours until some years ago when he died.

During the post-war years my main correspondents in Ceylon were my uncle, Dr Harry Ludovici of Kandy who died at ninety-five, and my aunt, Marianne Ludovici who died soon after her one hundredth birthday. My cousin Errol Loos was also a faithful contact and his brother Gordon Loos and his wife Katheen, née Maartensz, visited us often whenever they

visited London. We were also in touch with some members of the community who had long been resident in England: Mrs Alyne Maartensz, widow of the judge, Air Commodore Lorenz Wambeek of the RAF Medical Branch, Dr Speldewinde de Boer who had retired as Director of Medical and Sanitary Service, Uganda, and Claude Modder who had managed Lord Buxton's lands in Kenya. Our longest-standing friend from our community was Douglas van Langenberg who as liaison officer to General Horrocks had been given instant award of the Military Cross while fighting with the Seventh Armoured in the Western Desert.

Between the publication of my 'Fleming' and 1967 we divided our time between our London flat and an enchanting Tudor cottage in the Cotswold country in Gloucestershire. I managed to write some twenty books published both in the United States and in England. Then in 1967, unexpectedly, Adrian Conan Doyle second son of Sir Arthur Conan Doyle, creator of Sherlock Holmes, invited me to look after the Conan Doyle Foundation he had set up in a chateau near Lausanne in Switzerland. He housed us in a 17th century Bernese house in the grounds. After two years we moved into Lausanne and liked it so much we stayed on for a further sixteen years, motoring to London twice a year, sometimes three times, to stay in our flat which we had kept on. One of the joys of living in Switzerland is that it gives quick access to so many countries: France, Germany, Italy, Austria, and Lichtenstein. We never missed an opportunity to travel throughout all of them. In 1982 my wife's ill-health brought us back to London and to the doctor who'd looked after us for some four decades. Unhappily our spacious old flat proved no longer manageable for my wife and we moved to a more manageable place opposite Lords Cricket Ground. In a way I had fetched up among my early and most dynamic memories of the excitements I'd had within that famous cricket ground.

In the summer of 1985 Thelmut Mack, now eighty six, who had coached me in Greek for my matriculation, came to lunch with us, accompanied by his friend, Mrs Nirmala Abeysekera. I shall not be exaggerating when I say that our conversation of that afternoon persuaded me it was time to return to Ceylon after an absence of some fifty eight years. In January of 1987 I did return after nearly six decades, and, after fifty two years of marriage. People often ask me why my return had been delayed so long. The answer is simple enough. In the nineteen-thirties a steamship voyage to Ceylon took almost three weeks. Three weeks there, three weeks back, and business houses in England allowed their employees only a fortnight in the summer, perhaps three weeks. Moreover, when my

father and I arrived in London in 1929 he stayed ten months and, leaving me to pursue my studies, went back to Ceylon to take over as Superintendent of Police of the North-Western Province based at Kurunegala. At the end of his term in Kurunegala he retired and settled in London where he bought a house in Finchley because, even at fifty-five he was successfully playing first class club cricket for the Finchley Cricket Club. Indeed, he was over sixty when he scored a century for the club in the annual bank holiday derby match against Barnet.

When World War 2 broke out I joined the RAF and, having served mostly with the Special Intelligence Branch, got demobilized as I have mentioned with the rank of squadron leader. I had to resume my career and make up for lost time. My father while resident in London made a number of trips to Ceylon and in December 1952 died suddenly in Colombo and was buried alongside my mother at the Kanatte Cemetery. In 1954 I started out as a whole-time writer and was always committed to a heavy research programme in places like the British Museum Reading Room, the Wellcome Library, the Fawcett and other such centres. To leave London for any time became less and less possible. However, in God's good time which was January 1987, we landed one evening at Katunayake where Nirmala Abeysekera who'd played such a part in inducing our return, fetched us with her husband and with Thelmut Mack who was making his yearly visit to the island.

'What did you think of it? What were your feelings when you set eyes on Ceylon after so long? These were two questions people kept asking. A most complicated interrogatory and not easily met, but too simply, delight with the people, disappointment with the places. Luckily we had cousins and friends to see, many I had not set eyes on for decades, Tommy Kelaart apart with whom I had been to see Richie Benaud's Australians at Lords when Tommy was spending a leave in London. His wife, Amelia, I met for the first time in Colombo. By a strange stroke of fate two dear school friends of mine who'd discovered our whereabouts through Christopher and Gladys Anthonisz surprised us by calling and leaving a note: Les de Kretser, retired as a Justice of the Supreme Court, and Archie Driberg who'd practised as a lawyer. As a child I'd played with Les and his brother and sisters on the beach at Matara where my father had been stationed while Archie and I had daily ridden back home on our bicycles from Royal College. 'Your friends', our servant informed us with a little grin, 'they wanted to know whether you still had hair on your head'. I had indeed but not as much as they had though they were perhaps more grizzled than I

was. From then on it was day to day meetings with both Les and Archie until our departure.

Alas, news reached me after our return to London that Les had died. We'd seen a great deal of Archie during our second visit to Ceylon in 1988 and once more after our return to London we were profoundly saddened to hear that he too had died.

Ave atque vale, fratres.

Only Eustace Pieris who'd stood alongside me on the jetty when I left in 1929 survives and Eustace has lived in England over thirty years.

For me my visit to Ceylon constituted something like a refresher course and for my wife a round of introductions to people and places reverting to my childhood and adolescence. Memories sprang at me like woodland scents on a hot summer's day: Colpetty where I'd been born (the house no longer standing), the Presbyterian Church in Bambalapitiya where I had been baptized and attended Sunday School, Bethesda Lane off Dickmans Road where I stayed with my aunt, Mrs Clarice Collette, Bullers Road and Brownrigg Road where we had lived, Brownrigg Road quite special because it was my last abode in Ceylon before I left the island. My aunt's Bethesda Lane house has vanished or been transformed out of recognition and the house near the Police Park where my mother died in 1926 has also vanished. My mother's funeral cortege had stretched all the way up Bullers Road from the DBU corner towards the Kanatte Cemetery. I stood alongside my father at her graveside mechanically shaking the innumerable hands stretched out towards us in condolence. Revd. Evan Joseph who had comforted my mother during her hour of death took the service as he did years later when my father was buried. He also confirmed me. The Irish would have called him 'a darlin' man'. Our community was numerically strong in those days and knew a touching sense of solidarity. Alas, there has since been the diaspora and relatively few of us survive in Ceylon.

We visited the Police Bungalow at Kalutara in its marvellous setting with the waters of the lagoon lapping its garden and the roll of the sea wafting in through its surrounding glass windows night and day. In Galle I found again the family home below the Anglican church in Church Cross Street. They'd divided the house into two and bricked up one half of the verandah. Ah me, architectural vandals to sully my memories. It was there my grandmother died at eighty seven. Books, books lined the walls, all the English classics and Bohn's Classical Library out of which my grandfather took the Greek and Latin works he read in the quiet of the ramparts. In

Matara I was astounded still to be able to ride a bullock-drawn hackery like the vehicle that had drawn me to my kindergarten lessons with Esme Jonklaas and to my music with the Irish nun, Sister Winifred, at the Roman Catholic Convent. The now Mother Superior who received us so hospitably told us they now had some two thousand pupils. I still suffered a twitch as I caught the beams of the Dondra Head lighthouse flashing through the dark. I had an embarrassing memory of my adamant refusal to climb to the top of that lighthouse when I was a small boy. 'Pure funk' exclaimed an unsympathetic cousin.

And on to Kandy where I had so often stayed with my uncle, Dr Harry Ludovici, and played tennis with the Piachaud family whose youngest member, Frank, had been Vicar at Chelsea and become a Prebendary of St Pauls Cathedral. Nuwara Eliya next, all those holidays and a regular cricket match against the boys of Haddon Hill. What I missed was the little train that dragged passengers up to Nuwara Eliya from Nanu Oya.

I could go on and on...

An overall impression? Noisy street traders and boutiques have invaded once sober residential neighbourhoods. Colombo, indeed most towns, brim with shanties. It is a culture shock to watch families gathering under bus shelters to spend the night, or to see them simply stretching out on pavements. Houses seem to lean over and tumble without any effort to repair and reconstruct them, holes are left for pavement users to stumble into, there is generally an air of *laissez aller*. Transport is plentiful and drivers skilful but vehicles are dangerously overcrowded and passenger comfort totally ignored. Are we to agree with Bishop Heber that every prospect pleases and only man is vile? Quite the opposite, Man pleases and not every prospect is vile. My wife has fallen in love with Ceylon. The people, she says, are sweet, open-hearted and friendly. But she adds, 'they are the lousiest correspondents on earth'. She speaks from the heart of painful experience.

My saddest thoughts are reserved for the diaspora, the exodus of so many members of our once thriving and distinguished community, occupying the four corners of the earth. The sole consolation is their success wherever they find themselves.

*Adieu* then Ceylon, not just *au revoir*, but to the advantage of other lands settled and — so it seems to me — to the disadvantage of Ceylon, land of our forefathers.

## THE CONTRIBUTION OF THE BURGHERS TO THE LEGAL PROFESSION OF SRI LANKA\*

Percy Colin-Thomé

The rulers of the Dutch overseas settlements had emphasized from the earliest times that "justice is the foundation of every good government and its administration must therefore be entrusted to the most honest and able persons that can be found".<sup>(1)</sup> These ideals, however, were not always realized in practice, especially towards the end of the 18th century. Although the supreme authorities occasionally interfered to remedy the worst excesses, particularly in criminal proceedings, serious defects did remain.

