Contested conjugality? Sinhalese marriage practices in eighteenth-century Dutch Ceylon

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In 1782, a Sinhalese family feud was brought from a lower Dutch court in Galle before the appellate Council of Justice in Colombo, the highest judicial institution on Dutch Ceylon.[i] The case revolved around a stepmother and son who - through their legal representatives - fought over the inheritance of their respective husband and father, a local headman or *mudaliyar* in the Southern region of Matara.[ii] A striking element in the son's appeal focused on the legal concept of marriage, and the rules of inheritance attached to them. By claiming that only his father was baptized a Christian while his stepmother was a 'heathen', his representatives argued that the union was not legal according to Dutch law, and therefore he was the sole inheritor, as the headman's will had stated. Interestingly enough the widow trumped her stepson's argument by stating that her husband's baptism was never recorded by the Dutch, making the union itself therefore 'heathen', and Dutch customs thus entitled her to half of the inheritance. The son's representatives went a step further to pull out proof from the Dutch colonial administration from decades earlier that the headman's parents had been married as Christians, making their son a Christian and his marriage to a 'heathen' woman therefore illegitimate. Much to the surprise of the son (and to our present-day reading of colonial law) the lower Dutch court in Galle – which had a mix of foreign and local judges - had ruled in favour of the widow, thereby ignoring both pieces of evidence from their own colonial registration: being the Dutch proof of marriage of the headman's parents, and the lack of registration of his wedding to the stepmother.

This interesting case-study perfectly illustrates the complexities of legal pluralism in a colonial setting, and the contestation of conjugal practices in particular. Although the Dutch administration in theory did not recognize or record Sinhalese marriages, court cases like these raise questions on the practical implementation of this norm. What drove the stepmother and son to take recourse to unfamiliar procedures in colonial institutions in the first place? Why did the Dutch ignore their own registration practise as evidence in a judicial forum? And what does this all tell us about the impact of Dutch marriage law in everyday Sinhalese family life?

In the last decade growing interest among historians and historical demographers considerably expanded our understanding of family life under colonial rule, questioning how these families responded to the pressures of the colonial powers, who had to balance their practical concerns of extracting profits, keeping the peace, and spreading their moral standards and religious beliefs. The once dominant top-down view of colonial power was gradually abandoned for a conceptual framework in which norms and values constantly needed to be ´transposed´ and negotiated, ´(…) un incessant travail de recompositions, d'hybridations et de négociations´ (Gourdon and Ruggiu, 2011, 27). Not surprisingly, studies on colonial families often focus on marriage, and by extension illegitimacy and inheritance rules (e.g. Cousseau, 2011). The definitions, rights and conflicts surrounding marriage are considered a good focal point for studying the interaction between colonial institutions and indigenous families, as ´marriage binds individuals to each other, just as it binds married persons to larger social, religious and political communities' (Burrill, 2015, xxx). The French colonial state for example was greatly concerned with the codification of African conjugal practices in order to make marriage ´legible´.This did not necessarily imply that French rules were uniformily imposed; in some colonies marriage codification implied a strengthening of Islamic laws (Reinwald, 1997).

This article follows this historiographical reiteration by uncovering the formation of a hybrid and pluralistic combination of customary law, Church rules and formal civil codes in eighteenth-century Ceylon. Contrary to most studies on colonial families the focus here will be upon indigenous (i.e. Sinhalese) unions, rather than on mixed marriages. Moreover, the aim is to contribute to current historiography by highlighting the remarkable leeway for individual bottom-up agency provided by this hybrid system. In addition, our case-study can be seen as an exercise in 'critical demography', by contextualising and deconstructing the basic categories found in sources and studies on population (cf. Szreter et al, 2004; Axelsson and Wisselgren, 2016).

