

THE LAWS AND CUSTOMS OF THE TAMILS OF TRINCOMALEE



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The Laws and Customs of the Tamils
of Trincomalee: The Evolution of
the Legal System and the Customary
Laws of the Sri Lankan Tamils ✓

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INTRODUCTION

This book by *Prof. S. Pathmanathan*, a specialist in the history of Jaffna, deals with the traditional legal system of the Tamil-speaking communities of Trincomalee, the eastern part of Sri Lanka. The author has based his account upon the reports presented by the headmen of certain communities to the colonial British Government early in the 19th century. Those communities were called upon to comment on the veracity and applicability of a legal code called **Tecavalamai** which was originally compiled in the beginning of the 18th century by the Dutch East India Company who controlled Sri Lanka before the British. It was compiled by the Dutch rulers from the customary legal usages of non-Muslim Tamils for the efficient administration of the island using the existing indigenous administrative system.

When the British in turn attempted to standardise the customary laws, they elicited the opinion of various communities regarding the Dutch legal code. In this connection, information was collected by Sir Alexander Johnston from the provinces of Puttalam, Jaffna, Trincomalee, Batticaloa, Colombo, etc. It was observed by Johnston that there existed some differences among the four divisions of the Trincomalee District, namely Trincomalee, Kottiyaram pattu, Kattukkulam pattu and Tampalakamam pattu as regards the laws relating to marriage, inheritance, land property, etc. But there was such convergence among the usages of the latter three divisions.

Prof. Pathmanathan highlights these points by analysing the memoranda submitted by the chief inhabitants (mutali, talamaikkarar), of the four divisions of the Trincomalee District regarding the Tecavalamai code. It is interesting to note that some old practices survived more or less intact up to the 18th century. The author points out, for instance, that local rulers called 'Vanniyar' were still having some social roles to play even through they had lost must of their administrative powers by the early 19th century. There is another striking aspect which has to be studied further. That is the clear hint at the widespread prevalence of slavery as a social layer. The legal system that was being codified concerned only the upper castes who treated the slaves as their chattels only. But it is the slaves who provided all the essential labour for cultivation of their fields and for other basic production. A comparable situation prevailed in contemporary south India also. This small monograph is, no doubt, an important contribution to the study of the social history of Sri Lankan Tamils.

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The evolution of the legal system and Customary Laws of the Srilankan Tamils

Sri Lanka has been described as a “polygenous country with diverse systems of law” because certain communities are governed in certain matters by bodies of “special laws”, while the residuary “general laws” or the so called “Common Laws” of the land governs these communities in other matters and governs the rest of the population in all matters.

Some elements of the legal systems as presently found in the island have been derived from indigenous traditions of pre-colonial times. The customary laws of the Sinhalese and Tamils, the two major ethnic communities, do not appear to have been recorded or codified at any time before the establishment of the Dutch power in the island. The laws administered by the courts under the indigenous rulers were based on unrecorded customs and traditions as transmitted and interpreted by persons of knowledge and experience and by community leaders. It would appear that these laws were characterized by variety and diversity and in this respect they were comparable to early Hindu Laws as explained by the *Dharma Sastras*. The Principal *Dharma Sastra* texts testify that apart from the customs of the country, those of communities, castes and corporate organizations were given legal recognition. (1)

Attempts to collect, and codify some of the customary laws of the local inhabitants were made at two stages during the colonial period, under the Dutch and the British during the 18th and 19th centuries respectively. It was during this period that the modern legal systems of the island attained their distinctive characteristics. The government of the *Dutch East India Company* sought to govern its subjects, wherever possible, according to their own customs and traditions. Besides, they also utilized the traditional system of administration with suitable modifications and like their Portuguese predecessors they retained the hierarchy of native officials except at the highest levels. Their objective was to use local institutions and officials for consolidating their power most effectively, and exercising authority with the strictest economy. It was through such means that they hoped to obtain the maximum amount of revenues from their territorial possessions. To the Dutch belongs the credit of having attempted to establish the legal and judicial systems in the maritime provinces on a systematic basis.

The Kandyan Sinhalese, the Jaffna Tamils and the Muslims are the three communities who are still governed in certain matters by special bodies of laws. They are the laws of the Kandyan Sinhalese, The *Tecavalamai* and the Code of Muslim Law of inheritance and marriage respectively. In the laws of the Kandyan Sinhalese are incorporated the customary laws of the Sinhalese derived from ancient times and developed in a modified form in the provinces of Kandyan Kingdom which was occupied by the British in 1815. This body of laws specifically applicable to the Kandyan Sinhalese has been modified in certain respects through legislative enactments and is still in force.

The Code of Muslim Laws of marriage and inheritance, however, is not a compilation of the customary laws of the indigenous Muslims. It was introduced from Batavia on the initiative of the Dutch government. In 1770 Governor Falck obtained from Batavia a Code relating to the Muslim Law of inheritance and marriage which was in force there and this work was translated into Tamil and applied to the Muslims living in these parts of the Island which were under the Dutch rule. (2)

Of the customary laws of the non-Muslim Tamil speaking inhabitants only the *Tecavalamai* has been codified. The customary laws of the Tamils of Jaffna were recorded, presumably for the first time, by native officials on the orders of the Dutch authorities and these were codified by Claas Isaaksz, Disava of the district of Jaffnapatnam, in 1707, on the instructions of Governor Cornelis J Simons. (3) In the later decades of the Dutch regime the High Court of Jaffna patnam exercised jurisdiction in the Northern and Eastern parts of the Island, over the Commandment of Jaffnapatnam and the administrative districts of Trincomalee and Batticaloa. It would appear that in these areas the *Tecavalamai* was applied to the Tamil inhabitants except the Mukkuvar, the Paravans and *Cettis*, who were governed by their respective customary laws. (4) The Dutch also introduced the Roman Dutch Law which was applied to govern all matters beyond the scope of the customary laws. All the systems of law which had been applied to the various communities inhabiting the maritime provinces during the Dutch regime continued to be in force after the British occupation in 1799. It is significant that Governor North's proclamation of 23 September 1799, declared that Justice should be administered in

the maritime provinces "according to the laws and Institutions that subsisted under the Dutch Government, subject to such changes as might be made by lawful Authority" (5). The effect of this proclamation was to provide legal validity to the customary laws, which had been applied in varying degrees to particular communities previously under the Dutch rule, as well as the Roman - Dutch law, which had been applied where the customary laws did not apply. All these laws, however, were modified in course of time owing to the adoption of some of the provisions of the laws of England.

The Charter of Justice of 1801 represented a decisive step in the evolution of the legal system of Sri Lanka. While recognizing the laws that were in force in the island colony at that time it made provision for the introduction of the substantive and procedural law of England. Consequently the English Common Law became a major component of the residuary general law of the country. The provisions of the Charter of Justice of 1801 were effectually confirmed by the Charter of Justice of 1810 and that of 1811. The Charter of Justice of 1833, which introduced a uniform system of judicature throughout the country, made no changes in the law that was to be applied by the courts. Subsequent changes in the law were related mainly to the definition of the spheres of application of the customary laws, to the abrogation of some of the rules of the residuary general law and to the further introduction of elements of the English legal system. (6)

As diverse systems of laws were in force in the maritime provinces and because of the fact that the

British officials in the colony were for the most part unacquainted with these systems of law there was a compelling need to collect and compile digests of the laws that were applied to govern the inhabitants of the Colony.

From the earliest years of British rule in Ceylon the inferior courts as well as the Supreme Court which was established by the Charter of Justice of 1801 were directed to give effect to the native customary and religious laws. In 1806 Acting Chief Justice Alexander Johnston was requested by Governor Maitland to make a collection of the "Local and Customary laws" which he found in the course of his judicial circuits in different parts of the island. Later that year Johnston submitted to the Governor in Council "The Code of Mohamedan Laws observed by the Moors in the Province of Colombo" and the Council resolved that it should be "published and... observed throughout the whole of the province."

(7) A regulation of the same year provided that the *Thesavalamai* or the Customs of the Malabar Inhabitants of the Province of Jaffna, as collected by the order of Governor Simons in 1706, "shall be considered to be in full force" (8)

In November 1807 Johnston submitted to Governor Maitland a statement of the enactments issued by the Dutch and the British Governments as well as statements of the customary laws of the Chetties of Colombo and of the Muslims of the 'Malabar' (Tamil) provinces of Puttalam Jaffna, Trincomalee and Batticaloa. Although Johnston had stressed the desirability of compiling a digest of the various customary laws and making a statutory restatements of the law applicable to various communities no definite steps were taken in this direction.