Justice in the maritime provinces in Ceylon under the Dutch was administered in three kinds of courts of record — the *Raden van Justitie* (the High Court of Justice), the *Landraden* (The Land or Country or District Courts) and the *Civiele Raden or Stads Raden* (The Civil or Town Courts). The Dutch codified some of the indigenous customary laws. The Roman Dutch law which they introduced was so rich in sources it could draw upon that it still remains the basis of the common law of the Island in civil matters. According to Professor T. Nadarajah, "Though the areas under Dutch rule were not extensive, the administration of justice in those areas may be said to have foreshadowed, faintly perhaps, the Rule of Law in the modern sense. For in the territories under their dominion the Dutch established a civil administration based on a regular hierarchy of courts with definite rules of procedure and judicial records, which limited the exercise of arbitrary power and secured a reasonable measure of impartial justice."<sup>(2)</sup>

The capitulation of Colombo to the British took place on the 15th February 1796. Article 23 of the conditions offered by Johan Gerard van Angelbeek, the Dutch Governor, for the capitulation stated:

"All Civil Suits depending in the Council of Justice shall be decided by the same Council according to our Laws".

The British agreed to this arrangement but insisted that all Civil Suits must be decided within a year - a rare reversal of the Ciceronian adage: "Amidst the clash of arms, the laws are silent."<sup>(3)</sup>

However, some embarrassment was caused to Governor Frederick

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North by the Dutch Judges firmly refusing to take the oath of allegiance and accept judicial appointment under the British Crown. Special measures had to be taken to meet this situation. Later North was able to induce two Dutchmen, Stephen Baron van Lynden and Gerald Joan Fybrands, to take the oath, and in 1801 they were made members of the *Civil Raad*. The taking of the oath involved a great sacrifice on their part, for in a letter to the Governor they explained that by taking this step they have created "many enemies amongst the principa<sup>l</sup> Dutch inhabitants." <sup>(4)</sup> The period of transition from the procedure of the Dutch Courts to the new procedure had not run smoothly. It was not until the Charter of the 18th April, 1801, that a court of record called the Supreme Court of Judicature in the Island of Ceylon was established embracing a civil and criminal jurisdiction in Colombo and the surrounding District and over all Europeans resident in Ceylon. The Court was to consist of a Chief Justice and one Puisne Justice. The Charter also established a court of record styled the High Court of Appeal with jurisdiction to hear and determine appeals from any Courts of Justice in Ceylon, except the Supreme Court of Judicature. The Judges of the High Court were the Governor, the Chief Justice, the Puisne Justice and the Secretary of State, or any two of them. This court had its own seal. There was to be an ultimate appeal to the King in Council. By the Proclamation of the 20th August, 1801, English was made the official language of the Courts.

The Burghers soon realised that their only hope of advancement under the British was by a mastery of English. As Dutch is an Anglo-Germanic language sharing with English common roots, a common structure and to a large extent a common vocabulary the adjustment to English was not difficult. In 1839 J. G. Hillebrand was the first Burgher to be appointed a Supreme Court Judge. Earlier in 1835 Governor Sir Robert Wilmot Horton had nominated him as the first Burgher Member of the Legislative Council. Cecil Arnoldus Prins, King's Advocate Fiscal (English Attorney and Solicitor-General combined) was another Burgher who received high office in the early years of British rule. <sup>(5)</sup>

English education was one of the main channels of elite formation used by the Burghers in the last century and the institution which was the seedbed of this elite formation was the Colombo Academy. Sir Robert Wilmot Horton founded the Colombo Academy (precursor of Royal College) at San Sebastian under the Principalship of Rev. Joseph Marsh in 1835 with twenty pupils. Rev. Dr. Barcroft Boake succeeded Marsh and remained Principal of the Academy from 1842 to 1869. Under Boake's

regime the Academy became the principal educational establishment in the Island. The Academy produced a coterie of brilliant pupils who were later to distinguish themselves in the liberal professions. In the 1840s the Academy was a kind of microcosm of the larger social world of Ceylon a decade or two later with Charles Ambrose Lorenz at the centre of everything. Distinguished alumni associated with the early days of the Academy who were later to become well known in the legal profession were R. F. Morgan, James Stewart, Charles Stewart, Frederick Nell, Louis Nell, C. A. Lorenz, John Boyle Siebel, John Eaton, C. L. Ferdinands and John Prins.

Sir Richard Francis Morgan, born at Colombo on the 21st February 1821, had a meteoric career. In 1840 he became a Proctor. In 1846 he was enrolled as an Advocate. In October 1851 he was appointed Burgher Member of the Legislative Council. In 1856 he was appointed District Judge of Colombo. In December the same year he was appointed a Puisne Justice. Between 1861 and 1862 he acted as Queen's Advocate. In 1863 he was confirmed as Queen's Advocate, a post he held until 1874 when he was appointed Acting Chief Justice. He was knighted the same year. The Governor Sir William Gregory wrote to Sir Richard that he had a telegram from Lord Carnarvon empowering him to offer Sir Richard the Chief Justiceship of the Colony. Sir Richard declined the offer on the score of ill-health. <sup>(6)</sup> He reverted to his post as Queen's Advocate and he died at Colombo on the 27th January, 1876, at the age of fifty four. Sir Richard as Queen's Advocate initiated most of the important legislation in that era and also appeared for the State in several important cases.

James Stewart, born on the 24th March, 1821, was appointed Deputy Queen's Advocate, a post he held until he died at the age of 30, on the 18th November, 1851. He was a keen lawyer and a brilliant speaker. <sup>(7)</sup> He was an official Member of the Legislative Council from 1849-1850. His brother Charles Stewart was appointed Second Puisne Justice on the 11th January, 1867, and he became Senior Puisne Justice on the 1st August, 1873. <sup>(8)</sup> Frederick Nell B. A. (Cantab), born on the 12th October 1828, was one of the most brilliant products of the Colombo Academy. In 1846 he shared the Turnour Prize with Lorenz. Frederick Nell accompanied Lorenz to England in 1853. They joined Lincoln's Inn and were later enrolled as Barristers-at-Law. In 1863 Frederick Nell was appointed Deputy Queen's Advocate for the Southern Circuit. He died in 1867 at the early age of 39. His brother Louis Nell (father of Dr. Andreas Nell) was for a time Editor of the *Examiner*. He served as Deputy Queen's Advocate in Jaffna, Kandy, Kurunegala and Galle. Louis Nell wrote a book on Mohammedan Law

which Sir Richard Morgan described facetiously as being so learned that it was generally incomprehensible. <sup>(9)</sup>

Lorenz was a combination of brilliant lawyer and scholar who knew mediaeval Dutch and Latin. He translated Van der Keessel's *Theses Selectae Juris Hollandici et Zelandici* being a commentary on the *Dictata ad Grotii Introductionem*. He published this work in 1855. In 1856 he completed his notes for an *Introduction to Roman-Dutch Law*, and translated Van der Linden's Treatise on *Namptissement* being reports of cases decided by the Supreme Court and the District Court of Colombo and translations of Voet's *Commentaries on the Pandects* and Kerstman's observations on *Namptissement*. Then came his valuable series of Law Reports, which caused him to be called the "Father of Ceylon Law Reporting". His first Law Reports covered the period 1856 to 1859. He continued to edit these reports until 1870, shortly before his death. In 1860 he published his *Notes of Civil Practice under the Roman Dutch Law*. In the late 1850s while living at "Gatherum", Maradana, he held weekly classes for the study of Voet. In the course of time he became leader of the unofficial Bar and was known as the "Morning Star of Hulftsdorp". He was the first lawyer who moved for the establishment of a Legal Association to further the interests of the profession and to "introduce reforms from within". For some years he was the Secretary and Treasurer of the Law Library. At his death he bequeathed to the Law Library at Hulftsdorp his valuable collection of books, which included several first editions of texts written in the last century as well as the original manuscript of the *Dictata ad Grotii Introductionem* by Van der Keessel.

Lorenz died on the 9th of August, 1871, at the young age of forty two. Sir Edward Creasy, Chief Justice, at a Ceremonial Sitting of the Supreme Court paid him the following tribute:

"At this, the first sitting of the Court since the death of Mr. Lorenz, it is the wish of the Judges to express our sense of the loss which this Court has sustained, and our abiding admiration of the distinguished Advocate, of whose presence and assistance we are now deprived for ever. So large an amount of the business before this tribunal was conducted for many years by Mr. Lorenz, that without him the Court seems maimed of one of its important elements. And it was not merely the amount of business conducted by him but in far higher degree the manner and spirit in which he conducted it, that made the Bench regard and respect him as a worthy leader of the Bar. Always master of his facts, lucid and clear and scrupulously accurate in his statement of them he was also skilful and forcible both in marshalling

and urging his own arguments and in contraverting or eluding the points of those of his adversary. At the same time he never suffered his disputation to degenerate into either wrangling or quibbling. He was eminently logical, and when the demerits of his case stopped him from further reasoning, he ceased to talk. To those intellectual gifts he added an extensive and sound knowledge of both English and Roman Dutch Law. His thorough acquaintance with the latter was peculiarly valuable to this Court, where some if not all of the Judges are generally men trained at the English Bar, to whom it is a great advantage to be frequently reminded of the numerous differences between English and Roman Dutch Law — differences in which the Roman Dutch Law has in general so great a superiority. Of Mr. Lorenz's skill in obtaining verdicts we had not so good opportunities of judging as you gentlemen, who were so often his co-adjutors in the District Court. But I have several times heard him conduct criminal cases, in which he had been especially retained here, and noticed and admired his tact with which he cross-examined, and the ability of his addresses to a jury. Altogether, I would say of him what I remember to have heard said of a celebrated Advocate at home. I once asked Lord Denman his opinion of Mr. V. O'Connell, as a Counsel. Lord Denman replied, 'I will tell you not only my own opinion but that of Lord Plunkett, who had very full means of estimating him. Lord Plunkett said that he never knew O'Connell at the Bar miss a good argument or use a bad one! I can unhesitatingly affirm the same of Mr. Lorenz. I do not mean to depreciate in the least the abilities and zeal of those present before me; but I am sure that you will all agree with me in feeling that the death of our esteemed friend has created a void which can hardly be filled in Ceylon for many years to come, if ever.' <sup>(10)</sup>

John Henry Eaton (1829-1906) like many of his contemporaries at the Academy blossomed into an able Advocate, orator and litterateur. He had a large practice in Kandy. He was Police Magistrate of Kandy for eight years. Though a Burgher he was appointed a Member of the Legislative Council to fill the vacancy of Sir Muttu Coomaraswamy during his absence in England from 1862 to 1865. Charles Lambert Ferdinands (1829-1891), also a member of the select circle, passed out as a Proctor. In 1862 he became an Advocate. He soon found his way into the front rank of the profession and in 1872 on the death of Lorenz he was appointed Burgher Member of the Legislative Council. In 1876 he accepted office as Deputy Queen's Advocate, and acted as Solicitor General and Attorney General, his substantive post being District Judge of Colombo. <sup>(11)</sup>

In this era some of the leading Proctors and Notaries were John Driberg, John Boyle Siebel, John and Edward Prins and William Vanderstraaten. John Boyle Siebel (1831-1907) had a brilliant career at the Academy and won the Turnour Prize in 1847. He qualified as a Proctor and Notary and had an extensive practice in Kandy and was appointed Crown Proctor. A man of letters and a scholar he frequently contributed articles to the *Ceylon Examiner* and other journals.