In this article these conjugal categories will be contextualised within a larger framework to determine how both the Sinhalese and the Dutch dealt with unfamiliar marriage practices. We will analyse if and how Sinhalese marriage practices were *contested* in Dutch colonial registration by both parties, and what these contestations tell us about everyday colonial family life. First, Sinhalese and Dutch marriage practices are explored to understand the nature of the contested conjugal traditions. Afterwards, the origin and functioning of Dutch colonial bureaucracy in coastal Ceylon is introduced in greater detail. The *thombo* registration of almost two hundred villages in the Colombo province (see also Drixler and Kok, 2016) is analysed as an arena where these different traditions had to be atoned. How did the local census takers register Sinhalese marriages in their population administrations? Did they sanction or accommodate those who did not comply with Christian norms? In the third section the reactions of the Sinhalese to the Dutch categories constituting formal marriage imposed on them are analysed, as they became apparent in cases brought before the Dutch colonial judiciary. How did Sinhalese families interact with these foreign marital rules, and what role did they possibly play in local family feuds over inheritances? In the end the article will reflect on the impact of the Dutch legal definition of marriage on everyday life of Sinhalese families in eighteenth-century Ceylon.

CLASHING CONCEPTS OF MARRIAGE

As the Portuguese and then the Dutch settled in Ceylon from the sixteenth century onwards, European and Sinhalese cultural norms and traditions were increasingly confronted with one another. Many aspects of Sinhalese marriage practices were bewildering for European Christians, but vice-versa some of the Dutch customs must have been strange for Sinhalese. In this part conjugal practices from both the Dutch and the Sinhalese are thoroughly compared, discussing both the differences and similarities between the two.

Sinhalese conjugal practices

Early modern eyewitness reports indicate that according to Europeans, marriage was not taken very seriously by the Sinhalese. The locals considered themselves married after a trial period, and when things did not work out, divorce was very easy. Robert Knox, who had spent twenty years in fairly comfortable captivity in Kandy, wrote in 1681 that 'their Marriages are but of little force or validity. For if they disagree and mislike one another; they part without disgrace' (Knox, 1681, 176–177). Among the Sinhalese Buddhists, marriage was indeed remarkably informal and 'free'. Women could try out a partner and cohabit before a relation was formalized by granting rights to use land. Of course, this could lead to problems. The Sinhalese state recognized a legal marriage not based on formal procedures, but whether the family heads had consented, whether the couple married within their caste and not within the forbidden degrees of kinship, and whether they had cohabited (Pieris, 1956, 203). Not surprisingly, marriage rituals among most Sinhalese were simple, and often did not entail much more than the groom bringing a cloth to the bride's house. When she dressed herself in this cloth, he would conduct her to her new home (Pieris, 1956, 200). Much more elaborate rituals were found among the higher ranks. First, an astrologer had to appoint the most auspicious day for the wedding. On the appointed day, the groom would bring many presents (spices and food), to be carried by a group of lower caste men. At the gate of the bride's home, he would pay a fee to her cross-cousin (often the son of the eldest brother of her mother), who according to Sinhalese norms had a vested right to marry his cousin. In this way, families counteracted property fragmentation caused by equal inheritance extending to daughters. Then, the visiting party handed over the presents and the night was spent eating and talking. At dawn, the couple were placed in a lucky direction, as ascertained by the astrologer, their little fingers were tied together, and they shared two balls of rice, symbolizing their mutual obligation to provide for food. Finally, a procession brought the couple to their home, where the feast would start. Pieris notes that the binding of hands - which symbolized indissolubility of the union - could be omitted as people were often not preparing for a permanent union (1956, 201).

A nineteenth-century observer claimed that the first fortnight was a trial period for the couple, after which their marriage could be easily annulled (Davy, 1821, 286).