Although legislative recognition was accorded only to the Muslim law and the *Tecavalamai*, there are some indications that other distinctive bodies of customary laws such as those of the Mukkuvar, Paravans and Chetties were given recognition by the courts during the Dutch period and in the early years of British rule. By the middle of the 19th century the residuary general law of the land had gradually superseded the customary laws of these communities, presumably, because they had never been codified. However, the special rules of intestate succession that governed the Mukkuvar of Batticaloa continued to be legally recognized until they were impliedly repeated by the Matrimonial Rights and Inheritance Ordinance No.15 of 1876. (9)

The customary laws of the various Tamil communities found established in the island during the early phase of the British rule are included in the Alexander Johnston Papers. In his letter addressed to the Governor he makes the following observations about these laws:

“Your Excellency, soon after your arrival on this island adopted the very wise and conciliatory measure of ordering all the Provincial Courts under your Government, to adhere strictly in framing their decisions to the local customary laws which prevail within their respective jurisdictions and with the view of enabling them, to carry your Excellency’s wishes upon the subject into full effect, you requested me while I was on my circuit round the island, to make a collection of all such laws.

“Some of the customary laws, which I have collected, relate to the four Provinces of Pattalam, Jaffna, Trincomalee and Batticaloa, others to the

numerous Mahometans who are to be met with all over the island and some to those Chittys who live in or about the Pettah of Colombo.” (10)

The Laws and Customs of the Tamils of Trincomalee:

Sir Alexander Johnston caused the Tamil translation of *Tecavalamai* Code enacted by the Dutch Government to be sent to various officers serving in Jaffna and other Tamil districts to ascertain their opinions about its applicability to the Tamil communities in the island. The reports obtained by such officers from native headmen and community leaders and which are incorporated into the corpus of Alexander Johnston's Papers, either in the original or in translation constitute a most valuable source of information on the laws and customs of the Tamil communities as found in the first two decades of the last century.

In their reports the native headmen, as expected, highlighted matters on which local customs differed from the *Tecavalamai*. In the town of Trincomalee a meeting of the Mudaliyars was summoned for the purpose of ascertaining their views on the applicability of the *Tecavalamai* Code to the inhabitants of the area. The Mudaliyars are said to have reported.

“That in reading the country law sent us by His Excellency the Governor, We the undersigned do hereby declare that serveral of the laws contained thereto are still in use, besides the use of administration it is the only point more, which we beg to be rejected.” (11)

In his letter to Alexander Johnston the Government Agent of Trincomalee observed that the only point on which the Mudaliyars wanted amendment concerned the liability of children to pay their father's debts as enforced by the *Tecavalamai*. In deference to the opinion of the Mudaliyars the Government Agent suggested that debts incurred by the father should be paid out of his estate and that the children be relieved of repsonsibility in the matter. It is significant that the *Tecavalamai* Code was found to be applicable to the Tamils of Trincomalee, one of the four territorial divisions of the Trincomalee district as constituted at that time.

The situation was however, different in the other three divisions of the Trincomalee district, viz: Kattukkulam pattu, Kottiyaram pattu and Tampalakamam pattu. The fundamental divergence between the customary laws of those three divisions and the *Tecavalamai* was in the matter of inheritance. In the *Tesavalamai* as observed in the days of the Tamil Kings the ancestral property of the father devolved on the sons while the dowry given to the mother on marriage devolved on the daughters. The acquired property was divided among all children.

(12) But in the customary law as found among the Tamils of the divisions of Trincomalee outside the town the children did not inherit their father's property. The ancestral property of the father devolved on his nephews, sister, sons, as was the case in the laws of the Mukkuvar. The mother's property or *Citanam* given to her as dowry was not inherited by the daughters only as in the case of the *Tecavalamai* before it was modified by the Portuguese, but was divided among all children males and females. Another interesting thing is that the mother's property was placed in the same footing as *tettam* or

acquired property in matters concerning inheritance. Although a categorical distinction was still maintained between the two types of property, dowry and acquired property, the differentiation ceased to have any practical effect once a married woman became a mother.

The reports on the laws and customs of the Tamils living in the administrative divisions of the Trincomalee District as submitted by local headmen to the higher authorities touch only on a few principal items of customary law such as marriage, dowry, inheritance, adoption, gifts, usufructory mortgage, land use, loans and hire.

The reports are brief and the information provided by them is inadequate for compiling a digest of the customary laws of the people concerned. Yet, they are of great value not only they are the only documents which provide a glimpse of the laws and customs of the Tamils of Trincomalee but also because they provide vital historical information which supplements and confirms the traditions recorded in other sources. It is also significant that in all the three divisions — Kottiyaram pattu, Tampalakamam pattu and Kattukulam pattu, the customs and traditions observed by the people on the matters referred to in the reports were almost identical.

Marriage

In the case of marriages it was the custom for the parties concerned to approach the Vanniyar and inform him of the proposed marriage. In his presence the prospective bride and bridegroom had to enter into a solemn agreement pledging that they would get married and a breach of the marriage contract was to be punished either by imposing a fine or inflicting corporal punishment.

The requirement of a marriage contract was, perhaps, introduced during the early period of European colonial rule and the Vannivar appears to have superseded the community elders as guarantor of the marriage contract.

It was customary for both parties to take betel leaves as a present when they approached the Vanniyar for making a marriage contract. The present of betel leaves was symbolic gesture, an expression of respect and good will. It is in a way reminiscent of the custom, prevalent among some Tamil communities of taking betel leaves on a brass tray to the homes of relatives and others when parties set out to invite them for weddings. This practice could also be the relic of an old custom by which the Vanniyar as ruler of the principality made levy (kanikkai) on his subjects on such occasions as weddings and festivals.

Once a marriage contract was entered into in the presence of the Vanniyar, the marriage was solemnized according to religious rites. The Muslims conducted marriages according to the rules of Mohammedan Law while the Roman Catholics conducted marriage rites in accordance with the rules of the Church. In the case of Hindus marriage rites were conducted by Brahmin priests in accordance with Hindu tradition. For the Hindus marriage was an occasion for festivity and feasting for a number of days.

Dowry

What is given as dowry to the bride by her parents is from the dowry of the mother and the property acquired by the parents after they had married. The dowry usually consisted of movable and immovable property and would

include lands, fields, houses, cattle, gold, jewellery and utensils. All that is given as dowry should be on a deed in the presence of guests invited to the wedding and attested by witnesses.

Inheritance

As noticed earlier the ancestral property of the father devolved on the nephews or sister's sons while the dowry of the mother and all acquired property devolve on their children. If there are no nephews the ancestral property of the father devolves on the children and if there are no children such property devolves on the nearest relatives.

Adoption

The procedures and principles governing adoption were similar to those found in the *Tecavalamai*. As an adopted child had all the rights of his own children, a person who wished to adopt a child had to obtain for this purpose the consent of all his or her heirs. Without the consent of the heirs the adopted child was not entitled to inherit property.

The persons who gave their child to a person for adoption had to rub the child's feet with saffron, wash them and drink the water. The adoption become valid only after the performance of this ritual which symbolized the renunciation by the parents of all claims over the child given for adoption.

Lands and Land use

A distinct category of acquired property consisted of lands prepared for cultivation after clearing the jungle.

In their report of the customary laws the headmen of Tampalakamam pattu observe:

“Those persons who wanted to cultivate the land must first notify the Vanniah or Mudaliyar and after obtaining permission could clear the jungle and cultivate paddy fields and gardens. They could transfer such lands to another one by sale or in *otty* (usufructory mortgage) and give them as dowry to their children” (13)

The foregoing passage raises important issues relating to the clearance of the Jungle land and the rights of possession over such lands. In the division of Tampalakamam pattu those lands which were not private holding and were covered with jungle appear to have been considered as common reserves over which the community had certain natural rights. It was by encroachment on this land that settlements could be extended and new farms could be raised. The extension of village settlement and arable lands would appear to have been a slow process initiated and continued by and enterprising cultivators down through the countries.