John Driberg (1809-1864) was the leading conveyancer in his time. He married Lorenz' sister Harriet. They occupied a house at the junction of Dam Street and Old Moor Street, nearly opposite the Kachcheri. While attending the Academy at San Sebastian Lorenz lived with the Dribergs. Lorenz dedicated his translation of Van der Keessel's *Theses Selectae juris Hollandici et Zelandici*, being a commentary on the *Dictata ad Grotii Introductionem*, (1855) to John Driberg "in grateful remembrance of many kindnesses received by his late pupil".

Driberg commenced life with neither money, advantageous connections, nor friends in high places. Yet at the time of his death he was regarded as the leader in his branch of the profession.

Shortly after his death on the 14th April 1864 Mr C. Stewart, the Acting District Judge of Colombo, addressed the Bar as follows:—

"Mr. Driberg was essentially a man who made himself. He was a practitioner of many years standing respected by everyone who had the pleasure and satisfaction of knowing him — held in esteem equally by Advocates and Proctors, as well as by the general public. He was a man that anyone may safely consult: for his judgment was sound, his knowledge great, and his integrity beyond all question. I might also add, as I believe it to be the fact, that he had the entire respect and confidence of the various occupants of this Bench before whom he appeared for the last one-third of a century; and speaking for myself as Advocate and Judge in both which relations I have had the pleasure of knowing and appreciating him, I may say that my experience authorizes me unreservedly to state that he was a practitioner of the highest character and one of the lights of the profession."<sup>(12)</sup>

James Adrianus Maartensz, J.P.U.M. (1825-1872), Burgher Member of the Legislative Council (1865) was also one of the leading Proctors of this era.

James Van Langenberg (1839-1886) was an eminent Advocate and was appointed Burgher Member of the Legislative Council in 1876.

Sir John Charles Samuel Grenier (1840-1892) hailed from Jaffna. He was enrolled as an Advocate in 1864. In 1886 he was appointed a Member of the Legislative Council to fill the vacancy caused by the death of James Van Langenberg but Sir Samuel never took his seat as Burgher representative as he was appointed Attorney General and became an Official Member of the Legislative Council. In August 1891 Sir Samuel went to England on twelve months leave and early in the following year he received the honour of knighthood direct from Queen Victoria herself. Sir Samuel was nominated to succeed Sir Bruce Burnside as Chief Justice but died before Sir Bruce left the Island.<sup>(14)</sup>

Sir Bruce Burnside said of him:

"Deeply read, a profound thinker, a logical mind, matchless industry, painstaking and conscientiousness — these were the qualities which placed him at the head of the profession of which he was a distinguished ornament".

Sir Hector Van Cuylenburg, (1847-1915) Proctor, was the first Burgher representative in the Legislative Council elected by the suffrage of his community. He was also proprietor of *The Ceylon Independent* which was the first "penny" newspaper in Ceylon. John Francis Beven, (1847-1935) Advocate, was for a time Editor of *The Ceylon Examiner*.

Henry Lorenz Wendt (1858-1911) was appointed Puisne Justice on the 15th October 1901—the first Burgher to be appointed to the Supreme Court in this century. He became Senior Puisne Justice on the 1st September, 1905.<sup>(15)</sup> He was also a Member of the Legislative Council.

Joseph Richard Grenier, K. C. (1852-1926), younger brother of Sir Samuel Grenier, was appointed District Judge of Colombo in 1903. When he assumed duties he found the work of the Court completely out of gear, the trial roll in arrears, the testamentary work in confusion and the record room in a mess. He set about with characteristic vigour to evolve order out of chaos, and soon brought the work of the Court up to date. He acted as Puisne Justice in 1906<sup>(16)</sup> and was appointed permanently to the Supreme Court on the 28th November, 1910.<sup>(17)</sup>

James Arthur Van Langenberg K.C., (1866-1915) was appointed Attorney-General in 1912 and was a Member of the Legislative Council.

There have been many distinguished Burgher Proctors and Notaries

Public both in Colombo and in the principal towns of the Island too numerous to name. Some names that come to mind are F.C. Loos, (1834-1911) C.M.G., Burgher Representative in the Legislative Council; Charles van der Wall (1847-1934), Member of the Legislative Council, 1924-1931; Arthur Alvis (born 1851) Member of the Legislative Council 1921-1924; N. J. Martin (1865-1935), Member of the Legislative Council 1921-1931; G.A.H. Wille (1871-1951), First Burgher Member of the Legislative Council 1924-1931, Nominated Member of the First State Council 1931-1935, Nominated Member of the 2nd State Council 1936-1947; W.E.V. de Rooy (1880-1963); Sylvester Claude Aldons Sansoni, J.P.U.M. (1875-1950); L. G. Poulier J.P.U.M., E.G. Jonklaas; Stratton Guy Sansoni; V.C. Modder J.P.U.M. and James Aubrey Martensz J.P.U.M., Member of the House of Representatives 1947 and Ceylon's first High Commissioner in Australia in 1949. Frank Modder, Lecturer in Kandyan Law, Ceylon Council of Legal Education, published in 1914 his magnum opus *The Principles of Kandyan Law* <sup>(18)</sup> G.F. Ernst and A.E. Bultjens (before he became a District Judge) were leading Proctors in Matara. T.K. Carron and later his son T.P.C. Carron, Crown Proctor and Prosper Loos had large practices in Negombo. F.W.E. de Vos, Crown Proctor was a leading Proctor in Galle. E. A. H. Ebert was a leading Proctor in Kalutara. There were several Burgher Proctors in Kandy, namely Edwin Beven, his son Walter Beven, Victor de Vos, Michael Arnoldus Vanderwall, C.N.D. Jonklaas, Vernon Jonklaas (before he became an Advocate), Trilby Misso and Hans de la Motte. Derrick Koch who had a brilliant career at the Law College winning prizes and scholarships, practices in Colombo. Archibald Drieberg and Maurice Walbeoff are perhaps the only other Burgher Proctors practising in Colombo today.

In January 1903 Frederick Dornhorst K.C., Sir Ponnambalam Ramanathan, C.M.G., K.C. and Sir Thomas Edward de Sampayo K.C. were the first Ceylonese to be made King's Counsel. <sup>(19)</sup> At this time Dornhorst was the leader of the unofficial Bar.

Burghers have also been prominent law reporters, for instance, Lorenz, J.W. Vanderstraaten, H.L. Wendt, W.W. Beling, P. Leembruggen and others. Pieter Adrian Loos, V.M. Vanderstraaten, Charles Beling, G.F. Grenier, Guy O. Grenier, F.C. Loos and Christian Van Cuylenburg were Registrars of the Supreme Court.

Sir Gualterus Stewart Schneider, K.C. was a Member of the Legislative Council. Later he was appointed a Puisne Justice on the 13th December, 1921. On the 19th October 1925 he became Senior Puisne

Justice. He was Acting Chief Justice from 29th September 1926 to 2nd January 1927. Sir Thomas Forrest Garvin, K.C., Barrister-at-Law, Grays Inn, was Solicitor General and Acting Attorney General and was a member of the Legislative Council. On the 10th June, 1924, he was appointed a Puisne Justice at the age of 42. On the 15th January, 1929, he became Senior Puisne Justice. He acted as Chief Justice from the 7th July 1926 to the 19th September 1926. <sup>(20)</sup> The late Mr. H.V. Perera, Q.C. regarded Sir Thomas Forrest Garvin as the most brilliant judge he appeared before. Allan Drieberg, K.C., Barrister-at-Law, Middle Temple, was appointed a Puisne Justice on the 19th September, 1927. He was a Member of the Legislative Council from 1921 to 1924. Lewis Matthew Maartensz, Barrister-at-Law, Middle Temple, was District Judge, Colombo and was appointed a Puisne Justice on the 27th March, 1929. F. H.B. Koch Q.C. was acting Solicitor General from 1930-1931. He was appointed a Puisne Justice in 1934. He was a Member of the Legislative Council from 1924 to 1931.

Sir Francis Soertsz, K.C., Barrister-at-Law, Grays Inn, had a lucrative practice at the Bar in both civil and criminal cases. In 1935 he was acting Puisne Justice. In 1937 he was made permanent. In 1945 he was Senior Puisne Justice and acted as Chief Justice for a time in 1947 and in 1948 until he retired on the 13th March 1948. He wrote numerous judgments in a style noted for its lucidity, logic and deep learning. Along with Sir Sidney Abrahams C.J. and Maartensz J. he heard the epoch making case *In re Mark Antony Lyster Bracegirdle* 39 N.L.R. 193 when the Court held that the Governor's order for the arrest, detention and deportation of Bracegirdle purporting to be made under Article 111, 3 of the Order in Council of 1896, was made without authority, and that the arrest and detention was illegal and Bracegirdle must be released.

Mr Justice Soertsz' judgment in *The King v. James Chandrasekera*, 44 N.L.R. 97 had an important bearing on the law. This important case was heard by a Divisional Bench of seven judges. The Court by a majority of six to one held that where in a case in which any general or special exception under the Penal Code is pleaded by an accused person and the evidence relied upon by such accused fails to satisfy the Jury affirmatively of the existence of circumstances bringing the case within the exception pleaded, the accused is not entitled to be acquitted if, upon a consideration of the evidence as a whole, a reasonable doubt is created in the minds of the Jury as to whether he is entitled to the benefit of the exception pleaded.