The informal character of marriage should not be mistaken for equality or companionship. Although a conjugal unit was recognised by others as such, at marriage there was no creation of a joint conjugal fund (the spouses kept their own shares), women and men ate and slept separately, and consorted mainly with their same-sex peers (Yalman, 1967; Goody, 1990). In the end, partner choice remained part of a family strategy and parents frowned upon romantic marriage: 'Marriage by choice has no claim upon kin for dowry, no claim for help in harvest and no claim for cooperation in marrying some ultimate daughter of the union' (Ryan, 1952, 363). In addition, marrying outside one's own caste or ethnicity (*variga*) was an absolute no-go (Leach, 1961, 92; Yalman, 1967, 59) or at least frowned upon (Obeyesekere, 1967, 17). All in all women or couples were not 'autonomous' but remained subject to the interests of the agnatic kin group. According to Ryan - discussing the situation around 1950 - this implied that men and women had no shared interest in their offspring (or in reducing their number): 'Children are contributions to his family not to hers; the wife is a contractual agent for the husband's kin; he is of its very substance' (Ryan, 1952, 379).

Patrilineality was the dominant principle of descent and the land was mainly worked by groups of agnatically related men and their wives (see also Kok, 2017). However, women could inherit land in equal measure to their brothers. She could stay with her parents, bring in a husband, and transmit her share to her children. Such an uxorilocal marriage is called *binna.* For a woman who left the family compound, and married in the *diga* fashion, the entitlement to a share of the land was *temporary.* This implies that she could reclaim her share upon divorce or widowhood, if she returned to her parents' village and rendered assistance to them in their old age. She could also later decide to move with her husband to her parental home. Often, she sent a son to marry one her brother's daughters; such a cross-cousin marriage effectively combined two shares. After her parents died, the share of a woman who had left the family reverted to the brothers and sister who had stayed behind (Tambiah, 1965; Obeyesekere, 1967; Yalman, 1967; Goody, 1990). The concept of 'out residents', while it had no place in European inheritance laws, enabled a divorced or widowed woman to claim her share on returning to the compound provided that she fulfilled certain criteria such as caring for her parents. Dowries were used to ´buy off´ potential claims by outmarrying daughters (Obeyesekere, 1967).

Besides the more informal character of Sinhalese marriages, even more shocking to the moral sensitivity of Europeans was polyandry or the sharing of a wife by several brothers, which, according to a seventeenth-century Portuguese captain was ´very ridiculous´:

the husband has no greater claim on his wife than his brothers have; if he finds her alone, he takes her for himself, but if one of his brothers is with her, he cannot disturb them. Thus, one wife is sufficient for the whole family and all their property is in common among them, they bring their earnings into one general stock, and the children call their brothers indifferently their fathers´ (Ribeyro, 1685/1847, 60).

Kemper (1980; also Tambiah, 1966) relates polyandry to key characteristics of Sinhalese marriage. Because men and women kept their independent property rights, and did not pool their resources in a conjugal fund, the transmission of rights, status and property followed another logic. Men and women passed on their property to their own blood children, and this also allowed for greater sexual freedom. As cross-cousins were destined from birth to marry one another, neither the marriage act, nor sexuality as its symbol, held great meaning in this respect. The conjugal bond was not created through marriage or sex, it already existed (Kemper, 1980, 305). To symbolize marriage, the Sinhalese used a more mundane act: a wife´s cooking and serving food to her husband (*bat uya denava*). And when she had two, it is said she cooked for both husbands. Polyandrous marriages are referred to as 'eating in one house' (*eka ge magul kama*) (Kemper, 1980, 309). Polyandrous marriages were flexible arrangements, whereby brothers decided to pool their labour power and resources, strengthening the viability of the household. However, there was no equality among brothers, an older brother would have a higher status than younger ones. Relations among them were always formal. Children would

refer to the original, superior husband as ´big father´ to the added husband(s) as ´middle´ or ´little father´.