The Vanniyar and the Mudaliyar who exercised authority in a subordinate capacity under him, as community leaders and local chieftains recognized by the Government exercised a certain residual power over unoccupied common reserves which were later defined as crown lands (14)

Individuals who wished to clear strips of the jungle and prepare such land for cultivation had to obtain permission from the Vanniyar or Mudaliyar and once this was granted they could secure possession of the lands which they had cleared and prepared for cultivation.

They acquired proprietary right over such lands which could be given as dowry, gift or donation and could be given on sale. Customary law as found in Tampalakamam pattu, in this respect, seems to have preserved the tenets of an old tradition which recognized the principle that land belongs to those who first cultivated it and asserted a right over it by using it as thier own.

Customary dues of the Konesar Temple:

In relation to the dues given to the temple of Konesar the Headmen of Tampalakamam pattu, in their account of local customary laws, assert:

“Of the profits derived from paddy fields and gardens 10 percent must be given to the Hindu temple (Konesar)”

That the same custom was observed by the inhabitants of Kattukulam pattu is testified by the Vanniyar of that division, who in his remarks on the account of the headmen says:

“In the period of the Dutch government one tenth of the produce of paddy land were paid to Konesar but not it is taken by the government” (16)

The same procedure was adopted in respect of lands brought under cultivation after clearing the jungle. In their account of the customary laws the headmen of Kattukkulam pattu observe:

“Of the profits derived from lands cultivated after clearing the jungle with permission from the Vanniah and from gardens and tanks created in such land one tenth portion was allotted and given in the Dutch period to Konesar.” (17)

The information pertaining to the Konesar temple as found in the accounts of the customary laws of the Tamils of Trincomalee is of unusual significance. In the final place it has the effect of providing confirmation to the traditions recorded in the *Konesar Kalvettu*, which purports to record traditions and accounts relating to the temple called Konesvaram. According to that text kings and princes of the remote past, specifically two kings called Kulakkottan and Gajababu, had granted to the temple royal dues in the form of taxes on land, produce from the fields and from commerce. Secondly, it would appear that the Dutch government, in spite of its rigorous religious policy directed against the indigenous religious traditions, did not seek to violate established customs governing the relations between the Tamils of Trincomalee and the Konesar temple. The Dutch rule over the territorial divisions of Tampalakamam pattu and Kattukkulam was relatively of a short duration being confined to a period of thirty years since 1766 when they acquired authority over them under the provisions of the treaty of 1766, which they had concluded with the king of Kandy. It would appear that the stringent regulations formulated by earlier governors against indigenous, religious traditions were not enforced with rigour during this period.

That the temple of Konesar occupied a most important and influential position in the affairs of the Tamil communities in the Trincomalee district is also suggested by the provisions in the customary laws relating to the property of those who had no heirs or relatives in Kattukkulam pattu. Under such circumstances the property was given to Konesar or to charity. In the Sinhalese Kingdoms such property was deemed *mamala* or escheat and taken over by the king who could sometimes grant

such property to a religious or charitable institution. The custom of endowing the temple of Konesar with the property of those who had no heirs or relatives who could claim it may suggest that this practice was initiated by kings or other rulers who exercised authority over this area in the remote past.

Konesar referred to in the documents recording the customary laws of the Tamils of Trincomalee may be identified as the presiding deity enshrined at the Konesar temple at Tampalakama constructed during the 18th Century as a replica of the ancient temple of Konesvaram at Trincomalee destroyed by the Portuguese armies in April 1624.

Gifts and Sales

Any one could grant as a gift or sell his property obtained as dowry, acquired property or hereditary property with the written consent of his nephews, wife and children and other heirs and the letter of consent should be duly signed by those giving their consent. Transactions entered into without conforming to this procedure were not valid. It is thus clear that a person's and his right to alienate his property was limited by the requirement that the consent of his heirs was indispensable for such purposes. One may perhaps discuss in this custom the relic of a social organization based on the joint family system.

Slaves and Hired labour

The category of persons described as 'slaves' in the relevant documents appear to be those in a state of dependence. They were bound to their masters and

were obliged to serve them as directed by the masters who in turn were obliged to maintain them. Besides, one could acquire possession of slaves through inheritance or purchase.

The female slaves were virtually domestic assistants who lived in the house hold of the master. They had to polish rice, procure fire wood and perform such other duties as directed by the master or mistress.

If any one had male and female slaves in his possession it was the duty of the master to provide the female slave with money for purchasing provisions required for her during the period of her confinement.

The male slaves worked in the fields and performed other duties as directed by their master. They had to fence his garden, thatch his house and accompany him in his journeys.

Whenever the slaves were engaged in cultivating the fields of the master the latter was obliged to provide them with cattle, ploughs, *mammoties* and similar agricultural implements. Besides, he had to supply them with seed corn and allowances for maintenance. Once the crop was harvested the master recovers the amount equivalent to what he had supplied for seed corn and maintenance. The remaining portion of the produce was divided into equal shares between the master and the 'slaves'

It would thus appear that the category of persons described as "slaves" performed duties which combined some elements of the functions of 'retainers', domestic assistants and bonded labourers. As long as the bond subsisted between the master and the 'slave' the latter

was in a state of dependence, had little or no freedom of movement and was obliged to render services as required by the master.

The master had the responsibility of supporting his slaves by maintaining and supplying their needs.

The practice of engaging persons for service on hired labour was prevalent among the Tamils of Trincomalee as among other communities elsewhere. One who hired a person had to feed and maintain and provide him with a piece of cloth called *Vetti* five cubits in length and pay him a sum of five rix-dollars for a period of one year. The person engaged for work on such terms to perform all the work assigned to him. The sum of five rix-dollars was usually paid to him at the end of the period of one year.

Hire off bullocks

As the custom of hiring bullocks for ploughing the fields and for draught purposes was widely prevalent, the rate of hire was fixed and a uniformity in the rate was maintained with social approval and by invoking the authority of government in support established custom. The rate of hire for oxen used for ploughing was $\frac{1}{4}$ amunam of paddy per head and that of draught oxen was two *fanams* or head per day. For each bag hired for loading the hire was at the rate of a fanam per day.

Whenever a hired bullock died the persons who hired the animal was not obliged to pay its value to the owner, but he had to show the carcass of the animal to the owner and pay him the hire (as promised) immediately.

In case a hired bullock happened to break loose and run away it was the responsibility of the one who hired the animal to seize it and deliver it to the owner. Moreover, he had to pay the hire to the owner for the whole period during which the animal was under the custody of the person who hired it.

Interest on money and paddy on loan:

Those who lent money on interest were to receive an interest of one percent per month. The interest on paddy was 25 percent.

Notes and References:

1. Manu for instance observes: "What may have been practised by the virtuous, by such twice - born men as are devoted to the law, that he shall establish as law, if it be not opposed to the (customs of) countries, families and castes" *Sacred Books of the East* Vo. XXV, *The Laws of Manu*, first published by the Oxford University press, 1886, Rep. by Motilal Banarsidas, New Delhi (1975, 620p.) pp. 261-2.
2. T. Nadaraja, "*The laws Applicable to some Tamil - speaking Communities in Sri Lanka*", (3p.), Souvenir, 4th International Conference Seminar of Tamil Studies, Ed. P. Poologasingam, Published by the I.A.T.R., Sri Lanka National Unit (Jaffna, 1974, 157p.), p.33.
3. *Ibid.*
4. *Ibid.*, p.35
5. T. Nadaraja, "*The Administration of Justice 1796 to 1948 - (II) The Law*" *University of Ceylon History of Ceylon*, Vol.III, Ed. K.M. De Silva, Published by The University of Ceylon, Peradeniya, (Colombo, 1973, 579p.), p.327

6. *Ibid.* p.328
7. *Ibid.*
8. *Ibid.*
9. *Ibid.* p.329
10. H.W. Tambiah, *The Laws and Customs of the Tamils of Ceylon*, published by the Tamil Cultural Society of Ceylon, (Colombo, 1954, 180p.), p.19
11. When the *Tecavalamai* Code was sent to the Government Agent of Trincomalee by Sir Alexander, in a letter, the Government Agent stated that he had consulted the leading Mudaliyars and that the only point on which the Mudaliyars wanted reforms was to abolish the liability of the children to pay their father's debts, which was enforced by the *Tecavalamai*. He suggested that the debts be paid out of the father's estate and that the burden impred on the children be removed.
See Appendix A (I) C.O.54/126. 136
12. H.W.Thambiah, *The Laws and Customs of the Tamils of Jaffna*, published by the Times of Ceylon (Colombo, 339 + 67p.) p.156
13. Appendix A (3)
14. The Expression 'Vanniyar' denoted the rank of a chieftain ruling over a principality either independently or as a fendatory. Such cheiftains who exercised authority over parts of Sri Lanka only those of Tirukonamalai are referred to in stone inscriptions. The Tamil inscription from Kankuveli refers to the Chieftain of Trincomalee as Malayil Vanniyanar whereas an inscription from Verukal attributes the construction of an enclosure wall of the temple at Verukal to a certain Kayila Vanniyanar.