After Sir Francis Soertsz retired in 1948 he was appointed the first Professor of Law of the newly established Faculty of Law at the University

of Ceylon, a fitting honour for an eminent jurist and a classical scholar.

A.E. Keuneman K.C., M.A., LL.B.(Cantab), of Grays Inn, Barrister-at-Law and O.L. de Kretser Snr., C.M.G. were appointed Puisne Justices in 1938. Both commanded a large practice at the Bar. Mr. de Kretser was a Member of the Legislative Council from 1924 to 1931.

A distinguished Burgher Advocate in the first half of this century was Charles Edward de Vos (1871-1941) B.A. (Cantab). At 17 he won the English University Scholarship. He gained a Senior Optime in the Mathematics Tripos at Cambridge. He was enrolled as a Barrister-at Law, Middle Temple, in 1894, and on his return to the Island practised at Galle. He was appointed Crown Advocate in 1899 a post he held for decades. He declined an offer of appointment on the Supreme Court Bench. He was for many years a Member of the Galle Municipal Council. He was a nominated Unofficial Member of the Legislative Council from 1924 to 1931. "He was a man of gentle disposition, scholarly habits and simple tastes; a man without ambition for prominence in public affairs or in public life, yet ready to serve where his services would be of use; tolerant and liberal minded in matters where disagreement was possible, yet holding firmly to those convictions which he formed for himself." (21)

Other leading Burgher Advocates in this period included F.H. de Vos, J.R. Weinman, J.R.V. Ferdinands, E.F.N. Gratiaen Q.C., Vernon Jonklaas Q.C. and Ivor Misso. F.H. de Vos was a well known historian. J.R. Weinman was for a time District Judge of Colombo and wrote "Our Legislature". (22) Vernon Jonklaas Q.C. was a nominated Member of the House of Representatives from 1965 to 1970. Douglas St. Clive Budd Jansz, Q.C., was a University scholar who won the Pettah Library Prize for English and obtained an Honours Degree in Classics. He was appointed Solicitor General in 1956 and took silk the same year. In 1959 he was appointed Attorney General. He always gave his best to the service of his Department and his country. Mr. Jansz died in 1969. The Hon. H.N.G. Fernando, Chief Justice, at a Ceremonial sitting of the Full Bench of the Supreme Court referred to Mr. Jansz's conduct of the prosecution of the Coup Case, "Ceylon's longest trial, a task as unpleasant and delicate as was performed by any of his distinguished predecessors, which he discharged with his customary fairness, firmness and dignity and in a manner worthy of his high office." (23)

Arthur Keuneman M.A. (Cantab), of Grays Inn, Barrister-at-Law and Basil White B.A. (Lond.) were able prosecutors who served in the Attorney Generals's Department for several years as did their distinguished

predecessors, S.J.C. Schokman (Acting Solicitor General), G.V. Grenier and F.C. (Chin) Loos.

The names of some of the District Judges who functioned in the last fifty or sixty years are Hermann Albert Loos, B.A. (Cantab.), F.R.C.I., Barrister-at-Law, Inner Temple, District Judge, Colombo. Like his father F.C. Loos, C.M.G., before him he was a Member of the Legislative Council from 1924 to 1931; J. R. Weinman, Waldo Sansoni, S.J.C. Schokman, Harry Wendt, M.C. Sansoni, O.L. de Kretser Jnr. A. E. Buultjens and Eric Labrooy were also District Judges. Harry Wendt, son of Mr Justice H.L. Wendt functioned for a time as Commissioner of Requests, Colombo and he was also a very able Assistant Legal Draftsman before joining the judicial service.

Edward Frederick Noel Gratiaen, C.M.G., Q.C., was one of the brightest jewels in the legal world in his time, at ease with all types of legal work, civil and criminal. At a ceremonial sitting on the 27th February, 1973, as a mark of respect to the late Mr Gratiaen, the Hon. H.N.G. Fernando, Chief Justice, addressing a packed Court observed that many features of Mr. Justice Gratiaen's "career were noteworthy and some of these were unique". He was "an unusually distinguished lawyer and Judge." At 42 he was a Queen's Counsel. Later he became a Queen's Counsel at the English Bar. At 43 he was one of the youngest Ceylonese to be a Supreme Court Judge when he received his appointment in 1948. In the 1940s he was engaged in important civil litigation. In the 1950s he was the dominant personality on the Bench. In 1956 he was appointed Attorney-General and resigned in 1959 to practise in the Privy Council. "In the 1960s", said the Chief Justice, "he was the dominant personality at the Bar of the Privy Council — a fact evidenced by the recent occasion, unique as far as I know, when the Judicial Committee of the Privy Council bid him farewell on his retirement from practice". Mr Justice Gratiaen was Chairman of several important Commissions, including the Prisons Reform Commission. The Chief Justice concluded his address by referring to Mr. Justice Gratiaen's "learning, his firm grasp of basic legal principles, his seeking after justice, his relish for professional and judicial work, his deep and sympathetic understanding of human nature, his rare intellectual capacity.... On the pages of the judicial history of our country, the name of Gratiaen will be listed with a select few, with the names of Wood Renton, Bertram, de Sampayo and Garvin.... The reputation which he himself gained at the Bar in England enhanced the prestige of the Bar and the Bench in this country".

Mr Gratiaen was appointed a member of the House of

Representatives in the first Parliament in 1947. He resigned in March 1948 and was appointed a Supreme Court Judge. Mr. Victor Tennekoon, Q.C., Attorney General, in his address at the Ceremonial Sitting stated: "As a member of the House of Representatives he was disconcertingly frank and independent in the views he put forward in the debates in the House". The Attorney General referred to Mr. Gratiaen's "unfailing charm, his great wisdom in counsel, his devotion to his self-appointed tasks, his wit, his exquisite if sometimes pungent use of language, and for innumerable unrecorded acts of friendship and assistance to a wide circle".

V.L. St. Clair Swan had a large civil practice in the District Court and Court of Requests, Colombo. In 1947 he was appointed a Commissioner of Assize. In 1950 he was elevated to the Supreme Court Bench. He retired in 1956. Mr. Swan was a kind, courteous and much respected Judge.

Miliani Edward (Ned) Claude Sansoni, B.A. (Lond.), of Gray's Inn. Barrister-at-Law, was the first Burgher and fourth Ceylonese to be appointed Chief Justice of Sri Lanka. His grandfather Miliani Henri Sansoni (1849-1907), a contemporary and friend of Dornhorst, practised as a Proctor first in Haldummulla and later in Negombo. His father Sylvester Claude Aldons Sansoni, (1875-1959), J.P.U.M., Proctor, also practised in Negombo.

After eight years at the Bar, Mr Sansoni commenced his long and distinguished service on the Bench when he was appointed Acting Magistrate, Dandegamuwa, in December 1937. He was Magistrate, Kandy from April 1938 to April 1942. He was District Judge and Magistrate, Tangalle, from April 1942 to April 1944. He went back to Kandy as Additional District Judge in 1946. For sometime in 1948 he was District Judge at Kalutara and in the following year he was transferred to Colombo as Additional District Judge and was later appointed District Judge, Colombo. In January 1954 he became a Commissioner of Assize and two years later was appointed a Puisne Justice. He was Chief Justice from 1964 to 1966. Mr Justice Sansoni's appointment as Chief Justice was so acceptable to the Bar that the Bar Association felicitated Mr and Mrs Sansoni by inviting them to be Chief Guests at a banquet at the Mt. Lavinia Hotel, a unique gesture.

As a Judge Mr Justice Sansoni was courteous, impartial, an epitome of unruffled dignity and erudition. His numerous judgments have enriched the law of the country. In *The Associated Newspapers of Ceylon Ltd. Appellant and Dr. Guy de Silva, Respondent* 63 N.L.R. 145, Mr Justice Sansoni held, with H.N.G. Fernando J. agreeing, that privilege

attaches to the publication of judicial proceedings in open Court where documents are placed before the Judge, though their contents are not read out. If the articles in question are fair and accurate reports of judicial proceedings held in open Court their publication is privileged.

In *S. Weerasinghe, Petitioner, and G.V.P. Samarasinghe* (Permanent Secretary to the Ministry of Defence and External Affairs) and 2 others, Respondents, 68 N.L.R. 361, the main argument of Counsel for the Petitioner was that the Governor General had no right to make any regulations, as section 5 of the Public Security Act which purports to give him the powers to make Emergency Regulations is beyond the power of Parliament as laid down in the Constitution. After analysis of authorities from the Privy Council, Canada, Australia and India, Sansoni C.J. held, that the delegation was not an illegal delegation of the legislative power of Parliament as there are provisions in the Constitution which ensure that Parliament retains its powers and its control over the Executive even during a state of emergency. There is nothing in the Public Security Ordinance to indicate that Parliament had abdicated its legislative authority, and transformed the executive into a parallel legislature. The Public Security Ordinance makes provision for delegation of legislative power only at a time of public emergency.

Although Mr Sansoni retired from the Bench in 1966 he has served thereafter with distinction on numerous Commissions. In 1969 he became Chairman of the first Law Commission of the Island. In 1977 he was appointed to report on the communal clashes which occurred between August and September that year. He has chaired the plenary session on general issues at the Ministry of Justice Laws Delays Seminar held earlier this year. Whenever called upon to serve his country he has unhesitatingly done so.