If there was hardly any marker of marriage, and if children inherited separately from both their parents, there seems little room for the notion of ´illlegitimacy´. Yet, the concept was recognised in Sinhalese law in some circumstances. One was regarding children of women who had married beneath their caste. A higher-caste woman who had an alliance with a lower-caste man was subject to much censure, potentially even death at the hands of her kin (Pieris, 1956, 177–178). Children born of such a union were considered illegitimate. Issue from an 'equal' union of a man and woman of equal caste in a recognised union were not considered illegitimate as also children of men of higher caste who married with lower caste women or a woman within the prohibited degrees of relationship. The *Niti Nighanduva* (Le Mesurier & Panabokke, 1880/1994) states that in such unions, if parental consent was lacking, then the children would be considered illegitimate. They could inherit the acquired property of the father, but not his ancestral property. Thus, the European concept of illegitimacy that was dependent on a requirement for registration was new to the Sinhalese.

Dutch conjugal practices

Dutch marriage rules were almost diametrically opposed to the Sinhalese ones. From 1580 onwards, one could be married only through an official ceremony performed by a church minister or magistrate, in the presence of witnesses, to be duly recorded. Before marriage, public notice had to be given by publishing banns on three consecutive Sundays. When no formal complaints against the marriage (e.g. because of bigamy) were lodged, the marriage could proceed. The older, more informal, practices of mutual marriage promises, either in private or in the form of a public betrothal, were no longer valid in The Netherlands (in contrast to several other European countries). Unmarried cohabitation was considered a criminal offense, for which one could be banished for up to twelve years (see Kok and Leinarte, 2015). The clear demarcation of marriage also implies clear definitions of illegitimacy: all children not born or conceived during marriage, are illegitimate. However, when the parents did marry, the children could be legitimized. Also, if a man refused to marry a girl he had impregnated, she could sue him for alimony. Illegitimate children could not inherit from their father, unless he made a provision in his will. Another striking difference with Sinhalese practices is that upon marriage the possessions of the partners were pooled in a conjugal fund, which was controlled solely by the husband. Partners could avoid this by signing prenuptial agreements. The only exceptions were granted to female merchants, and wives of sailors who had to fend for themselves (Van der Heijden et al, 2009).

In Roman Catholic Europe, marriage among kin had become strictly regulated, extending to affinal and spiritual (through godparents) relations as well. Dutch Protestantism reduced the number of forbidden degrees to three, which in principle made marriages between cousins possible. Marriages between affines were also permissible. Marriage with a person of another Christian faith was frowned upon, but not forbidden, although the rules became stricter during the eighteenth century as government officials and persons younger than twenty-five were no longer allowed to enter an interfaith marriage (Haks, 1985, 108; Kok, 2015). Marriage with a non-Christian was outright forbidden. In Ceylon, enforcement of this rule proved difficult. In 1760, the government issued harsh rules against marriages with Buddhists: if a Christian woman was found to live with a heathen, the two of them were to be flogged ´till blood appeared´, their property confiscated and their children taken as slaves (Pieris 1918, 88).

Sexuality was certainly not taken lightly by the Dutch. Fornication of unmarried youths was punished by the church, but a more serious offense was adultery, which could result in banishment for up to fifty years. Especially when the woman involved was married, the punishment was harsh (Van der Heijden, 1998, 48). Adultery could be a reason for divorce (which was possible in the Netherlands in contrast to Roman Catholic countries), but partners guilty of adultery could never marry one another.

Sinhalese and Dutch norms had some similarities as well. In both, the consent of parents was a condition for a valid marriage. The Dutch were not allowed to force a partner upon their son or daughter, but they could refuse to agree to a marriage if they considered the partner unsuitable (Haks, 1985, 116-117). An important resemblance concerns female inheritance. In principle Dutch daughters received the same as sons. When a husband died, the widow would receive half of the common property, the other half was to be divided among the children. The Sinhalese practice of partible and equal inheritance, with daughters receiving land as well, was thus not strange to the Dutch. However, the Sinhalese notion that women who left the family compound rescinded their rights to the parental property, led to legal confusion in cases where they returned to their parental village (Rupesinghe, 2016).