The *Konecar Kalvettu* testifies that two separate lines of Feudatory Chieftains were established by the king called Kulakottan. One of these which had its origins in Maturai was established at the town of Tirukonamalai while the other one which traced its descent from a family from Tirunelveli, in Southern India, was established at Kattukkulam pattu. The latter is said to have been "invested with the rank of a Vannipam and endowed with appropriate insignia and paraphernalia, given authority over the division of Kattukkulam pattu, associated with the administration of the Konesar temple and given custody over the register of temple accounts."

It is probable that the other two divisions, Kottiyaram pattu and Tampalakamam pattu were also administered by chieftains called Vanniyar in medieval times. 'A King' called *Idele* of Kottiyaram is referred to by Baldrus in connexion with matters relating to the selection of a prince to the Kandyan throne in the 17th century.

When the Dutch and the British remodelled the administration of the maritime provinces they retained the traditional ranks, in many instances, and sought to entrench their power with the support of such ranks. This was particularly so in Eastern portions of the island which had a predominantly Tamil speaking population. In these areas the expression Vanniyar was applied as a title of the highest native rank until at least the end of the nineteenth century. However, the powers and functions of chieftains who held the rank of Vanniyar and greatly diminished during the successive stages of colonial rule. By the early

nineteenth century the persons who held the rank of Vanniyar had little or no authority over the administration and their powers and functions were taken over by the administrative and judicial institutions established by the Colonial government. See "Kankuvelik Kalvettu", *Cintanai*, Ed. K. Indrapala, Vol.2, Nos 2-3 (Peradeniya, 1958) pp.37-40; "A note on the Verugal Inscription", *Ceylon Tamil Inscriptions*, Pt. I (Peradeniya, 1971, 77p.), pp. 9-11, S. Pathmanathan, *The Kingdom of Jaffna*, Published by Arul M. Rajendran (Colombo, 1978, 302p.), p.267, *Konecar Kalvettu* published together with *Sri Taksina Kailacapuranam* by P.P. Vaithiyalinga Tecikar, (Parittiturai, 1916, 43p.) pp.2-6, 36-7, 40-42.

15. See Appendix 1:3

16. See Appendix 1:4

17. *ibid*

APPENDIX A (I)

Observations of the Mudaliyars of Trincomalee (P.136)

That in reading the country law sent to us by His Excellency the Governor, we the undersigned do hereby declare that several of the laws continuing thereto are still in use besides the use of administration, it is the only point more to be rejected-

Trincomalee, April 10th 1815.

Signed	Mapana Mudaliar
,,	Cathiraweloo Mudaliyar
,,	Retnasinga Mudaliyar
,,	Amudan Mudaliyar

„	Alagakone Mudaliyar
„	Rasakoon Mudaliyar
„	Adiweera pandita Mudaliyar
„	Canagasinga Mudaliyar
„	Thamothera Mudaliyar
„	Rasacarea Mudaliyar
„	Anthony Mudaliyar
„	Rasendra Mudaliyar

(2) Translation of a Report by the Headmen of Cottiar on Customs existing in the Cottiarpattoo.

Marriage

Persons wishing to get married must in the first instance give information to the Vanniah, and in the case of Hindus a marriage contract must be entered into wherein the bride and the bridegroom must bind themselves to marry, subject to such fine or corporal punishment when either party fails to comply with the engagement. Thereafter the marriage is solemnized by the Brahmin by conducting rites and ceremonies according to Hindu custom. This is followed by a few days of celebrations and feasting. The Muslims or Moormen carry according to Mohammedan Law.

People of the Roman Catholic faith when inclined to marry inform the Vanniah about the proposed marriage and conduct marriage rites in accordance with the rules of their Church.

Dowry

The father and mother give dowry to their children from their own dowry and their acquired property.

Inheritance

The hereditary and other property that one possesses devolves on the nephews and the dowry and acquired property devolves on their children.

Gifts

If anyone wishes to grant as a gift any property whether it be from the dowry, hereditary property or acquired property, the donor's children, nephews and other heirs must be informed of it and their consent should be obtained in writing.

Hire

If lands are given for cultivation on hire the cultivator has to pay a fixed amount to the owner at the rate of an amunam of paddy for each amunam of sowing extent of land, annually.

Adoption

In the case of adopting children, the person or persons desiring to adopt a child or children must obtain the consent of their relatives and heirs for that purpose as the adopted children are entitled to inherit the property of the father and mother who adopt them.

(3) Report of the Headmen of Tambalagamam on the customs existing in the Tambalagamam pattoo:

Marriage

Persons who wish to get married must in the first instance inform the Vanniah or the Mudaliyar of the

place. When they visit such men of rank for this purpose they must take betel leaves. They should enter into a marriage contract wherein the bride and the bridegroom must bind themselves to marry and to pay a fine or suffer corporal punishment as may be inflicted in the event of a failure to comply with the marriage engagement. And afterwards they must notify their relations also by carrying betel leaves. The brahmin is invited to conduct the marriage rites and in the presence of the relatives who have gathered the bridegroom fastens the necklace on the bride's neck. The parents of the bride must then execute the dowry deed usually written on palm leaves.

Dowry

What the father and mother give as dowry to their children must be from their own dowry and their acquired property and consist of such items like gold and silver jewellery, fields, gardens, tanks and slaves.

Inheritance

The dowry and the acquired property of the father and mother devolves on their children. The hereditary property devolves on the nephews and if there are no nephews it devolves on the children. If there are no children such property devolves on the nearest relatives and if there are no such persons it goes to the church.

Possession of land

Those persons who wanted to cultivate land must first notify the Vanniah or Mudaliyar and after obtaining permission could clear the jungle and cultivate paddy fields and gardens and possess them. They could transfer

such lands to any one by sale or in *otty* (usufructuary mortgage) and give them as dowry to their children. Of the profits derived from paddy fields and gardens 10 percent must be given to the Hindu temple (Konesar).

Gifts

If any one wishes to grant in gift any property obtained as dowry, hereditary property or acquired property or any other goods of any other description he must first bring it to the notice of his wife, children, nephews and other heirs and obtain their consent in writing for the proposed transaction. Any gift made without conforming to this procedure has no validity.

Hire

If any one hires a man for service he should provide him with food and two pieces of cloth called *Vetty* for a year and at the end of the term he must pay him five Rix dollars and the labourer must serve for a term of twelve months.

Sale and purchase

If any one wants to transfer by sale any land in his possession he may do so after informing and obtaining the consent of his wife, children, nephews and other heirs or else he must not do it.

Slaves

If any one purchases male or female slaves or possess them through hereditary right the master must provide the female slave with the required spices and other curry, stuff during the period of her confinement and the male slave should be provided with victuals and

cloth by the master. Both, the male slave and the female slave must submit themselves to the directions of the master.

Interest on loans

If money is lent to any person interest must be paid at the rate of one or two percent per month. The interest on paddy is 25 or 50 percent.

Adoption

In the case of adopting children, the person or persons desiring to adopt a child or children must obtain the consent of relatives and heirs for that purpose as the adopted children are entitled to inherit the property of the father and mother who adopt them.

(4) Report of the Headmen of Cattukolam on customs existing in the Cattukolam pattoo dated the 26th March 1815:

Marriage and dowry

when persons wished to get married the parents of the bride and the bridegroom must inform the Vanniah of the district about the intended marriage and his permission must be obtained. It is customary to take betel leaves when they go to obtain his permission. In the presence of the Vanniah the bride and bridegroom enter into a marriage contract, written on palm leaves, to the effect that they would abide by the terms of the contract and promising to pay a fine or accept any corporal punishment as may be inflicted in the event of a breach of promise.