O.L. de Kretser Jnr. B.A. Hons. (London) joined the judicial service as a Magistrate and later was appointed District Judge. He served in various districts of the Island. He was a Commissioner of Assize from 1963 to 1967. In 1967 he was appointed a Puisne Justice. At a Ceremonial Sitting on the 20th January 1972, on the occasion of his retirement Mr Victor Tennekoon Q.C., Attorney General, addressing Court reminded Mr Justice de Kretser that he concluded his speech at a Ceremonial Sitting welcoming him to the Supreme Court Bench with the words: "I swear that I will administer justice without fear or favour, without affection or ill-will." The Attorney General added: "Your Lordship has redeemed that oath and that promise in full measure but of course that was to be expected." The Attorney General drew attention to Mr Justice de Kretser's judgment in

the *Kodeswaran* case where “a controversial question of the availability to a public servant of an action for salary earned was adopted and endorsed by the Privy Council. This decision is now regarded as the charter of public servants who before that were regarded as not having any enforceable rights in respect of their services under the Crown”. Mr Justice de Kretser when he was President of the Judicial Service Association was a doughty fighter for the rights of its members. The Attorney General concluded his speech by describing Mr Justice de Kretser as “a Judge fair and impartial, a Judge courteous and unperturbed, a Judge who was no respecter of persons, a Judge to whom the substance of a counsel’s argument and performance was the measure of his response and not the latter’s seniority, volubility, or other irrelevant consideration”.

**Clara et venerabilia nomina.**

## NOTES

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7. *Young Ceylon* (1852), Vol. 11, 147 — 160.
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13. Arasaratnam op. cit 2; see also J.R.T., *Sir Samuel Grenier*, J.D.B.U. Vol. 29, Jan. 1940, No. 3, 80 — 87 at 85.
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15. Arasaratnam op. cit 11.
16. J.R.T., *Joseph Grenier*, K.C. J.D.B.U., Vol. 16, 11 — 15.
17. Arasaratnam op. cit. iii.
18. Stevens and Haynes, London, 1914.
19. Arasaratnam op, cit. iv.
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21. L.E. Blazé: *C.E. de Vos*, J.D.B.U. Vol. 31, Oct. 1941, No. 2, 83 — 84.
22. *Ceylon Daily News* 1918.
23. *Lest We Forget*, J.D.B.U. Vol. 57, Jan — Dec. 1967, Nos. 1 to 4, 49.



## A NEW YEAR'S DAY\*

John Capper

There are some of our fellow-subjects in the East, who appear to have been rather unfairly dealt with by writers of Indian books, and colonial histories, inasmuch as no notice has been taken of them, save in the official census, in which, by the way, they figure rather prominently as regards number. I allude to the Burgher inhabitants of our large colonial towns within the tropics.

In Europe the term "Burgher" was applied, in olden days, to all citizens or dwellers in principal towns, carrying on trades or professions therein. In the East, or rather within the tropics, it is used to designate the descendants of the old Portuguese and Dutch colonists, a class at once numerous and respectable. At the Cape Colony they form the majority of settlers, but in the tropical settlements of Ceylon, Singapore, etc. they are outnumbered by other races. When the former island was taken possession of by the British forces, many of the Dutch civil servants returned to Holland or migrated to Java; but very many lacked the means to travel, or preferred remaining where they had been born. Their descendants have continued to fill many leading posts in the colonial establishments, and nearly all the minor appointments in the judicial and revenue departments are bestowed upon these and the Portuguese Burghers. The Dutch have been, and are to this day very careful not to intermarry with any Singhalese; thus their habits and their characters have undergone but little change. The Portuguese, on the other hand, have been far less scrupulous on this point; and their descendants of the present day are to be seen of every shade and grade, from the well-clad medical student, to the half starved, ill-clad mechanic or the indolent bazaar-keeper.

If the English colonists contrive to monopolize the best berths in the service, the Burghers have managed to secure to themselves the most

\* Reprinted from John Capper, *Old Ceylon: Sketches of Ceylon Life in the Olden Time*, Colombo: Ceylon Times Press, 1877, pp. 174-182. John Capper arrived in Ceylon in 1837 and joined the firm of Acland Boyd & Co., which had large planting interests. In 1858, he acquired the *Ceylon Times* of which he became editor. He was an unofficial member of the Legislative Council and participated with Lorenz, Alwis, Wall and others in the famous "walk out" in 1864 as a protest against the War Office decree that Ceylon should meet the entire military expenditure.

comfortable dwellings, with the best gardens. The same jealous exclusiveness which has so completely separated these two classes, impels the European to take up his residence in a quarter as far removed as possible from the suburbs usually occupied by the Burghers. The English merchants and civil servants will be found located along the edge of some high road, within a very small patch of burnt-up paddock. Their tenements are of no particular order, being mostly long rambling whitewashed places. A few palms make an attempt at shading the hot verandah in front: while the small tufts of cinnamon bushes are to be seen struggling for life in parched sand, evidently disgusted with their circumstances. How different the dwellings of the Burghers! Some of these, it is true, are in the midst of the Pettah or native town, but most of them will be found scattered about in quiet, shady lanes. Many are quite hidden from the passer-by, amidst dense little clusters of fruit trees, rose bushes, and evergreens — concealed amidst leaves and flowers as snugly as though they were so many huge, red-bricked, bird's nests.

It is seldom, indeed that anything occurs to break the dull monotony of life in the East. With few public amusements, no promenades, colonists seldom meet each other save in their churches. There are however, a few days in the year when a little change in this clock-work existence takes place amongst the Burgher population; when hard visaged Dutchmen relax the stern rigidity of their bronzed features, and put on some gay suit of many colours. When portly dames rouse up for the emergency, startle the quiet family halls with their busy tongues, and scare the old house-dog with the vivid brilliancy of bright ribands and new lace. One of these very few and much prized occasions is New Year's Day.

In the afternoon of the first day in January, 1850, I strolled out from the old sturdy fort of Colombo, over a lumbering wooden drawbridge, through some of the broad, prim-looking streets of the native town. The bland sea-breeze played coyly with the feathery foliage of the tall palms and arekas, and waved against the azure sky many a tope of broad-leaved, bright-green bananas. Away upon the breezy ocean far out from land, a little fleet of fishing canoes were discernable making their swift way to shore with welcome loads, the toilers of the deep eager to be with their friends and join in the glad rejoicings of that welcome New Year's Day. The native bazaar, at the corner of the town, with one end jutting out upon the sea, was for once clean and gay. The dealers in fish, fruit and curry-stuffs appeared to have put on new clothes with the New Year. The huge white turbans, and gilt-edged muslin scarfs, glistened in the noon-day sun, and gorgeous, many coloured vests and wrappers vied, in the brilliancy of their

tints with the piles of many-hued fruits and balmy flowers. The very fish and vegetables appeared cleaner than usual; while spices, condiments and sweetmeats looked down from many a loaded shelf upon the passer-by.

Leaving this motley scene, I passed on to the heart of the dwelling-place of the middle-class of Burghers. Before every house was an ample verandah partly veiled by an open bamboo-curtain. In these lofty, cool retreats were seated the many families of the place, receiving or giving the good wishes of the season. Once upon a time the streets were graced by rows, on either side of shady spreading sooriya-trees bending over the footways, and peeping in at the verandahs, to see how the inmates were getting on; winking the large eyes of their yellow tulip flowers at the daughters, and enticing pretty birds to come and sing amongst the leafy branches. But this was in the good old days of sleepy Holland. Now all are gone — green boughs, winking flowers, and singing-birds: more's the pity!

As I passed along I met many groups of old, young and middle-aged, evidently families, in full native holiday costume. They were in each case followed by two or more turbaned, fierce-looking domestics, bearing enormous trays piled up with something hidden from vulgar gaze by flowing veils of muslin. I could not help calling to mind the processions of slaves in the Arabian Nights, which we are informed followed the steps of caliphs and sorcerers, bearing with them huge presents of precious things from subterranean worlds. I watched some of these domestic embassies and perceived that they entered the houses of some of the neighbours; there was a great fluster and bustle, and no end to talking and laughing in the long verandahs. I entered the dwelling of Dutchman to whom I was known, and found one of these family groups within. A rare merry scene it was: the deputation had just arrived; friends were shaking hands; the great black slave of the Arabian Nights uncovered the hidden-treasures on the tray, and, lo! there were discovered — not piles of glittering sequins, and emeralds, and rubies, as I had expected, but a few bunches of yellow plantains, some green oranges, a handful of limes, half-a-dozen pine-apples, and a homely-looking cake frosted with sugar. These were the universal New Year offerings amongst that simple community, given as tokens of good-fellowship and neighbourly feelings; and as such, welcomed and cheerfully responded to. Little corpulent glasses of cordials, or schiedam, were handed round amongst all arrivals, rich or poor; good wishes were exchanged; a few stale jokes were cracked; inquiries were made for the grandmother who was too infirm to join the party; and away went the neighbours with another slave and another heap of hidden gifts, to the next acquaintance. These presents are not confined to mere equals;

the most humble menial scrapes a few chollies together for the occasion and lays at his master's feet an oblation of fruits and flowers.

The very grass-cutter, the miserable hanger-on of stables, contrives somehow to get a few pines and plantains on a blue-and-white dish; and poverty-stricken though she be, pours out her simple gifts before her master, with gentle dignity.

Group after group went through the town. Gay parties continued to amuse themselves in many a dusty verandah. Scores of meerschaums sent forth circling clouds of fragrant white smoke; while many a dreamy Dutchman nodded in his high-backed, richly-carved chair of ebony. The hour of vespers approached. There were heard dozens of tinkling little bells; and forth came scores of damsels clad in pure white. Again the dusty streets were busy and alive, and many of the good Catholic verandahs lost their chief charmers.

Straying onward from this bustling neighbourhood, I reached the outskirts of the town, where are to be seen some of the prettiest and most retired of the Burghers' dwellings. These are mostly fine old mansions of red brick, with solid, grim-looking gable-ends frowning down upon the old rusty gates, and the great round wall by the forest of plantain-trees. I found myself standing before one of these, in a sweet green lane lined with lofty palms, spreading gorekas, and huge india-rubber trees. The heavy wall in front hid the sturdy mansion from my view; but the gates being open, I obtained a peep of the oriental paradise within. Rare old fruit-trees on the grass plot were well laden with clustering, many-coloured fruit! They must have been in bearing when the old gentleman in the easy chair, and the pink cotton trousers, and black skull-cap, was a mere child. How cool the place looked amidst all that dense green foliage! One might almost have caught a cold in the head by merely looking in at the gate: the sun evidently never troubled the little children playing on the grass under the thick cluster of mangoes, sour-sops, and plantains except, perhaps, for a few minutes at noon. What a jolly old house it was, to be sure, with verandahs as large as the Burlington Arcade in London and such windows! They looked like so many roofs of hot-houses let sideways into the walls; and as for the doors, one might have fancied, from their size, that the family were in the habit of keeping their carriage in the back parlour, or setting out the dinner-table in the doorway: there would have been abundance of room in either case, and a little to spare too!

