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The compilation of the customary law of Jaffna (Thesawalamai) in 1707 (met plaat)

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THE COMPILATION
OF THE CUSTOMARY LAW OF JAFFNA
(THESAWALAMAI)
IN 1707 *)

Many travellers going east touch the island of Ceylon at Colombo, but a cosmopolitan harbour hardly ever furnishes a correct picture of the population living in the interior, and the harbour of Colombo is particularly misleading in that respect. The two most important races in Ceylon are the Aryan Sinhalese in the South and the Dravidian Tamils in the North. It is impossible to draw an accurate line of geographical demarcation between these two races but, roughly speaking, such a line would run from Mannar on the west coast to Batticaloa on the east. The character of the population is not the only respect in which the north of the Island differs from the south: there is also a great difference in the landscape so much so that a traveller with some book knowledge of the Tamils living in the dry, palmyra planted northern country, and of the Sinhalese in the wet coconut-palm zone, could, as it were on gazing at the landscape, fill in the picture for himself. The old Dutch province of Jaffnapatnam, or Jaffna as it is called nowadays, with its capital of the same name, is just as much a stronghold of the Ceylon Tamils as the provinces of the south and west are a stronghold of the Sinhalese.

It is not surprising that the Dutch were fascinated by the appearance of the Jaffna peninsula, for there is so much there to remind the Hollander of his own country. As one crosses the lagoon from the mainland, northwards along the narrow causeway at Elephant Pass, with the wide-stretching waters on each side, one can imagine oneself at the Hollands Diep in a tropical setting. The country is perfectly flat, and according to weather conditions the horizon either disappears in a haze or is drawn in with a hard outline: even atmospherically this part of the province reminds us of the Low Countries. And when we

*) I am indebted to my friend R. B. Naish, formerly of the Ceylon Civil Service and Government Agent of Jaffna, for reading the article through, touching up the English in his scholarly way.

come to the magnificent Dutch fort of Jaffna, enclosing a stately church, store-houses and elaborate dwellings built for the senior servants of the Company in the style which they had admired in the houses of the wealthy merchants at Amsterdam, with high windows and purple coloured window-panes, unbroken even to-day, no doubt is left in our minds that Haafner was not the only Dutchman who felt at home in Jaffna ²⁾).

After the capture of this stronghold from the Portuguese in 1658 the Dutch established a "Commandement" for this part of the island, the government consisting of a "Commandeur" assisted by a Political Council. The Commandeur at Jaffna, an official of the Netherlands East India Company of high rank, was actually second-in-command in the whole of the Dutch territory in Ceylon, and when the Governor of Ceylon, ordinarily resident in Colombo, was absent from the island, it was the Commandeur at Jaffna who acted for him and not, as might have been supposed, the Commandeur at Galle.

Since the relationship between the Ceylon Tamils and the Dutch at Jaffna differed from that between the Sinhalese and the Dutch officials in the Sinhalese Low Country, one would have liked to be able to study these human aspects of Dutch rule from the records left by the administration. Unfortunately the archives of the Jaffna Commandement have disappeared, though those of the Galle Commandement are still in existence. During my stay in Ceylon, the Ceylon Government allowed me to go to Jaffna for a fortnight in 1938, after inserting in the newspapers a notice inviting anyone who wished to consult me regarding privately owned Dutch papers to do so at the Kachcheri (Government offices). Nobody however came. That this is final proof that no documents of the former Dutch Commandement at Jaffna any longer exist would no doubt be a rash conclusion: but the fact remains that the Colombo archives, now among the Ceylon Government Archives in Nuwara Eliya, the Batavia archives, now in *Arsip Negara* in Djakarta, and the archives of "Heeren XVII", now in the *Algemeen Rijksarchief* at the Hague, provide the main sources from which the history of Jaffna during the period of the Dutch rule can be reconstructed.

The loss of the Jaffna records of the Dutch period has resulted in a deplorable gap in our information regarding the history of the

²⁾ J. Haafner, *Reize te voet door Ceylon; Haarlem 1852.*

A gouache of the Fort of Jaffa seen from the store-houses in the 18th century by C. Steiger

Rijksmuseum Amsterdam

northern part of the Island. Any kind of research and publication relating to the Jaffna district, to fill this gap, would be welcome.