They must also carry round betel leaves to all their relatives and other inhabitants of the place (and notify them of the proposed marriage. A certain class of men known by the name *Kudi makkal* must (also) be invited and presented with betel leaves. The Brahmin is invited to conduct the marriage rites and in the presence of the people assembled for the occasion, a necklace called *thali* is fastened on the neck of bride (by the bridegroom)

In the presence of people who had assembled together (for the wedding ceremony) the parents of the bride and the bridegroom execute a dowry deed in palm leaves. They give as dowry the mothers property consisting of jewels of silver and gold, brass utensils, dwelling houses and lands, lands improved and ready for the reception of seed grain, cattle, iron works and other such property. The dowry deed must be attested by witnesses.

Inheritance

On the death of the parents the inherited property of the father devolves on the nephews or sister's children. The acquired property of the father and mother and the dowry of the mother devolves on their children. If the parents happen to die without any offspring the wife's property devolves on her nearest relatives and the husband's property devolves on his nearest relatives. Their acquired property must be divided among the lawful heirs of both persons. If there are no relatives or heirs in (all) such cases the property must be given to Konesar or in charity.

Possession of lands

The inhabitants after obtaining permission from the Vanniah, for which they must apply to him, clear and cut away the jungle to such extent as they may wish

and thereafter they take up their abode on that spot, plant all kinds of useful trees and cultivate paddy in a part or the whole of that land and could dig tank in it. They could take possession of such land and give it as dowry to their children. They could grant in *otty* (usufructuary mortgage) to anyone of their choice, and the *otty* holder(s) could possess the land as long as he does not receive the amount for which it was given on *otty*.

The land remaining in *otty*, may be given in dowry or finally sold to others. Of the profits derived from the lands cultivated after clearing the jungle with permission obtained from the Vanniah and from the gardens and tanks created in such lands one tenth portion was allotted and given in the Dutch period to Konesar.

Gifts

If any one wishes to grant his property as a gift to another person he must bring it to the notice of his wife, children and other heirs and obtain their consent in writing with their signatures. Any gift made without conforming to this procedure will not be considered valid.

Hire

If anyone hires a person (for work), he has to provide him with food, a piece of cloth called *Vetty* of five cubits in length and a sum of five Rix dollars, for which he must serve his master for one year, and perform all the work they may be assigned to him. The sum of five Rix dollars is usually paid to him only at the expiration of the term of one year.

If any one hires cattle for ploughing, the hire per head is $\frac{1}{4}$ *amunam* of paddy. The rate of hire for draught bullocks is two fanams per head per day and

a fanam for the bag used for loading. When bullock which is hired happens to die the carcass of the animal must be produced to the owner and the hire of the bullock paid immediately, and the person hiring such a bullock is not responsible to the owner for the value of the animal.

In case if any of the hired bullocks break loose, the person holding it on hire must pay the regular hire to the owner, until such bullock is retaken, and deliver it to its proper owner.

Sales and purchases

Any one who wishes to dispose the property he possesses must inform the wife, children and other heirs about the matter (and obtain their consent)

Slaves

If any one purchases male and female slaves it is the duty of the master to provide the female slave with money for purchasing victuals when she is in her period of confinement. The duty of the slave girl towards her master or mistress is to procure firewood, beating paddy into rice and perform such other duties as the master or mistress may direct her to do.

The male slaves must cultivate paddy lands and the master should provide them with cattle, ploughs, mammotties, seed, corn and food. When the crop is harvested, allowances demanded for either cattle or mammotties but the seed corn must be first repaid to the master as well as the food (supplies) received by the male slave during the time he was engaged in the field without interest and the rest of the produce is divided between the master and the male slave in equal shares. It is also the duty of the slave boys to fence

the garden of their masters and thatch their houses and accompany their masters wherever they go.

Loan of paddy and money

If any person lends money to another he is to receive interest at one percent per month. The interest on paddy is 25 percent.

Adoption

A male or female person taking a child of another for adoption must conform to the following procedures:

The father and mother giving a child for adoption must at that time rub a little saffron on the child's feet, wash the same and drink the water. If this ceremony is performed the adoption is considered valid, and the child consequently may inherit such property as his father and mother may give after obtaining the consent of their respective heirs.

Remarks of the Vanniah

In the period of the Dutch government one tenth of the produce of paddy lands were paid to Konesar but now it is taken by the government.

Now persons who may receive lands in either dowry or gift in the way above mentioned may not dispose of such lands but they may dispose of the produce.

Interests from 1 to 2 percent are now received by persons who lend money. The interest on paddy is 25 to 50 percent.

The rest of the usages continue in the same footing as before.

The inhabitants do not write on palm leaves any contracts of marriage as they know that the Vanniah has no power to either inflict fine or punishment.

Appendix B

(1)

தமிழ்ச் சட்டநெறி பற்றித் திருகோணமலையிலிருந்து கிடைத்த குறிப்பு.

மாட்சிமை தாங்கிய தேசாதிபதி அவர்களால் அனுப்பி வைக்கப் பெற்ற 'தேசவழமை'ச் சட்டத்தை வாசித்த பின் அதில் அடங்கிய சட்டங்கள் பல இப்பொழுதும் நிலைபெறுகின்றன என்பதை மேலே கையொப்பமிட்டுள்ளோராகிய நாங்கள் உறுதிப்படுத்துகின்றோம்.

திருகோணமலை, ஏப்ரல் 10, 1815

ஒப்பம்.	மாப்பாண முதலியார்
ஒப்பம்.	கதிர்வேலு முதலியார்
ஒப்பம்.	இரத்தினசிங்க முதலியார்
ஒப்பம்.	அமுதன் முதலியார்
ஒப்பம்.	அழகக்கோன் முதலியார்
ஒப்பம்.	அரசக்கோன் முதலியார்
ஒப்பம்.	எதிர்வீர பண்டித முதலியார்
ஒப்பம்.	வணசிங்க முதலியார்
ஒப்பம்.	தாமோதர முதலியார்
ஒப்பம்.	ராசகாரிய முதலியார்
ஒப்பம்.	அந்தோணி முதலியார்
ஒப்பம்.	இராசோந்திர முதலியார்

(2)

கோட்டியாரம்பத்தில் நிலவும் வழமைகள் பற்றிக் கோட்டியாரத்துத் தலைமைக்காரர் தயாரித்த அறிக்கை.

கல்யாணம்.

கல்யாணஞ் செய்ய விரும்புவோர் அதனைப் பற்றி முதலில் வன்னியருக்கு அறிவிக்க வேண்டும். இந்துக்களாயின்

மணமகளும் மணமகனும் தாம் மணம் முடிக்கப் போவதாக உறுதியளிக்கும் வகையில் ஓர் உடன்படிக்கை எழுதிக் கொள்ள வேண்டும். இவர்களில் எவரேனுமொருவர் தனது வாக்கினிலே தவறுமிடத்து குற்றமோ தண்டனையோ உத்தரித்துக் கொள்ளதாக உறுதியளிக்க வேண்டும். அதன் பின் சமயாசாரங்களுக்கு ஏற்ப பிராமணரைக் கொண்டு கல்யாணச்சடங்கினையும் அதற்கு வேண்டிய கருமங்களையுஞ் செய்தல் வேண்டும். இவற்றைத் தொடர்ந்து சில நாட்களுக்கு இனபந்துக்களுடன் விருந்து பசாரங்கள் நடைபெறும்.

இஸ்லாமியரைப் பொறுத்த வரையில் இஸ்லாமியச் சட்டங்களுக்கேற்ப அவர்களின் திருமண வைபவங்கள் நடைபெறும்.

உரோமன் கத்தோலிக்கராயுள்ளவர்கள் மணம் முடிக்க விரும்புமிடத்து அவர்கள் அதனைப் பற்றி வன்னியருக்கு அறிவிக்க வேண்டும். அவர்களின் சடங்குகள் திருச்சபையின் விதிகளுக்கேற்ப நடைபெறும்.

சீதனம்.

தகப்பன், தாய் ஆனவர்கள் தங்கள் சீதனமாகப் பெற்ற பொருளையும் தேடிய தேட்டத்தையும் தம் பிள்ளைகளுக்குச் சீதனமாகக் கொடுக்க வேண்டும்.