Dutch colonial registration of Sinhalese marriages was not primarily intended to control the adherence to Protestant norms, but to ensure the proper performance and the intergenerational transmission of the feudal services attached to land. Groups of family members occupied plots of land to which, from ancient times, feudal services and taxes were attached. The preservation of this feudal system was essential to the Dutch colonial economy in Ceylon. It was imperative that the rulers knew who inherited these ´service´ lands, and thus who was responsible. Sinhalese inheritance followed its own (unwritten) rules, which were, again, very distinct from the Dutch. Ensuring the continuance of (labour) service, the rules defining marriage, legal offspring, and inheritance needed to be as unequivocal as possible. But in doing so, the Dutch depended on cooperation from the local elite, and as these were not always to be trusted, even more from the population at large. This implied finding a *modus vivendi*, some common ground between two cultural and legal systems, obviously not based on equality. In practice, this meant that many disputes surrounding marriage and inheritance were settled according to Sinhalese rules (Rupesinghe, 2016). This implied that, somehow, the Dutch had to accommodate for the fact that most Sinhalese were Christians in name only (´Christiani sine Christo´ as they were called by some officials according to Reimer, 1947, VI) and that they had not abandoned informal marriage and polygamy. In the next section, we will see how this was reflected in the colonial administration of the so-called school and head thombos.

THE DUTCH POPULATION REGISTRATION IN CEYLON

Until recently the governance policy of the Dutch East India Company in their colonies was often underestimated to be no more than the maintenance of their trade posts, purely motivated by economic revenue and profits (Schrikker, 2006, 1-3; Vink, 2007, 56). Yet, already in 1978 Jurrien van Goor showed in his dissertation on Dutch education in Ceylon between 1690 and 1795 that the colonial government of Dutch Ceylon went to great lengths to govern both the large territory they inherited from the Portuguese and its population. He showed that the Dutch tried to commit the indigenous people to the Dutch cause through schooling. They did this by attempting to convert the native residents of the island to Protestantism, to spread the use of the Dutch language and through the implementation of an administrative system. They failed in spreading the Dutch language among the local population, but the other two strategies met with greater success (Van Goor, 1978).

The Dutch parish registers were connected to these Protestant schools, which the local elites attended in order to succeed in the native government under the VOC. These registers, better known as *school thombos*, were to become a core instrument for the colonial government to gain insight into the composition of the rural villages beyond the *de facto* reach of the Dutch-controlled littoral region (Reimers, 1950; also Dewasiri, 2007). Schoolmasters (*schoolmeesteren)* were responsible for maintaining the *school thombos* and establishing communication between the Dutch bureaucracy and the hinterlands. These schoolmasters were of mixed descent, but were primarily composed of protestant Sinhalese and Tamils (called *Malabar* by the Dutch) assigned the task of educating, converting and forming a 'bridge' between the Dutch and their fellow natives (Van Goor, 1978). In short, these schoolmasters could be described as 'middlemen', functioning not only as intermediaries between the local and colonial populace but also between the rural areas and the littoral where the administration was mainly located. The latter point is in our case of interest, as their responsibility to

communicate with the Dutch bureaucracy practically meant that they informed the *thombohouder*, the 'thombo keeper' or official responsible for the upkeep of the thombos about the entries in the school *thombos.* This way the thombo keeper could get a better understanding of the inhabitants of the (mostly subsistent) indigenous villages within the Dutch territories and use that information for the registration of these peoples in the head *thombos* (Reimers, 1950).

The names of the children attending the school, including when they entered and when they left, their ages, the dates they were baptized and the names and ages of their parents were for example registered in the school *thombos*. They went further though, as the schoolmasters were also expected to keep track of these children's life-courses even after they left the school. They wrote down the dates of marriage, of death and even of departure if some of the villagers permanently left the village. If the latter was the case, the schoolmasters would also refer to the registers where these villagers were supposed to reappear (that is, if they moved within the area under control of the Dutch administration) (Reimers, 1950). Lastly, if the village had a 'mixed' population, the records also categorized the children according to, what Reimers (1950, III) calls, 'ancient communities'. Once a year the school was inspected, and the travelling Dutch minister would also come by regularly to check the registers, to perform the baptisms and to solemnize the marriages of those who registered under banns. Important was also the ´largatie´-ceremony, or the formal discharge from school. This was also the time that the boys would start to perform the obligatory feudal services, and the schoolthombos were thus vital in placing persons in the right category of caste and service (Van Goor, 1978, 110).