Dr. Ph. S. van Ronkel, a Dutch scholar who contributed many interesting articles to the Journal of our Society, published in 1919 the Dutch text of the Thesawalamai, the customary law of Jaffna³⁾. He had at his disposal only the manuscript copy in the General State Archives at the Hague, presented in 1876⁴⁾ and did not know of the existence of other manuscript copies, since the Colombo records had not then been inventoried. He did indeed know that a Mr. H. F. Mutukisna had translated the Thesawalamai into English from a Dutch manuscript, but even this book (the Legislative Enactments of Ceylon) was not available to him in Holland. It is for this reason that he expresses surprise at the knowledge displayed by J. D. Mayne in his treatise on Hindu law and usage, which mentions the dates of the resolutions passed shortly after the compilation of the Dutch version of the Thesawalamai, and confirming it, and deals with the part played by the Mudaliyars⁵⁾ in this codification.

While in Ceylon this year I was able to photograph the last few pages of the copy of the Dutch version extant in the Government Archives at Nuwara Eliya⁶⁾. The text of it, reproduced below, is a mere addendum to the text previously published by Dr. van Ronkel. The wording of the Ceylon Government's copy is in fact identical with that of the copy at the Hague. The handwriting is probably that of a Jaffna clerk; it differs from other handwritings in the Ceylon Government Archives. Many of the Colombo records written between 1705—1735 are badly damaged by corrosion. This volume, however, is in a good state of preservation, although the paper has turned rather yellow with age. The text, written in a lively Dutch, will speak for itself.

Before we turn to the text, however, the *dramatis personae* should be properly introduced, according to their rank and starting with the *auctor intellectualis* of this compilation of the Thesawalamai, Governor Mr. Cornelis Joan Simons.

Simons was born in Utrecht, and although we do not know very

³⁾ Bijdragen tot de Taal-, Land- en Volkenkunde, vol. 75, pp. 238-280.

⁴⁾ A. R. A. the Hague, Kol. Arch., Aanw. 1876, no. A XXII, 139⁵.

⁵⁾ Native chiefs.

⁶⁾ No. 2392. The Netherlands Organization for Pure Research (Z. W. O.) granted me a subsidy to travel to Ceylon and Indonesia for microfilming purposes.

much about the circumstances of his private life, the records tell us that his mother's name was Helene ter Slijd and that he was married to one Anna Agnes Emilius ⁷⁾. It is not known whether the couple had any children.

After completing his legal studies — he was *juris utriusque doctor* — the young man sailed for the Cape of Good Hope in the ship "de Maas" on the 20th May 1690, with the rank of „Fiscaal" (public prosecutor). He returned to Utrecht for a short while in 1695 and then embarked again, this time for the east properly, for Negapatnam on the Coromandel coast as "Independent Fiscaal", till 1701, when on 23d November he was promoted to the office of Vice-President of the Court of Justice in Batavia. On 29th December next year he was appointed Governor of Ceylon and held this post till 22d December 1707. On his way home from Colombo, — he was exempted from going first to Batavia, which was the usual procedure — on 17th December, he felt very weak so much so that he doubted whether he would be able to continue his voyage after reaching Galle. Apparently, however, all went well. He arrived at the Cape of Good hope on 25th February 1708 and stayed there till 23d April in the capacity of Commissioner ⁸⁾, and he finally came home in September with the rank of "Raad Extra Ordinarius van Indië", in charge of a fleet of 15 ships carrying cargo of 5 million guilders. He settled down in Utrecht and lived till the year 1727.

The assignments which he made to his mother and his mother-in-law, entered on the payrolls of the V.O.C., throw some light on his family ties. That he started building a leper asylum at Hanvälla in Ceylon, which was completed only during the Governorship of his successor, is a definite proof of his humane feelings towards his fellow men.