சொத்துரிமை

ஒருவரின் முதுசோழம் பிற வழிகளாற் கிடைத்த சொத்துடைமைகளும் மருமக்களுக்குச் சேரும். ஒருவரின் சீதனமும் தேடிய தேட்டமும் ஆவரின் மக்களுக்குச் சேரும்.

நன்கொடைகள்

எவரேனுமொருவர் தன் முதுசோழம், சீதனம், தேடிய தேட்டம் ஆகியவற்றை நன்கொடையாகக் கொடுக்க விரும்புவாரேல் அதற்கு அவர் தனது பிள்ளைகள், மருமக்கள், இவர்களல்லாத பிற உரிமையாளர் ஆகியோரின் சம்மதத்தை எழுத்து மூலம் பெற்றுக் கொள்ள வேண்டும்.

ஒற்றியும் விற்பனையும்

எவரேனுமொருவர் தனக்கு முதுசோமாகவோ சீதனமாகவோ அல்லது தேடிய தேட்டமாகவோ கிடைத்த ஆதனத்தை விற்குமிடத்தும் ஒற்றி வைக்குமிடத்தும் அதனைப் பற்றித்தனது மக்கள், மனைவி, மருமக்கள் இவர்களல்லாத பிற உரிமையாளர் ஆகியோருக்கு அறிவித்து அவர்களின் சம்மதத்தை எழுத்து மூலம் பெற்றுக் கொள்ளல் வேண்டும்.

குத்தகை

எவரேனுமொருவர் வயல் நிலங்களைக் குத்தகைக்கு செய்கை பண்ணுமிடத்து ஓரமணம் நிலத்திற்கு ஆண்டொன்றுக்கு ஓரமணம் நெல் வீதமாகக் குத்தகை கொடுப்பது வழமையாகும்.

நெல், காசு ஆகியவற்றின் கடன்

எவருக்கேனும் காசு கடனாகக் கொடுக்கப்படுமிடத்து மாதமொன்றுக்கு நூற்றுக்கு ஒரு வீதமென்ற வகையில் முதலுக்கு வட்டி கொடுக்கப்படுதல் வேண்டும். நெல் கடனாகக் கொடுக்கப்படுமிடத்து அதற்கு வட்டி 25 அல்லது 50 வீதமாகும்.

மஞ்சள் நீர்ப்பிள்ளை

எவரேனும் மஞ்சள் நீர்ப்பிள்ளைகளை வளர்க்க விரும்பினால் அப்பிள்ளைகளுக்குத் தம்மை வளர்க்கும் தாய் தந்தையரின் சொத்துடைமைகளில் உரிமை உள்ளவிடத்து அப்பிள்ளைகளை வளர்க்க விரும்புவோர் நமது உறவினரதும் உரிமையாளரினதும் சம்மதத்தைப் பெற்றுக் கொண்டே அவர்களை வர்க்கலாம்.

(3)

தம்பலகாமத்தில் நிலவும் நாட்டு வழமைகள் பற்றித் தம்பலகாமத்துத் தலைமைக்காரர் தயாரித்த அறிக்கை.

கலியாணம் பற்றிய வறுமைகள்

கலியாணஞ் செய்ய விரும்புவோர் அதனைப் பற்றி (நாட்டு) வன்னியருக்கு அல்லது தங்களிடத்து முதலியார்க

ளுக்கு அறிவித்தல் வேண்டும். அவ்வாறு அவர்களிடம் போகும் போது வெற்றிலை கொண்டு போதல் முறையாகும். அவர்கள் முன்னிலையில் மணமகனும் மணமகளும் கலியாண ஒப்பந்தம் எழுதிக் கொள்ளல் வேண்டும். மணமகன், மணமகள் ஆகியோரின் எவரேனுமொருவர் தனது வாக்குறுதியினிலே தவறினால் குற்றப்பணம் கொடுப்பதாகவும் தண்டனைகளை உத்தரிப்பதாகவும் கலியாண ஒப்பந்தத்தில் உத்தரவாதம் கொடுத்தல் வேண்டும். அதற்குப் பின்பு இனபந்துக்களிடம் வெற்றிலையுடன் சென்று அவர்களைக் கலியாணச் சடங்கிற்கு அழைக்க வேண்டும். பிராமணரை அழைத்து வந்து சுற்றத்தவர் முன்னிலையில் கலியாணச் சடங்கினைச் செய்து மணமகளின் கழுத்திலே மணமகன் தாலியினைக் கட்டுதல் வேண்டும். அதன் பின் மணமகளின் பெற்றோர் சீதன உறுதியினை ஓலையில் எழுதிக் கொடுத்தல் வேண்டும்.

சீதனம்

தாய், தகப்பன் ஆனவர்கள் தாம் சீதனமாகவும் தேடிய தேட்டமாகவும் பெற்றுள்ள தங்க நகை, வெள்ளி நகை, வயல், குளம், தோட்டம், அடிமைகள் முதலான சொத்துடைமைகளை தங்கள் பிள்ளைகளுக்குச் சீதனமாகக் கொடுப்பர்.

சொத்துரிமை

தாய், தகப்பன் ஆனவர்கள் சீதனமாகவும் தேடிய தேட்டமாகவும் பெற்றுள்ள உடைமைகள் பிள்ளைகளுக்குச் சேரும். முதுசோமமாகக் கிடைத்த பொருட்கள் மருமக்களுக்குச் சேரும். மருமக்கள் இல்லாதவிடத்துப் பிள்ளைகளுக்குச் சேரும். பிள்ளைகளும் இல்லாதவிடத்து அவை மிக நெருங்கிய உறவினருக்குச் சேரும். அப்படியானவர்களும் இல்லாவிடில் அச்சொத்துக்கள் திருச்சபைக்குக் கொடுக்கப்படும்.

ஆதனங்கள்

காடுகளைத் திருத்தி நிலத்தைச் செய்கை பண்ண வேண்டுமாயின் முதலில் வன்னியருக்கு அல்லது முதலியாருக்கு அதனைப் பற்றி அறிவித்து அவரின் அனுமதியினைப் பெற்றுக்

கொள்ள வேண்டும். அதற்குப் பின் காடுகளை வெட்டி நெற் காணிகளையும் தோட்டங்களையும் அமைத்து அவற்றை உடைமைகளாக்கிக் கொள்ளலாம். அத்தகைய நிலங்களைப் பிறருக்கு விலை கொண்டு விற்கவோ ஒற்றியாகக் கொடுக்கவோ முடியும். மேலும், அவற்றைப் பிள்ளைகளுக்குச் சீதனமாகவும் கொடுக்கலாம். நெற்காணிகளிலிருந்தும் தோட்டங்களிலிருந்தும் வரும் வருமானத்திலே 10 வீதம் கோனேசர் கோயிலுக்குக் கொடுக்கப்பட வேண்டும்.

நன்கொடை

சீதனம், தேடிய தேட்டம், முதுசோம் ஆகியவற்றையும் எவரேனுமொருவர் நன்கொடையாகக் கொடுக்க விரும்புமிடத்து அதனைப் பற்றி மனைவி, மக்கள், மருமக்கள் இவர்களல்லாத பிற உரிமையாளர் ஆகியோருக்கு அறிவித்து அதற்கான அவர்களின் சம்மதத்தை எழுத்து மூலம் பெற்றுக் கொள்ளுதல் வேண்டும். இவ்விதமாகச் செய்யப் பெறாத நன்கொடை எதுவும் பெறுமதியற்றதாகும்.

கூலி

என்றேனுமொருவர் மனிதனொருவனைக் கூலியாளாகக் கொண்டால் அம்மனிதனுக்கு உணவும் வருஷமொன்றுக்கு இரண்டு வேட்டிகளும் கொடுக்க வேண்டும். பொருந்திய காலம் முடிந்ததும் அம்மனிதனுக்கு ஐந்து (5) இறைசால் பணங் கொடுத்தல் வேண்டும். கூலியாளர் பன்னிரண்டு மாத காலத்திற்கு வேலை செய்தல் வேண்டும்.

(4)

கட்டுக்குளம்பத்தில் நிலவும் வழமைகள் பற்றிக் கட்டுக்குளம் தலைமைக்காரர் தயாரித்தளித்த அறிக்கை.