Thus the schoolmasters had a very important role in the colonial society of Ceylon, described best in Reimers' (1947, V) own words:

Contact by children and parents with the schoolmaster both in his civil and religious capacity and their dependence on him in matters so closely connected with their welfare, necessarily made him a person of importance in the village, in fact a local authority; and the schoolmaster connection, or even tradition, was jealously preserved in the families as evidenced by the family names which appear in the registers.

The schoolmaster's function as an intermediary between the Dutch and native 'societies' must have placed him right in the middle of the conflict between Dutch and Protestant visions on marriage and sexual relationships and Sinhalese conjugal traditions. He was a character of great importance in the attempts of the Dutch to enforce control over the island through proper registration, providing the Dutch administration with information of the more rural and inaccessible areas of the colonial government.

How did the Sinhalese respond to Dutch rule, and especially the registration of vital events, services and properties? By and large, the people adhered only outwardly to the demands of their new religion (Pieris, 1918; Arasaratnam, 1985). Thus, people had their children baptized, as they recognized the importance of being recorded. According to Paranavitana (2001): ´The registration of a personal name in a thombo provided security to immovable property in the case of litigation. The registration of a name in a thombo was a claim to legitimacy of a child´ (p. 110). This implies that registration of the name alone was enough whereas registrations could be and were contested as shown in so many cases. It was different however with baptism, which, even for Buddhists, acquired the connotation of legal recognition, although not much more. As Tennent (1850) observed: 'If two Buddhists quarrel, it is no unusual term of reproach to apply the epithet of an "unbaptized wretch" (To-gintu-gua) and when a parent upbraids his child in anger, he sometimes threatens to disinherit him, by saying he will "blot out his baptism from the *thombo*".' (1850, 88). The Sinhalese also came to recognize the benefits of – at least – registering for marriage, as a way of avoiding legal complications.

Converted Christians could be fined for not sending their children to school (or attending church), and in 1750 the Roman Catholics of Negombo voiced an official complaint (in Tamil) against their children being forced to learn teachings alien to Catholicism, subject to the penalty of a heavy fine (Pieris, 1918, 91). Most resistance, however, was rather covert. Van Goor (1978, 131) mentions among forms of sabotage absenteeism of pupils, refusal to send girls to school, and refusal to provide

for the Ministers on their visits. Some parents actively tried to have their children removed from the school *thombos* or, as we can expect, to have them assigned to a category with lighter labour services (Van Goor, 1978, 118). Buddhist resistance was strong outside the province of Colombo, especially in Matara and Galle.

The schoolmasters also played an important role in collecting data for the head and land *thombos*, which were even more comprehensive than the school *thombos*. According to Reimers (Reimers, 1950, VI), they included 'all those, who… were conscientious objectors and did not attend the churches and schools'. The VOC *thombo* compilation continued a long-standing tradition of land registration: starting with the so-called *lekam-miti* or land registers of the Sinhalese kings and continued by the Portuguese *tombos* (land registers) and *forals* (tax listings) (De Silva, 2005; Abeywardana, 2009). The remains of the Portuguese compilations, however, could not be used by the Dutch and all efforts in the seventeenth century to start a new *thombo* compilation for the three territorial divisions of VOC Ceylon (Colombo, Galle/Matara and Jaffna) failed, notwithstanding the ambitions of the governors. Governor Zwaardecroon stipulated in his memoir (Zwaardecroon, 1697/1911, 20) that the *thombos* were to be updated every three years, which would, together with the school *thombos* have amounted to a 'progressive census' (Reimers, 1950, VI) of all villages. Another Governor, Schreuder, expressed the bureaucratic zeal that inspired the government eloquently:

because a fully completed *thombo* is of much importance not only for the humblest man in the country but also in the interests of the inhabitants who are well off. For nothing is so proper and natural to any civilised nation than that its lands and subjects are registered in such a way that no child can be born or a greybeard, however old, can die, without this fact being known" (Schreuder, 1762/1946, 63).