A born lawyer, he applied his scholarly mind while Governor of Ceylon, to a number of different matters. He collected two volumes of plakaten ⁹⁾, i.e. legislative edicts issued in the island. He also took a lively interest in the compilation of the tombos (registers of lands and persons), and he prosecuted that irresponsible person, Gerrit van Toll, who had burned what were left of the Portuguese tombos ¹⁰⁾. In addition he compiled a comprehensive digest of the rules and

⁷⁾ A. R. A. the Hague, K.A., *Personalia klapper G.G. en Raden*.

⁸⁾ Dr. A. J. Boeseken, *Die Nederlandse Kommissarisse en die 18de eeuse samenlewing aan die Kaap*, in: *Archives Year Book for South African History*. 1944, p. 229; A. R. A. the Hague, K.A. no. 462, despatch 7th Nov. 1708.

⁹⁾ Ceylon, Government Archives, nos. 2438 ff.

¹⁰⁾ Loc. cit., nos. 2851-2853.

orders relating to the Jaffna peninsula¹¹⁾, and issued a new set of instructions for the administration of the Colombo dessavony¹²⁾. Further details of his work in these and other directions are given in the memoir left by him for his successor Hendrik Becker. This memoir has been translated into English from a copy existing in Ceylon¹³⁾, the first pages of which are missing. The missing pages can, however, be read from a copy at the Hague¹⁴⁾. His intention to write more about the Jaffna peninsula in particular could not be realized; but his order for the codification of the customary law of Jaffna has established his reputation better than any other of his many undertakings.

Much less information is available about his second-in-command, Adam van der Duyn, the Commandeur at Jaffna, during his Governorship. It can, however, be said with certainty that van der Duyn was not so well educated as Governor Simons. He was born at the Hague¹⁵⁾ and came out east as a midshipman in the ship "de Purmer" in 1685. He sailed in different ships till 1691, when he was stationed in India. In May 1698 he was living in Colombo, and, having meanwhile attained the rank of merchant, he was chosen to negotiate with the Katta Theuver¹⁶⁾. It may be that it was at this time that he married Barbara Margaritha Cadensky, who came from Cochin. The treaty with the Theuver was ratified in 1699¹⁷⁾ in Colombo, where Barbara at the age of twenty three died on 31st March 1702. She was buried in the Wolvendaal church, where her tombstone may still be seen.

Adam van der Duyn was appointed Chief at Trincomalee on the 18th September 1703 and the following 16th October became Dessave in Colombo. On the 20th October 1704 he was promoted to act as Commandeur at Jaffna.

¹¹⁾ Loc. cit., no. 2393.

¹²⁾ Loc. cit., no. 2456.

¹³⁾ Loc. cit., no. 2681; transl. by Sophia Anthonisz; Colombo 1914.

¹⁴⁾ A. R. A. the Hague, K.A., Hoge Regering no. 550.

¹⁵⁾ Loc. cit., K.A., Personalia klapper G.G. en Raden. Loc. cit., Generale Monsterrol, Iste serie, no. 63.

¹⁶⁾ South Indian Prince, ruler of one of the vassal states of the Naik of Tanjore. The diary of this embassy: Ceylon G.A., no. 3353.

¹⁷⁾ Corpus Diplomaticum IV, p. 146.

For Barbara Cadensky: J. P. Lewis, *Tombstones and Monuments in Ceylon*; Colombo 1913, p. 106. His statement that van der Duyn ordered "the Dutch church" to be built seems arbitrary. (conf.: T. W. Venn, *St. Francis' Church Cochin*; Cochin 1947, and M. A. P. Roelofs, *De vestiging der Nederlanders ter kust van Malabar in Verhandelingen van het Koninklijk Instituut voor de Taal-, Land- en Volkenkunde IV*, 1943, p. 318).

Certain difficulties arose between himself and the Independent Fiscaal, Pieter Macaré¹⁸). It is not clear whether they were settled in his favour; at any rate he was appointed Commandeur at Galle on the 5th August 1707. The next year, 1708, when Governor Simons had left Ceylon, he was sent back to Cochin as Commandeur of the Malabar coast — probably another promotion. Whether this post came up to his expectations is not known, but he sailed for home on the 5th July 1709 and died there in 1723.