There were nice beds of flowers on each side of the large grass-plot, and orange trees; and the passer-by peeping in far enough, as I did, might

have caught a glimpse of one or two pairs of small pretty feet, and faces to match, hidden away cosily among the roses and oleanders. Well, these are nice, quiet, enjoyable places, and much better than the hot, dusty, dignified rabbit-hutches of the English on the other side of the fort!

I passed on as my fancy led me, until I came to another stout Dutch residence, which pleased me though not so much as the other had done. It was altogether another description of house, though doubtless pleasant enough in its way. It stood close upon the road with all the garden behind it, so that one saw nothing but red bricks and little Dutch tiles.

There was no peeping in there, through any open gates; no catching the daughters quietly among the flowers.

The owner of the house chanced to be enjoying his pipe in the capacious doorway; and seeing me surveying the premises, he at once rose from his quiet seat and bade me welcome. When he learnt my desire to examine his mansion, he gladly conducted me through the building to the garden. The principal room or hall was of great size. I believe you might have driven a stage-coach, with very frisky leaders, round the dinner-table, without fear of touching the army of chairs ranged along the walls. I could almost fancy the builder had made a mistake, and roofed in a good part of the road. I looked up, and when at length I discovered the roof, I wondered whether the sparrows building their nests so high there, ever felt giddy and fell down and killed themselves upon the tiled floor. The other rooms were less ample, but all spacious enough, and well filled with ebony and calamander furniture. There was a degree of polish about the windows, and a sort of rakishness in the couch-covers and ottoman drapery, which filled me with admiration; while the very screen in the doorway had a jaunty air about it which there was no resisting.

Right and left from the large house, extended backward two ranges of sleeping apartments and stores, with long stone terraces, filled with flowering shrubs in gigantic pots. At the farther end were rows of huge, suspiciously-shaped jars, looking as though they belonged to Ali Baba and the Forty Thieves. At the termination of this pottery were wide flights of steps leading to a neatly laid-out garden, full of the richest flowers, and greenest shrubs, and most tempting fruit trees the eye ever saw, or fancy pictured. There was a small fountain in the midst, with a seat by the side, and round it lay scattered children's toys. On the whole, this was a pretty place, but not so natural and home-like as the other; besides, the stiff terrace and the jars of the Forty Thieves rather marred its natural beauty, whilst adding to its air of romance.

The evening was magnificent. A young and lovely moon flung many a pale ray of light among the gorgeous foliage that danced in the cool sea-breeze. The vast Indian Ocean broke peacefully in phosphorescent waves curling upon a pebbly shore. The air was soft and still, broken only by fitful echoes from some merry-making party in the distance.

My drive home led me by the sea-shore, and, as I gazed out upon the far ocean, I noticed a little black shadow on the horizon, like a ship or as the shadow of some monstrous winged thing. Tired of watching, I lay back and dozed, I looked out again, and started to find how dark it had become. The horse-keeper, too, was urging the animal to its utmost speed. The little black speck on the horizon had swollen to a mighty, hideous mass of thunder-cloud. Already half the heavens were shrouded in pitchy darkness. I opened my carriage window and looked out. The storm was coming up with giant strides; some distance out at sea, a wall of smoking, hissing, bubbling rain joined the clouds and ocean, and shut out all beyond. I could hear that mighty cataract of tempest fall with a roaring sound, nearer and nearer. Before me, all was dark and stormy; behind, the many groves of waving palms still slept in early moon-light beauty. The distant hills were clear and bold, and seemed so near, as though my voice could reach them.

It was in vain my horse was urged onward: the storm was swifter than any living thing. The great black smoking wall came hissing on; and from its darkened crest, loud peals of thunder burst. I have been in many a storm in my day, but this was the most magnificent I ever beheld. To go onward became absolutely impossible; so fierce was the tempest. The driver therefore turned the horse's head away from the sea, and patiently sat it out. Peal after peal of thunder rent the air. It seemed as though all the powder-magazines in the world were being blown up. First there was a cracking and splitting, as of gigantic sheets of metal torn asunder; then a heavy tumbling like ten thousand loaded waggons being galloped across an iron bridge. The air was no longer darkened; every foot of atmosphere seemed alive with lightning-life. By the glare I could see some of the noble palms — at least seventy feet high — bending to the gale like willow wands, and literally sweeping the ground with their feathery leaves. More than one, upon that terrible night, was shivered into splinters by the lightning; and many a stubborn one that would not bend, lay crushed and helpless on its sandy grave.

The howling of the wind, the thunder-peals, the heavy pattering of the huge rain-drops, had well-nigh stunned me. In nature, however, as with man, the fiercest outbreaks are the soonest quelled. In half an hour the

moon shone out again in undimmed beauty. The air was calm and hushed; and the parched earth and herbs, grateful for such a copious draught, sent many a fragrant blessing on the breeze, to tell their thanks.



## TO MY FELLOW-COUNTRYMAN\*

Louis Nell

1.

Remember! Remember! Live not to forget  
Thy country, where'er thou may'st roam,  
No riches, no honours, no love can'st thou get  
So dear, as the least thought of HOME .

2.

Though bright be the clime where thy lot may be  
Though happy thy fortune may smile,  
Thy proudest of hours by a dream of the past cast,  
Is dimmed in bright lustre awhile.

3.

If thus in thy brightest of moments thou'lt know,  
Oh! think of thy gloomiest hour  
When Fortune forsakes thee, when thoughts homeward go,  
To hear the sweet voice of its power.

4.

'Tis then will its memory rise like a view,  
Unrivalled where'er you may roam,  
The scene will be old, but its brightness quite new;  
On Earth, none so dear, then, as HOME .

5.

Be prince then, or Beggar, but do not forget  
Thy country. In smiles or in tears,  
The patriot, MEMRY will strengthen thee yet,  
Unfading will grow with thy years.

\* *Young Ceylon*. March 1851, 11:3:72, authorship marked "L.N." *Young Ceylon* (1850-1852) was the leading literary journal in Ceylon in the 1850s. It was promoted by Lorenz and his brothers-in-law Frederick and Louis Nell. In 1859 Lorenz and a syndicate purchased the *Examiner* from John Selby. It became the first Ceylonese newspaper. Louis Nell became its first editor, a post he held until his appointment as Deputy Queen's Advocate in 1862.

6.

The Exile, who wanders his pilgrimage sad,  
Forgets not the land of his birth.  
Recall the poor out cast. Oh! tidings how glad  
At HOME does he think now of EARTH?

7.

Imparted by God, 'tis a feeling divine.  
Oh! tied by its adamant chain,  
Be slave to its bonds, and the laurel entwine  
For such as were bound not in vain.



## HOW THE HOPPERS CAME TO BREAKFAST\*

Rodney Jonklaas

The dictionary has a few meanings for the word *hopper* but none even hints at a food. How we came to call a purely Sri Lankan faire *hoppers* is unknown. The word *aapa* (pronounced *ahpper*) is what the hopper is called in Sinhalese and British often Anglicized words, so maybe...

The genuine Sri Lankan hopper is at its very best in rural Sri Lanka and absolutely nowhere else. To produce a good hopper in a non-rural area like a home in Colombo city, it is essential to import the true rural ingredients, not only the fine rice-flour that goes to make it, and the milk of a mature coconut fresh squeezed from gratings, but also the country ladies who make it. That is why I have to take my foreign friends into the most unlikely places at hideously early hours of the morning to show them what a real hopper is; what it should really smell and taste like.

My early childhood was spent in a small suburb of Kandy where, my hungry ones, village women make the finest hoppers, I used to wake up quite early in the morning, my mother's roosters made sure of that. There would be the sound of an *ekel* broom sweeping the yard, to make my half-awake dreams all the more soothing. Then, murmurings from near the kitchen and servants' quarters, the faint scent of wood-smoke and, ever so tantalising, the unforgettable odour of fresh cooked hoppers.

To my eternal regret, I took those hoppers for granted, often overslept and devoured them much later than I should have. Were I to relive my boyhood days, I would leap out of bed and descend on them without so much as a face wash. For hoppers, like fried eggs or a good steak, must be eaten fresh and *hot*, not just warm.

I learnt this as the years went by, when I was obliged to eat inferior hoppers. A cold, delayed hopper is simply no hopper at all. When served late, it's more like a tired and flaccid piece of paper. Oh, it still tastes fairly well, but lacks the warmth, crispness and sheer tang of the fresh-cooked tropical pancake that needs no turning or tossing.

Like breads, there are several kinds of hoppers that have no doubt been evolved from the basic type. The ingredients are simple: finely ground

\* Reprinted from *The Magazine of Air Lanka, Serendib*, Vol. 1 No. 4 Oct-Dec 1982, pp. 20-22 by kind courtesy of Air Lanka.

rice flour, fresh coconut milk of just the right thickness, and a dash of palm toddy to get the gentle kick of fermentation so vital for a good cereal food. The hopper pan is a deep dish of iron with two handles, one on either side. A coconut shell spoonful of the wet mixture is tossed into it and deft hands see that the pan is kept in motion over a hot wood-fire, ensuring that much of the mixture is on the perimeter, being cooked to a crisp brown and wafer thin consistency. A fair amount stays in the centre and remains plump and white.

In less than two minutes your hopper is ready. The quicker and defter the hands which keep the pan in motion, the more mixture gets brown on the perimeter. This part of the hopper is known as the *vaati* or crust. I adored crusty *vaati aapa* and disliked the common ones with thick white centres, but these days I'll settle for anything as long as it is only minutes away from the kitchen and almost too hot to handle.

If you are desperately hungry and want to savour only the taste of the hopper, go ahead; but there are several exciting additions available. The most popular is *pol sambol*, a simple but renowned preparation of fresh grated coconut, chilli or red pepper powder, chopped small onions, a dash of fresh lime juice, a little salt, and slivers of Maldivian fish when available. Maldivian fish is the hard, dried and fermented fillet of tuna which looks and feels like soft wood; but to Sri Lankan gourmets this is God's gift to fastidious feeders and a really first-class *pol sambol* must have some of it.