26 மார்ச், 1815

கலியாணமும் சீதனமும்

ஒரு மணமகனுக்கும் மணமகளுக்கும் கலியாணஞ் செய்ய விரும்புமிடத்து அவர்களின் பெற்றோர்கள் அதனைப் பற்றி

பிரதேச (District) வன்னியருக்கு அறிவித்தல் வேண்டும். அதனைப் பற்றி அறிவிக்கப் போகுமிடத்து அவருக்கு வெற்றிலை கொண்டு போதல் முறை. கலியாணஞ் செய்வதற்கு வன்னியரின் அனுமதியைப் பெறல் வேண்டும். வன்னியரின் முன்னிலையில் மணமகனும் மணமகளும் தாங்கள் மணம் முடிக்கப் போவதாகவும் தம்மில் எவரேனுமொருவர் (பின்னர்) தனது வாக்கிலிருந்து தவறுமிடத்து குற்றப்பயணம் கொடுக்கவோ தண்டனை உத்தரிப்பதாகவோ உத்தரவாதங் கூறி ஒப்பந்தம் ஒன்றினை ஒலையில் எழுதிக் கொள்ள வேண்டும்.

உறவினருக்கும் மற்றுமுள்ள ஊரவர்க்கும் வெற்றிலை கொடுத்துக் கல்யாணம் பற்றி அறிவித்தல் வேண்டும். குடிமக்களாயுள்ளவர்களை வரவழைத்து அவர்களுக்கு வெற்றிலை கொடுத்தல் வேண்டும். பிராமணரொருவரை வரவழைத்து அவர்களனைவரினதும் முன்னிலையிலே கலியாணச் சடங்கினைச் செய்து பெண்ணின் கழுத்திலே மணமகன் தாலிக் கொடியினைக் கட்டுதல் வேண்டும்.

சபையோரின் முன்னிலையிலே மணமகனும் மணமகளும் பெற்றோர் சீதன ஓலை எழுதிக் கொள்ளல் வேண்டும். தாயின் உடைமைகளான தங்க நகை, வெள்ளி நகை, பித்தளைப் பாத்திரங்கள் முதலியனவும் வீடு, காணி, பயிர்ச் செய்கை பண்ணுவதற்கு ஏற்றதான வயல்நிலம், மந்தைகள், இரும்புக் கருவிகள் போன்ற பொருட்கள் சீதனமாக எழுதப்படும். ஒலையில் எழுதப்படும் சீதன உறுதியில் உரிய சாட்சிகள் ஒப்பமிடுதல் வேண்டும்.

சொத்துரிமைகள்

பெற்றோராயுள்ளவர்கள் இறந்த பின்பு தகப்பனின் முதுசோமமாயுள்ள சொத்துக்கள் சகோதரியின் பிள்ளைகளாயுள்ள மருமக்களைச் சேரும். தாயின் சீதனமும் தாய், தகப்பன் ஆகிய இருவருங் கூடிச் சேர்த்த தேடிய தேட்டமும் அவர்களின் பிள்ளைகளுக்குச் சேரும். மருமக்களில்லாவிடத்து தகப்பனின் முதுசோமான சொத்துக்களும் பிள்ளைகளுக்கே சேரும். பிள்ளைகள் இல்லாதவிடத்து தாயின் சீதனமாயுள்ள பொருட்கள் யாவும்

அவளின் கிட்டின உறவுமுறையாருக்குச் சேரும். தகப்பனின் முழுசோமாயுள்ள சொத்துக்கள் அவனின் நெருங்கிய உறவினருக்குச் சேரும். அவர்களின் தேடிய தேட்டம் இருவரினதும் உறவினராலே பகிர்ந்து கொள்ளப்படும். உறவினர் இல்லாதவிடத்து சொத்துக்கள் யாவும் கோனேசருக்கோ தர்மத்துக்கோ கொடுக்கப்படும்.

ஆதன உரிமைகள்

குடியானவர்கள் வன்னியரிடம் வேண்டுகோள் பண்ணி அவரின் அனுமதியுடன் காட்டினை வெட்டி தாம் விரும்பிய அளவிலான நிலத்தைச் செய்கை பண்ணுவார்கள். அதிலே குடியிருந்து கொண்டு பயன்தரு மரங்களை உண்டுபண்ணுவதோடு அந்நிலம் முழுவதிலும் அல்லது அதனொரு பகுதியில் நெற் செய்கை பண்ணுவார்கள். அந்த நிலத்திலே குளமும் வெட்டிக் கொள்ளலாம். அந்த நிலத்தை உரிமையாக்கிக் கொள்வதோடு தங்கள் பிள்ளைகளுக்கும் சீதனமாகவும் கொடுக்கலாம். மேலும் அதனைத் தாம் விரும்பியவர்களுக்கு ஒற்றி வைக்கலாம். ஒற்றியாகக் கொள்பவர்கள் ஒற்றிப் பயணத்தைப் பெறும் வரை நிலத்தை வைத்திருக்கலாம். ஒற்றிக்கு வட்டி கொடுப்பதில்லை.

ஒற்றிக்குக் கொடுத்த நிலத்தைச் சீதனமாகக் கொடுக்கலாம். அதனைப் பிறருக்கு விற்றுங் கொள்ளலாம். ஒல்லாந்தர் காலத்தில் அவ்விதமாக அனுமதி பெற்றுச் செய்கை பண்ணின நிலத்திலும் அதிலே அமைக்கப்பட்ட குளம், தோட்டம் ஆகியவற்றிலும் கிடைக்கின்ற வருமானத்திற் பத்திலொரு பங்கு கோனேசருக்குக் கொடுப்பது வழமை.

நன்கொடை

எவரேனுமொருவர் வேறொருவருக்குத் தனது சொத்துக்களை நன்கொடையாகக் கொடுக்க விரும்பினால் தனது மனைவி, பிள்ளைகள், பிற உரிமையாளர் ஆகியோருக்கு அசைனைப் பற்றி அறிவித்து அவர்களின் சம்மதத்தை எழுதது மூலம் கையொப்பத்துடன் பெற்றுக் கொள்ளுதல் வேண்டும். இல்லா

விடில் நன்கொடை பெறுமதியுள்ளதாகக் கருதப்பட மாட்டாது.

கடனும் கூலி வேலையும்

எவரேனுமொருவர் ஒருவரைக் கூலியாளாகக் கொள்ளுமிடத்து அவருக்குப் போசனமும் ஐந்து முழ வேட்டியும் ஐந்து இறைசால் பணமும் கொடுக்க வேண்டும். இவற்றைப் பெறும் கூலியாள் ஒரு வருடம் வேலை செய்தல் வேண்டும். தனது எஜமானர் திட்டம் பண்ணுகின்ற வேலைகளைச் செய்தல் வேண்டும். ஐந்து இறைசால் பணமும் வழமையாக ஒரு வருடம் முடிந்ததும் கொடுக்கப்படும். அதற்கு முன் அதனைக் கொடுக்கும் வழக்கமில்லை.

எவரேனுமொருவர் உழவு மாடுகளைக் கூலிக்குப் பிடித்தால் அவை ஒவ்வொன்றுக்கும் காலமணம் நெல் என்றபடியாகக் கூலி கொடுக்க வேண்டும். பொதி மாடுகளைக் கூலிக்குப் பிடிக்குமிடத்து அவை ஒவ்வொன்றுக்கும் நாளொன்றுக்கு இரண்டு பணம் கூலியாகும். பொருட்களை அடைகின்ற சாக்குகள் ஒவ்வொன்றுக்கும் நாளொன்றுக்கு ஒவ்வொரு பணமும் கூலியாகும்.

கூலிக்குப் பிடிக்கப்படும் மாடொன்று செத்துப் போனால் அதன் பிணத்தை உடையவனுக்குக் காண்பித்து அதற்குரிய கூலியை அவனுக்கு உடனே கொடுக்க வேண்டும். ஆனால் கூலிக்குப் பிடித்தவன் மாட்டின் பெறுமதியை உடையவனுக்குக் கொடுக்க வேண்டியதில்லை.

கூலிக்குப் பிடித்த மாடொன்று கட்டறுத்து ஓடுமாயின் அதனைக் கூலிக்குப் பிடித்து வைத்திருப்பவன் உரிய கூலியை உடையவனுக்குக் கொடுப்பதோடு அதனைப் பிடித்தும் அவனிடம் ஒப்படைக்க வேண்டும்.