Among the members of the Political Council of Jaffna at this period was the Dessave Claas Isaaksz (or Claes Isaacqsz). By 1706 he was a real "old-timer", for he had come out among the rank and file on the ship "Goyland" thirty-seven years previously, in 1669, during the rule of "the strong man of Ceylon", the elder Rijckloff van Goens. Isaaksz came from Vuren, a very small village in the province of Gelderland and in those days, when high promotion from humble origins was not exceptional, he steadily climbed and reached the rank of Jaffna Dessave on the 30th October 1704.

The Dessave — a title of Sinhalese origin — was the member of the Political Council who had most contact with the people of the country, for he actually administered the province, with civilian and military powers¹⁹). He was also chairman of the Landraad (District Court) two of the other members of which were native headmen. It would appear from the documents which follow that a Landraad was functioning in Jaffna round about 1700, although that court was not definitely established in the Colombo dessavony before 1741²⁰).

In choosing the Jaffna Dessave to codify the customary law of Jaffna, Governor Simons showed his wisdom. Claas Isaaksz was certainly the right man for the task. The following letter is a proof that he combined practical legal knowledge with linguistic abilities.

E. Heer Commandeur Adam van der Duyn.

Mijnheer,

Het is UE. bewust dat ik dit geschrift der Jaffanapatnamse lands-

¹⁸) Ceylon G.A., nos. 2854-2858.

¹⁹) J. H. O. Paulusz, *Secret minutes of the Dutch Political Council 1762; Colombo 1954*, p. 173.

²⁰) M. W. Jurriaanse, *Catalogue of the Archives of the Dutch Central Government of Coastal Ceylon 1640-1796; Colombo 1943*, p. 17 and pp. 308-310; cf. however, dr. Stapel, *Bijdragen tot de geschiedenis der rechtspraak bij de Vereenigde Oost-Indische Compagnie in de Bijdragen tot de Taal-, Land- en Volkenkunde*, deel 89, afl. II, 1932, pp. 298 en 299.

wetten en costuymen ter ordere van den E. heer gouverneur Simons heb moeten bij een andren brengen. Na de mode van mijn aanbetrowt talent is zulx bij het hiernevens gevoegd papier gedaan. Dog, om alle cavilatiën ²¹⁾ daarover na desent voor te komen, so is mijn verzoek dat UE. de goetheyd gelieft te hebben hetselve door den taalkundigen tolk Jan Pieres in 't Mallabaars ²²⁾ gelieft te laten oversetten en naar gedaan werk dat er 12 of meer der voornaamste, bequaamste en ervarenste Modliaars ²³⁾ mogen werden geordonneerd hetselve met aandagt en opmerkinge na te lesen om daardoor te konnen ontwaaren of imand van haar tegens mijne stelling iets hadden; so ja, zulx schriftelijk aan te toonen waarin hetselve bestaat, om alsdan in UE. presentie nevens eenige andere heeren, die UE. daartoe zult gelieven te nomineeren, te ontwaaren of haar, dan wel mijn voorgeven waarheden zijn, dan niet. En bij aldien, gelijk ik vertrouw en vaststel, zij tegens mijne stelling niets mogte hebben in te brengen en met het door mij ten papiere gebragte te confirmeeren, dat zij alsdan gesamentlijk mogte werden geordonneerd, tot mijner gerustheyt, het Mallabaars translaat gesamentlijk te teekenen. Want, doordien mij de ondervinding heeft geleert, dat dit krom en verdraayt geslacht heel variabel en wijinig staat op te maken is, soo zullen zij egter hunne handteekening na dato niet konnen lochenen en waarom dit, mijn instantig verzoek, ten principalen geschiet.

In verwagting dat UE. mij als gebiedder van dit commandement niet zult gelieven te wijgeren, sal ik met schuldige gehoorszaamheyt betoonen te zijn en blijven —

Onder stond: Mijnheer, UE. onderdanigen dienaar —

Was getekend: Claas Isaaksz.

In margine: Jaffanapatnam den 5en April 1707.