One eats hoppers by hand, of course. To use cutlery on them is absurdly pseudo-etiquette. Rather like carving a hot-dog or using a fork to hold a hors d'oeuvre.

Tear off conveniently sized bits of the hopper or roll it up pancake-wise, dip one end into the sauce and eat away. An average hopper is about six mouthfuls, and takes less than a minute to eat, after which you seize another and so on until satisfied. Healthy, hungry Sri Lankans consider ten minutes of steady progress to be just about right.

My most pleasant dreams centre round a hopper party with a cast of dozens: smiling, gossiping, buxom village ladies turning them out by the score in a coconut-thatched detached kitchen, under a blue haze of wood-smoke; men-servants' eyes watered in acrid smoke, rushing heaps of them to the delighted guests. Such parties are real and possible. I remember being invited to the home of a friend in a Colombo suburb, having told him of a totally fruitless search in the city for a decent hopper breakfast. "Come to my home by six in the morning," he said, "and come hungry!"

I can never forget the gastronomic orgy which occurred that eventful day and the enjoyment of a native dish done the the right way, with curries, sambols and even sweets to go with it.

"You live like a king!" I exclaimed, to which he replied, with a loud burp, eyes tearing with the bite of the chilli lavishly added to every dish save the sweets:

"Not quite, my friend, not quite. I *eat* like one though, a Sinhala king." After which he gulped his hot tea and reached for his next hopper.

As you may by now surmise, there are many things to eat with hoppers and also several kinds of hoppers. With the influence of other cultures, the hopper menu began to diversify to everyone's delight. One must insist, however, that the methods of making the original, simple hopper remain intact.



# GENEALOGY OF THE FAMILY OF DE HOEDT OF CEYLON

Compiled by Mr Vernon Janszé

## I

Charles William de Hoedt, Clerk in Holy Orders, died at Kandy 1870, m. St. Paul's Church, Pettah, 5.3.1838 Clara Elizabeth Vander Wall, b. 11.9.1818, dau. Jacobus Vander Wall & Maria Gerardina Meinert:—

1. Charles William, b. 1840, who follows under II.
2. Clara Henrietta, b. 14.8.1842, d. 26.7.1907, m. 30.7.1872 Richard Lionel Vander Straaten, Accountant, Municipal Office, Kandy, b. 1.1.1846, d. 22.4.1917, s. Pieter Engelbert Vander Straaten & Carolina Elisabeth Pompeus.
3. Frederick James, b. 18.2.1846, who follows under III.
4. Harriet, b. 7.4.1849, d. 23.2.1933, m. St. Andrew's Church, Gampola, 18.5.1870 Francis William Loos, b. 19.1.1842, d. 14.10.1913, s. Christiaan Albertus Loos & Cornelia Rudolphina Cramer.
5. Jemima, b. 6.12.1853, m. 3.12.1908 Richard Lionel Vander Straaten, Accountant, Municipal Office, Kandy, b. 1.1.1846, d. 22.4.1917, w. Clara Henrietta de Hoedt, s. Pieter Engelbert Vander Straaten & Carolina Elisabeth Pompeus.
6. Minnie Elizabeth, m. Colombo 30.7.1881 William Brechman Toussaint, b. 4.2.1857, s. Bernard Adriaan Toussaint & Henrietta Maria Brechman.

## II

Charles William de Hoedt, Proctor, b. 1840, m. Scots Kirk, Kandy, 21.1.1864 Maria Lucretia Taylor, b. 1845, dau. William Taylor & Julia Charlotta Ide:—

1. Charles William, b. 1864, who follows under IV.
2. George Frederick, b. 4.1.1866, m. Dutch Reformed Church, Wolvendaal, 10.6.1891 Ursula Cecilia Schokman, b. 10.8.1866, d.

3.6.1930, dau. Charles Everhardus (Edward) Schokman & Joseline Petronella Van Geyzel.

3. Grace Maria, b. 28.12.1869, d. 16.10.1931, m.
  - (a) Dutch Reformed Church, Wolvendaal, 27.12.1888 Arthur William Jansz, b. 1865, d. 11.1.1895.
  - (b) Christ Church, Galle Face, Colombo, 26.5.1897 George William Van Twest, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Provincial Surgeon, Civil Medical Dept., Lt. Colonel, Ceylon Medical Corps, b. 22.8.1865, d. 8.11.1919, s. Andreas Van Twest & Amanda Georgina Taylor.
4. Frederick Oliver, b. 7.5.1871, who follows under V.
5. Florence Clara, b. 27.12.1872, d. 10.3.1941, m. Dutch Reformed Church, Wolvendaal, 17.4.1895 Colvin Lloyd Demmer, Station Master, C.G.R., b. 16.6.1869, d. 27.7.1946, s. John Henry Demmer & Eliza Sophia Paulusz.
6. Edward Boyle, b. 11.11.1874, who follows under VI.
7. Eva Olivia, b. 14.12.1876, d. 1.4.1907, m. Dutch Reformed Church, Wolvendaal, John Taylor Van Twest, A.M.I.C.E., District Engineer, P.W.D., b. 19.8.1874, d. 16.5.1937, s. Andreas Van Twest & Amanda Georgina Taylor.
8. Dodo, who follows under VII.
9. Alice Constance, b. 3.7.1886, d. Sydney, Australia, 19.6.1964, m. Holy Trinity Church, Nuwara Eliya, 24.6.1908 Samuel Wallace Anderson, Suptd. of Works, Board of Improvement, Nuwara Eliya, b. 4.3.1872, d. 10.1.1946, w. (a) Elsie Constance Gratiaen, (b) Elaine Gertrude Sophia Gratiaen, s. Thomas Richard Anderson & Charlotte Maryann Sophia Toussaint.

## III

Frederick James de Hoedt, b. 18.2.1846, d. 4.2.1887, m. Dutch Reformed Church, Wolvendaal, 1.9.1873 Alice Lucretia Vander Straaten, b. 26.10.1852, d. 26.9.1890, dau. Pieter Engelbert Vander Straaten & Carolina Elisabeth Pompeus:—

1. May, b. May 1876, d. 1958
2. Violet Maud, b. 24.1.1878, d. 11.1.1959, m. Dutch Reformed

Church, Wolvendaal, 27.12.1909 Ernest Robertson Loos, L.M.S. (Cey), Asst. M.O.H., Colombo, b. 3.8.1866, d. 21.11.1946, s. James Robertson Loos, Proctor, & Anna Maria Lousia Vander Straaten.

3. Eleanor Lucretia, b. 12.11.1879, d. 27.1.1966, m. Dutch Reformed Church, Wolvendaal 4.4.1904 Guy Errol Loos, District Engineer, P.W.D., b. 18.5.1877, d. 26.8.1941, s. James Robertson Loos, Proctor, & Anna Maria Louisa Vander Straaten.
4. Clarice Muriel, b. 24.11.1881, d. 5.3.1973, m. Dutch Reformed Church, Wolvendaal, 18.9.1905 Henry Ancel Collette, A.S.P., b. 17.10.1880, d. 11.11.1923, s. Henry Adolphus Collette, A.S.P. & Rebecca Jemima Ludekens.
5. Marion Zoe, b. 24.4.1886, d. 17.7.1926, m. Colombo 27.9.1909 Pieter James Owen Ludovici, S.P., b. 10.9.1877, d. Colombo 8.12.1952, s. Edwin Andrew Lorenz Ludovici, Secretary, Municipal Council, & Maria Evelyn Toussaint.
6. Hilton Frederick Gordon, who follows under VIII.

#### IV

Charles William de Hoedt, b. 1864, d. 29.3.1935, m. Dutch Reformed Church, Wolvendaal, 27.12.1890, Frances Eleanor Pompeus, b. 3.8.1868, d. 9.9.1936, dau. Christian Albert Pompeus & Margaret Alice Mack:—

1. Glennie, (adopted), m. and settled in Africa.
2. Lindon,

#### V

Frederick Oliver de Hoedt, b. 7.5.1871, m...

1. Emmy Dagmar Leah, b. 1897, m. St. Paul's Church, Milagiriya, Colombo, 23.7.1919, George Frederick Hepponstall, b. 1899, s. George Frederick Hepponstall, Asst. Supdt. of Surveys, & Rosalind Laura Schokman.

#### VI

Edward Boyle de Hoedt, b. 11.11.1874, d. 9.3.1914, m. Dutch Reformed Church, Wolvendaal, 25.2.1897 Ethel Carey Demmer, b.

15.2.1875, d. 12.1.1914, dau. John Henry Demmer & Eliza Sophia Paulusz:—

1. Esme Eileen, b. 18.4.1901, d. 29.7.1980, m. Dutch Reformed Church, Regent Street, 5.7.1917, Thomas Percival Foenander, b. 16.1.1895, d. 25.5.1932, s. Thomas Forrest Foenander & Agnes Milicia Ludekens.

#### VII

Dodo de Hoedt, m. Emma Gomes:—

1. Una, d. Perth, Australia, 4.10.1962, m. Frederick George Hepponstall, d. 17.7.1953.

#### VIII

Hilton Frederick Gordon de Hoedt, b. 2.2.1884, d. 14.7.1945, m. Nuwara Eliya 11.7.1910 Rena Florence Jansz, b. 1892, d. 6.2.1974:—

1. Frederick Gordon, b. 1910, d. 9.9.1982.
2. Dagmar Florence, b. 1914, d. 12.5.1983, m. St. Paul's Church, Milagiriya, Colombo, 11.4.1942 Edgar Van Twest b. 1911, s. Edgar Lionel de Zilva Van Twest & Elizabeth Victoria Ruth Altendorff.
3. Gladys, b. 12.1.1916.
4. Esme Belle, b. 30.5.1920.