கொள்வனவு விற்பனைகள்

எவரேனுமொருவர் தனது சொத்துடைமைகளை விற்க விரும்பினால் அதனைப் பற்றித் தனது மனைவி, மக்கள் ஆகியோருக்கு அறிவித்தல் வேண்டும்.

அடிமைகள் பற்றிய கொள்ளளவு விற்பனைகள்

எவரேனுமொருவர் ஆண்களையும் பெண்களையும் அடிமைகளாக விலைக்குக் கொள்ளுமிடத்து பெண்ணடிமை பிரசவிக்கும் காலத்திலே தேவையான கறிவகைகளை வாங்குவதற்குத் தேவையான பணத்தை எஜமான் கொடுக்க வேண்டும். விறகு சேகரித்தல், நெல் குற்றுதல், எசமானோ எசமாட்டியோ ஏவுகின்ற இவை போன்ற பிற கடமைகளைச் செய்வதே பெண்ணடிமையின் கடமையாகும்.

ஆணடிமைகள் நெல்வயல்களைச் செய்கை பண்ண வேண்டும். அதற்குத் தேவையான மாடுகள், கலப்பை மண்வெட்டி, விதை நெல் முதலியவற்றையும் போசனத்தையும் அவர்களுக்கு எஜமான்கள் கொடுத்தல் வேண்டும். வேளாண்மையினை அறுவடை செய்யுங் காலத்தில் மாடுகள், மண் வெட்டிகள் (போன்ற உபகரணங்கள்) ஆகியவற்றுக்குக் கூலி கேட்கப்படாது. விதை நெல்லையும் வயலில் வேலை செய்யுங் காலங்களில் போசனத்துக்குப் பெற்ற நெல்லையும் வட்டியின்றி ஆணடிமையானவன் முதலில் எசமானனுக்குத் திருப்பிக் கொடுக்க வேண்டும். மிகுதியாக நெல்லை இரு சம பாகங்களாகப் பிரித்து அவற்றில் ஒவ்வொன்றை எசமானும் அடிமையுங் கைக்கொள்வர். தங்கள் எசமானர்களுடைய தோட்டத்து வேலியினை அடைப்பதும் வீட்டுக் கூரையினை வேய்ந்து கொள்வதும் அவர்கள் போகுமிடங்களுக்கு அவர்களோடு கூடிப் போதலும் இளைஞரான ஆணடிமைகளின் கடமைகளாகும்.

நெல், காசு ஆகியன கடன் கொடுத்தல்

எவரேனுமொருவர் பிறரொருவருக்கு காசு கடனாகக் கொடுத்தால் அவருக்கு மாதமொன்றுக்கு ஒரு வீதமென்ற படியாக வட்டி கொடுத்தல் வேண்டும். நெல்லைக் கடனாகக் கொடுத்தால் அதற்கு வட்டி 25 வீதமாகும்.

மஞ்சள் நீர்ப்பிள்ளை

ஆணாகவோ பெண்ணாகவோ உள்ள எவரேனுமொருவர் வேறொருவரின் பிள்ளையை எடுத்து வளர்க்க விரும்பினால் மேல்வரும் விடயங்கள் கவனிக்கப்படும்.

தங்கள் பிள்ளையை பிறரிடம் வளர்க்கக் கொடுப்பவர்களான பெற்றோர் அப்பிள்ளையின் பாதங்களின் மஞ்சள் பூசித் தங்கள் கைகளை மஞ்சள் நீரினாற் கழுவி அதனைக் குடிக்க வேண்டும். அவ்வாறு செய்வதே தகுந்த முறையாகும். அதன்பின் அப்பிள்ளை தன்னை வளர்க்கும் தாய், தகப்பன் ஆனவர்கள் விரும்பிக் கொடுக்கும் சொத்துக்களுக்கெல்லாம் உரிமைக் காரனாவான் (ள்). அச்சொத்துக்களை அவ்வாறு கொடுப்போர் அதற்கு தங்கள் பிற உரிமையாளரின் சம்மதத்தைப் பெறுதல் வேண்டும்.

இவற்றைப் பற்றி வன்னியர் எழுதிய குறிப்புகள்:

முன்பு, ஒல்லாந்தரின் அரசாங்கத்தில் நெல் வயல்களில் விளைந்த நெல்லிற் பத்திலொரு பாகம் கோனேசருக்குக் கொடுக்கப்பட்டது. ஆனால் இப்போது அது அரசாங்கத்தினால் எடுத்துக் கொள்ளப்படுகின்றது.

முன்னாலே சொல்லப்பட்ட விதத்திலே சீதனமாகவோ நன்கொடையாகவோ நிலங்களைப் பெறுவோர் அவற்றை விற் பதில்லை. அவற்றின் புரோசனங்களை விற்றுக் கொள்ளலாம்.

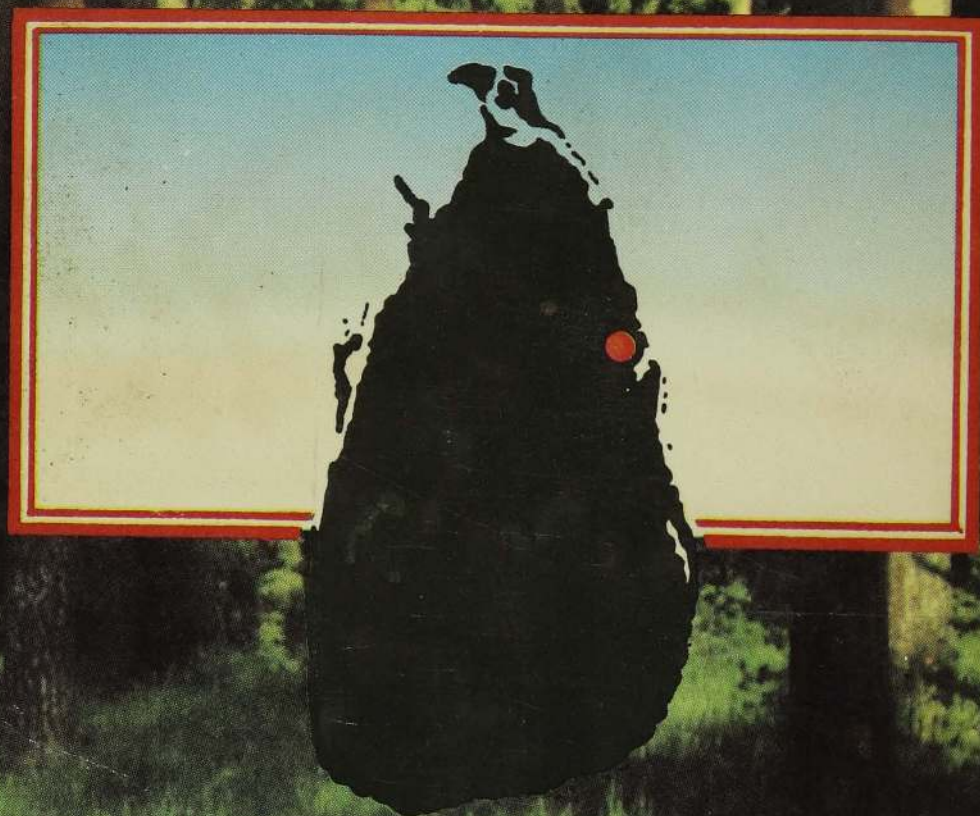
இந்நாட்களிற் காசு கடன் கொடுப்போர் மாதமொன்றுக்கு ஒன்று முதல் இரண்டு வீதம் வரை வட்டி வாங்கி வருகின்றனர். இப்போது கடனாகக் கொடுத்த நெல்லுக்கு வட்டி 25 முதல் 50 வீதமாகும்.

ஏனைய எல்லா வழமைகளும் முன்போலவே இப்பொழுதும் நிலவி வருகின்றன. தங்களுக்குக் குற்றம் போடுவதற்கோ தண்டனை வழங்குவதற்கோ வன்னியருக்கு (இப்போ) அதிகார மில்லை என்பதைக் குடியானவர்கள் அறிந்திருப்பதால் கலியாண ஒப்பந்தம் பற்றிய ஓலைகளை அவர்கள் எழுதுவதில்லை.



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THE LAWS AND CUSTOMS OF THE TAMILS OF TRINCOMALEE



PROF. S. PATHMANATHAN