Wel Edele Gebiedende Heere ²⁴⁾,

Naar luyt van 't hier voorenstaande verzoek van den E. dessave Claas Isaaksz, heb ik de bijeengestelde 's lands wetten en costuymen, hier in gebruik zijnde, net in de Mallabaarse taale laten translateeren en, naar gedaan werk, hetselve aan 12 der principaalste en ervarenste

²¹⁾ Latin: cavillae; the modern Dutchman would say: "chicanes".

²²⁾ Tamil, not Malayalam.

²³⁾ See note 5.

²⁴⁾ Governor Simons. The Dessave Claas Isaaksz wrote to his chief, the Com-mandeur van der Duyn, who forwarded the Thesawalamai with Isaaksz' letter and a covering letter from himself to the Governor.

Modeliaars inhandigt, alle hieronder genoemd, dewelke dan, omme het te resumeeren en exact naar te zien, daarmede al een geruymen tijd zijn bezig geweest. Dewelke mij het Mallabaars geschrift gesamentlijk weder hebben overgegeven, sijnde daaronder door haar het volgende geschreven :

„Alle dese instellinge en usantie door den E. dessave Claas Isaaksz tezamen gebragt en opgesteld zijnde, is aan ons 12 Modliaars, hieronder genoemd, door den Commandeur ter hand gesteld om deselve naar te sien ten eynde, so wij deze stellinge bevinden volgens hier sijnde 's lands wetten opgesteld te zijn, daarvoor als inboorlinge hier zijnde, tot meerder bekragtiging te tijkenen. Dewelke door ons aan nauwkeurig, als wesende in 't Mallabaars getranslateerd, naargesien en gelesen zijnde, hebben bevonden dat alle stellinge heel wel bij den anderen gebragt en naar 's lands wetten opgesteld is. Derhalven betuygen wij ons daarmede ten volle te confirmeeren.

Eenelijk hebben wij versoeks gewijs noodig g'agt 't volgende, als een oud gebruyk zijnde, hieronder te laten opstellen, te weeten : hoe oock van de intensiefse ²⁵⁾ Portugeesen haare tijden, someden in de regeering van d'E. Compagnie eenige jaaren altijd in usantie is geweest, wanneer de lijfeygenen van de ingesetenen tegen haare meesters eenige buytensporigheden en desobedientie komende aan te vangen ontrent eenige diensten dewelcke haar aanbevolen werden te doen, dat alsdan de lijfheeren sodanige onwillige en ongehoorsame gasten door reprementen en gevoelige correctiën hebben mogen geven en daardoor in de paele van bescheydentheyte gebragt, mitsgaders de behoorlijke diensten van haar getrocken. Maar 't is nu in den streek van 8 à 10 jaren geschiet en ondervonden so wanneer eenige lijfeygenen over hunne begaane fauten door haare meesters gestraft werden; dat zij dan niet komen te ontsien zig uyt een boose kop en quaataardigheyt hare eyge ooren aan stuckent te trekken en lighaam besmeert zijnde, hun klagten te gaan doen, dat zij gebonden en sodanig gestraft zijn geworden. So geschiet 't ook dat de Overheyt, of die 't gesag heeft, haar daarop eenige lascorijns ²⁶⁾ komt toe te voegen om hare lijfheeren op te halen, en werdende dan vervolgens de zaak ten dien belangen ondersogt, sodat dit zekerlijk aan de lijfheeren niet anders als tot 'een afbraek en klijnagting is streckende en heel nadeelig valt.

Wijders moeten wij nog betuygen wanneer eenige lijfeygenen door

²⁵⁾ Intensiefste?

²⁶⁾ Native soldiers.

haar meesters over hunnen begaane misslagen binnen het casteel gebragt werden om in de ketting te laten klinken, de eygenaren veeltijds heel arm zijn en in geen staat het daarop staande geld op te brengen. Dit, hunne stoute slaven wetende, plaagen daarom haar meesters ongemeen. Om welke redenen wij, gesamentlijke Modliaars, dan onsen gebiedende E. heer Gouverneur ootmoedig versoeken dat, wanneer een slaaf om zijn misdaad in de ketting zal werden geslagen dat, in plaats van $\frac{1}{2}$ rd.²⁷⁾ daarvoor te moeten betalen, daarin eenige vermindering mag werden gestelt.