# GENEALOGY OF THE FAMILY OF THOMÉ OF CEYLON

Compiled by Mr S. A. W. Mottau and Mr Vernon Janszé

## I

Pierre Thomet, 5th Company, Regiment Suisse de Meuron, embarked from Punicail, South India for Trincomalee on the *Wrouw Johanna* on 3.6.1788, m....

1. William Thomé, who follows under II.

## II

William Thomé, m. Pussellawa 23.7.1838 Hannah Foster:—

1. Richard Colin, b. 7.11.1840, bap. Kandy 28.2.1841, d. 22.7.1842.
2. William Colin, b. Kandy 10.3.1843, d. 21.9.1851.
3. James Colin, b. Kandy 10.3.1843, d. 30.7.1844.
4. Elizabeth Colin, b. 28.5.1845, bap. Kandy 13.7.1845, d. 7.9.1883, m. St. Paul's Church, Kandy, 21.7.1864 Francis Gray of Cornwall, b. 1834, d. Colombo 10.3.1882, widower of Emma Kleyn.
5. James Colin, b. 9.4.1848, bap. Kandy 18.6.1848, who follows under III.
6. Mary Colin, b. 18.11.1855, bap. Kandy 2.1.1856, d. Colombo 13.12.1931, m. 1874 William Pate, b. 1851, d. Kandy 5.12.1921.

## III

James Colin Thomé, b. 9.4.1848, m. Wesleyan Chapel, Kandy 25.1.1881 Benoni Gertrude Brittain:—

1. Gertrude Millicent, b. 28.12.1881, d. Colombo 18.10.1950, m. St. Michael's and all Angels Church, Polwatte, Colombo 10.8.1911 Algernon Christopher Anthony Fernando, J.M.O., Colombo.
2. Florence, b. 4.11.1882, d. Nuwara Eliya 19.4.1944.
3. James, b. 28.11.1884, who follows under IV.

4. William, b. 1.10.1886, who follows under V.
5. Dunbar, d. in infancy.

## IV

James Colin Thomé, Superintendent C.G.R., b. 28.11.1884, d. Bandarawela 25.5.1955, m.

- (a) Olive Erin Tissera
- (b) Methodist Church, Badulla, 20.7.1925 Enid Millicent Wambeek. Of the first marriage he had:—
  1. Pearl Erin, b. 5.5.1917, m. Colombo 25.5.1939 William James Charles Colin Thomé.
  2. Rex, b. 28.8.1919, who follows under VI. Of the second marriage he had:—
  3. Ivor James, b. 23.10.1926, who follows under VII.
  4. Ian Malcolm, b. 22.9.1928, m. Melbourne, Australia 10.11.1973 Margaret McMurray.

## V

William Colin Thomé, Managing Director, Colin Thome & Co., Ltd., Engineers, Builders & Admiralty Contractors, Galle, b. 1.10.1886, d. Galle 24.11.1952, m.

- (a) 1910 Harriette Pate
- (b) Baptist Church, Cinnamon Gardens, Colombo, 30.3.1918 Muriel Rachel Kalé, b. Galle 27.7.1896, d. Colombo 10.9.1967. dau. Gerald Jonathan Kalé & Mary Eliza Anthonisz. Of the first marriage he had:—
  1. William James Charles, b. Colombo 7.8.1911, who follows under VIII. Of the second marriage he had:—
    2. Ralph, b. Galle 8.11.1918, who follows under IX.
    3. Hugh, Accountant, b. Galle 12.4.1920, d. Sydney, Australia, 31.1.1980, m. Presbyterian Church, Wellawatte, 8.8.1959 Monica Grabau.
    4. Mary, F.T.C.L., L.R.S.M., b. Galle 23.4.1921.

5. Percy, b. Galle 5.12.1922, who follows under X.
6. George, b. Galle 18.4.1928, who follows under XI.

## VI

Rex Colin Thomé, Lieutenant, Ceylon Garrison Artillery, b. 28.8.1919, d. Ontario, Canada 21.1.1988, m. Methodist Church, Maradana, 5.1.1944 Eileen Myrle Juriansz, dau. Clarence E. Juriansz, C.G.R. & Myrle Ingram:—

1. Rex Dennis, b. 18.9.1944, who follows under XII.
2. Ryan Merrill, b. 5.1.1949, d. 5.5.1954.
3. Roderick Leonne, b. 30.7.1952, who follows under XIII.

## VII

Ivor James Colin Thomé, b. 23.10.1926, m.

- (a) Kandy, 7.4.1956 Chitra Iranganie Pandithasekera, b. 28.5.1933, d. 7.2.1981.
- (b) Melbourne, Australia, 1.12.1984 Joan Winifred Bell, b. 24.12.1933.  
Of the first marriage he had:—
  1. Keith Dylan, B.Sc., Hons. (Monash), Marketing Executive, Nestlé's, Indonesia, b. 10.1.1957, m. Gospel Tabernacle, Manning Place, Colombo, 10.12.1988 Sharlini Wickremasinghe, b. 18.8.1965.
  2. Noel Johann, M.B.B.S. (Melbourne), b. 18.12.1961.
  3. Romaine Evangeline, b. 14.5.1969.

## VIII

William James Charles Colin Thomé, L.R.C.P., L.R.C.S. (Edin), L.R.F.R.S., (Glas), L.M.S. (Cey), b. Colombo 7.8.1911, d. Preston, England 29.11.1987, m.

- (a) Colombo, 25.5.1939, Pearl Erin Colin Thomé
- (b) Albury, Victoria, Australia, 17.12.1965, Elaine Clare Felsing, b. 13.7.1926.

Of the first marriage he had:—

1. Pamela Erin b. 22.4.1940, m. Preston 26.3.1960 Reginald Harold Longden, b. 27.5.1933.
2. David Geoffrey, b. 5.10.1943, who follows under XIV.
3. Barrie Clem, b. Preston 6.4.1949, who follows under XV.

## IX

Ralph Colin Thomé, Planter, b. Galle 8.11.1918, d. Sydney, Australia 7.9.1969, m. Baptist Church, Kandy 28.12.1946 Ruth Olga Evelyn de la Motte, b. 31.12.1920, dau. George Ernest de la Motte, Surveyor, & Nellie Beatrice Anthonisz:—

1. William George, b. 8.12.1947, who follows under XVI.
2. Ralph Hans, b. 31.10.1951.
3. Bryan Paul, b. 10.2.1954, m. Uniting Church, Kogarah, Sydney, Australia, 14.9.1985 Leanne Walker, dau. Devin Walker & Nancy Duval.
4. Michael John, b. 14.2.1955, m. Bankstown Uniting Church, Sydney, Christine Regina Flynn.
5. Graham Keith, b. 13.5.1956, who follows under XVII.
6. Christopher Hugh, b. 6.9.1958.

## X

Percy Colin Thomé, M.A., LL.B. (Cantab), B.A. (Cey), of Gray's Inn, Barrister-at-Law, Judge of the Supreme Court, b. Galle 5.12.1922, m. St. Mary's Church, Bambalapitiya, Colombo 24.4.1954 Moira Eleanor Adele Loos, b. 6.10.1934, dau. Frederick Errol Loos, Inspector, P.W.D., & Isobel Pereira:—

1. Peter Anthony, b. Colombo 21.5.1955.
2. Stephen Paul, b. Colombo 21.6.1958, m. Sydney, Australia 25.9.1988, Maria Vinero, b. 18.2.1961, dau. Vito & Vincenza Vinero.
3. David John, b. Colombo 18.12.1959.

XI

George Colin Thomé, Mechanical Engineer, Lister-Petter, Sydney, Australia, b. Galle 18.4.1928, m. St. Mary's Cathedral, Galle, 25.9.1959 June Marlene Rita Kalé, b. 18.6.1936, dau. Richard Arnold Kalé & Jessie Ida Theobald:—

1. Joseph, d. in infancy.
2. Geoffrey Jude, b 25.5.1962.
3. Alexandra Genevieve, B.A. (Sydney), Diploma Education, b. 29.7.1964, m. St. Christopher's Church, Panania, N.S.W., 18.1.1986 Michael John Hudson, Electrical Engineer, J.T.E.C., P/L, N.S.W., b. 23.4.1962.
4. Pierre Damian, b. 27.9.1965.
5. Howard Fabian, B.A. (Sydney), b. 26.10.1967.
6. Rosanne Mara, b 23.2.1972.

XII

Rex Dennis Colin Thomé, b. 18.9.1944, m. Ontario, Canada, 2.8.1969 Iverine Frances Joachim:—

1. RochelleAnn, b. 21.10.1974.
2. Shannon Diana, b. 18.9.1979.
3. Allison Candice, b. 23.9.1981.

XIII

Roderick Leonne Colin Thomé b. 30.7.1952, m. Ontario, Canada, 7.6.1975 Marina Jean Joachim:—

1. Melissa Kelly, b. 17.11.1980.
2. Adrian Matthew, b. 7.8.1983.

XIV

David Geoffrey Colin Thomé, M.B.B.S., M.R.C.G.P., R.C.O.G., D.C.H./D. (obst), b. 5.10.1943, m. Cheshire, England, 7.6.1969 Christine Mary Simpson, b. 20.3.1947:—

1. Anthony Mark, b. 2.1.1970.
2. Nicola Jill, b. 18.3.1972.

XV

Barrie Clem Colin Thomé, b. Preston, England, 6.4.1949, m. Preston 4.2.1978 Ruth Carolyn Stanley, b. 29.12.1951:—

1. Jane Sarah, b. 2.10.1986.

XVI

William George Colin Thomé, Supervisor, Security Dept. Westpac Banking Corp, Sydney, Australia, b. 8.12.1947, m. Bankstown Uniting Church, Sydney 4.9.1976 Lynette Marion Wilson, dau. Robert T. Wilson:—

1. Kylie Anne, b. 21.8.1981.

XVII

Graham Keith Colin Thomé, Chartered Accountant, b. 13.5.1956, m. Bankstown Uniting Church, Sydney, 24.4.1982 Michelline Hossary, Chartered Accountant, dau. Michael Hossary & Arlette Gargoura:

1. David Mark, b. 1.8.1985.
2. James Matthew, b. 25.7.1988.

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# Journal of the Dutch Burgher Union of Ceylon.

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