Aldus hebben wij voor de confirmatie en dese stellingen onse naamen getekent:

Don Philip Willewaraya, Modliaar; Don Anthony Naraynen; Don Francisko Arroelambala, Modliaar; Don Joan Chianderasegra Māna, Modliaar; Don Marthinho Manapoele, Modliaar; Jan Pieres, tholk; Don Philipoe Regoenajaga, Modliaar; Don Francisco Waniaraya, Modliaar; Don Joan Chianboenada, Modliaar; Don Joan Chedoegawela Chenedraya, Modliaar; Don Louis Poeder en Don Francisco Rayaretne, Modliaar”.

Uyt deze verklaringe hoop ik dat UE. Gestrenghe op het UE. medegedeelde van den E. Dessave sig vrijelijk sult mogen gerust stellen dat alles naar waarhey, volgens de hier zijnde wetten en kostuymen, is bij den anderen gebragt, waarom in hoop leve dat het bijeen gebragte door UE. zal werden geaprobeerd dan wel daarin soodanige verandering maaken als UE. tot welwesen van 't gemeen sult noodig agten. Intusschen sal ik met diep respect blijven —

Onder stond: E. Gebiedende Heer, UE. onderdanigen dienaar —

Was getekent: A. van der Duyn.

In margine: Jaffanapatnam den 9en May A° 1707.

Lager: accordeert.

Was getekent: Js. Huysman, secretaris.

Extract missive de dato 4 Junij anno 1707 door den E. heer Gouverneur Mr. Cornelis Joan Simons en den Raad uyt Colombo aan den E. heer commandeur Adam van der Duyn en Raad na Jaffanapatnam gecarteerd.

De overgesondene beschrijving van den E. dessave Claas Isaakz wegens de landswetten en costuymen onder de Jaffanapatnamse ingesetenen van ouds bekenit en gebruykelijk, vinden wij wel ingesteld.

²⁷⁾ Rijksdaalder.

Inmiddens haar bij desen ordonneerende gemelde beschrijvinge der inlandse wetten als dienstig voor den civilen Landraad en bij wijlen ook te pas konnende komen in den agtbaren Raad van Justitie, in autentijke copyen aan beyde die collegiën tot gebruyk te bestellen om altijd aldaer bewaart en niet te seek gebragt te werden. Voorts desselve doende registreeren en bestellen ter Secretarye van de Politie aldaar. En gemerkt wij in voormeld geschrift ook ontmoet hebben de volgende voorstellen en versoeken van ordres om onder de inlanders ingevoerd te werden als:

Onder den titul van koop en verkoop²⁸⁾.

Geen koopbrieven van landerijen, thuynen, slaven, etc. te laten passeeren voordat de koopenningen prompt en ten vollen zijn betaalt, mitsgaders indien het verkogte onder iemand mogte verpand wesen en de koper aan den verkoper niet meer betaalt als 'tgeene 't verkogte meer bedraagt dan waarvoor 'tselve staat verpand, latende alsoo 't gekogte goed onder den pandnemer, dat in sulken gevalle den verkoper sijn gemaakte ola²⁹⁾ van verpanding sal moeten intrecken en een ander op den naam van den koper doen schrijven tot voorkoming en wegneming van veele intricate³⁰⁾ proceduren die anders daaruyt worden gebooren.

Onder den titul van slaven en slavinnen³¹⁾.

Vrijgegevene lijfeygenen die haar tegens hunne gewesen meesters komen te kanten of onbehoorlijk dragen volgens de costumen onder de heydenen weder tot haar vorige slavernij te doemen.

Welke twee poincten overwogen zijnde, so verklaren wij ons met het eerste te kunnen confirmeeren, dog het tweede oordeelen om verschijde motiven ongeraden en van quaden gevolge te zullen wesen. In plaats van dien zal men tegens de vrijgegevene slaven moeten oeffenen de straffe bij de Bataviase Statuten³²⁾ onder de titul „Van Lijfeygenen”, art. 20, daartoe gestelt.

Gelijk wij ook niet kunnen goedvinden te accordeeren het versoeck door de Modliaars gedaan, om hare stoute slaven voor minder dan $\frac{1}{2}$ rd. te laten in de ketting slaan en daarontrent verandering te maken, want het soude haar meer om 't ijser te doen zijn ('twelk zij dan wat

²⁸⁾ van Ronkel, op. cit., p. 267.

²⁹⁾ Sinhalese, meaning palmleaf. The Malay equivalent is "lontar" leaf.

³⁰⁾ The modern Dutchman would say: "ingewikkelde".

³¹⁾ van Ronkel, op. cit., p. 269; the suggestion pp. 273/274.

³²⁾ Mr. J. A. van der Chijs, *Nederlandsch Indisch Plakkaatboek*, I, p. 575; *Bijdragen Taal-, Land- en Volkenkunde*, Nieuwe Reeks, VI, p. 499.

beter koop souden hebben) als om op die wijze hunne lijfeygenen te straffen.

Onder stont: accordeert.

Was getekent: I. Huysman, secretaris.

Lager stont: accordeert.

Getekend: P. de Mey, secretaris.

I have mentioned on p. 295 that the Thesawalamai has been published in English in Ceylon (A revised edition³³) of the Legislative Enactments of Ceylon, I, Colombo 1907, p. 1 ff.). The foregoing letters in Dutch have been included in this collection, in a more or less free translation. The letter written by Claas Isaaksz on the 5th April 1707, handing over the customary law of Jaffna to Commandeur van der Duyn, with the request that twelve Mudaliyars be instructed to check the manuscript and sign it — showing the desire to give the people of the country a share in the responsibility for the compilation — has lost much of its flavour in the English version. Commandeur van der Duyn acted on the suggestions made by his Dessave, when on the 9th May he wrote to Governor Simons and forwarded the Thesawalamai. He told him that the Mudaliyars had signed and taken the opportunity to express some wishes of their own, begging the Governor to take over these proposals for insertion in the customary law.

The answer came without delay. On June the 4th the Governor and his Council wrote to the Commandeur and his Council a letter expressing their appreciation for the work done by Dessave Claas Isaaksz. This letter of the Dutch Government put the Thesawalamai into force. However, the suggestions by the Mudaliyars were not accepted because they were considered to be in their own interest and not for the good of the country as a whole.

The same edition of the Legislative Enactments of Ceylon contains Regulation no. 18 of the year 1806, that is exactly one hundred years since the codification of the customary law of Jaffna, giving it full force. Ordinance no. 4 of the 23d October 1895 repealed part of the Thesawalamai. Nevertheless, what was left of the text was never repealed and still appears in the latest series of the Legislative Enactments in 1938 (vol. II, pp. 49 ff.) reading as follows:

³³) The Ceylon Government Archivist, J. H. O. Paulusz, very kindly sent me a photostat copy for consultation.

"Chapter 51.

The Tésawalamai.

A Regulation for giving full force to The Tésawalamai or The Customs of the Malabar Inhabitants of the Province of Jaffna, as collected by Order of Governor Simons in 1706.

[9th December, 1806.]

1. This Regulation may be cited as the Tésawalamai Regulation.
2. The Tésawalamai, or customs of the Malabar inhabitants of the province of Jaffna, as collected by order of Governor Simons, in 1706, shall be considered to be in full force *).
3. All questions between Malabar inhabitants of the said province, or wherein a Malabar inhabitant is defendant, shall be decided according to the said customs.
4. All questions that relate to those rights and privileges which subsist in the said province between the higher castes, particularly the Vellales, on the one hand, and the lower castes, particularly the Covias, Nalluas, and Palluas, on the other, shall be decided according to the the said customs and the ancient usages of the province".

Then follows the text in English.

The fact that the customary law of Jaffna as codified by Governor Simons and Claas Isaaksz is still in force after 250 years in something for the Dutch and the Ceylonese to remember.

M. W. JURRIAANSE.

*) So much of the provisions of the Tésawalamai as is inconsistent with the Jaffna Matrimonial Rights and Inheritance Ordinance, is repealed by that Ordinance.