There were different, mutually reinforcing, motives for elaborating the *thombo* system. The most important motive was, again, the linkage of specific parcels of land to labour services (*rājakāriya*), which differed by caste. Clearly, surveying skills were needed for a proper *thombo* compilation, which is why geometry was part of the curriculum for the schoolmaster at the seminary (Van Goor, 1978, 92 and 106). The cinnamon peelers, the fishers, the elephant hunters followed their traditional caste obligations; the communities of moors and chetties (South-Indian traders) had to perform their services (*uliyam)*. The highest ranks of the dominant *goyigama* caste and the chiefs of the service castes supplied the Company with their administrative skills. Transport, defence, administration, public works, export crops (cinnamon and elephants) and more were thus secured (Van den Belt, Kok and Mandemakers, 2010). The division of labour into 'departments' or *bada* followed Sinhalese tradition. For permanent labour the VOC paid in grants of land (*accommodessan*) or in kind (*mainctementos*). For the temporary work the performer either got nothing or a small allowance, also called *mainctementos*. The Dutch were especially interested in the caste of the *chalias*, or cinnamon peelers. Their obligations were increased steadily, and eventually *chalia* men had to spend over eight months a year peeling in the forests (De Zwart, 2012). The *thombo* registration also had to ensure that these forests were not diminished. In this period, the forests were slowly encroached upon without the permission of the VOC-government who considered the uncultivated areas to be Crown Land. Traditional slash and burn agriculture was limited. After governor Falck's (1765–1785) successful introduction of cinnamon as a plantation crop, the strict land policy of the government relaxed.

Another reason for a major overhaul of the *thombo* system was the desire of the government to curtail the local officials. During the wars with Kandy, much land had been granted to them to ensure their collaboration. However, they were continuously expanding their properties and exploiting the services of the people on those lands, and the Company tried to regain its control by inspecting all ownership titles to revert illegally acquired property to Company ownership. Also, they wanted to limit the sale of inherited service land (*dienstbare paravenies*), because purchased land potentially lost the labour services traditionally attached to them although it was stipulated that the service attached to the plot would also be transferred. Thus, the land *thombos* meticulously describe how plots of land had come to be in one´s possession (Arasaratnam 1985). In particular, the Company aimed to strengthen the autonomy of the service castes, especially of the *chalias*, vis-à-vis the indigenous rulers.

However, there was the risk of alienating this powerful group, who sometimes incited rebellions against the *thombo* registration. Thus, the Dutch had to tread carefully.

Finally, the *thombos* were designed to be comprehensive. The instructions to the commissioners (1745) demanded that "no one, of whatever caste, status or sex they may be, should be omitted" (Mottau 1953, 178). Work on the new type of *thombo* started in 1742, but it was not until seventeen years later that the data collection for the Colombo province, or *dissavany,* was completed. In 1760 the then governor Jan Schreuder (1756–1762) immediately ordered a revision which took only one year to be carried out (Schreuder, 1762/1946). Ten years later in 1770, after a war with the Kandyan kingdom, the 1760 *thombo* was updated. While the *thombos* fixed people in their castes, feudal services and tax obligations, they also protected their property rights. It is therefore unlikely that individuals sought to evade registration. However, because the head *thombo* is closely connected to the inventory of property rights, it is plausible that a minority of property-less people were left out. Also, people entitled to shares of land in a given village, but living elsewhere, were recorded in both places. In other words, the head *thombos* cannot simply be used as a proper census. On the other hand, the information they carry is richer than in an ordinary census, and certainly more unique than other sources of colonial registration, given the fact that the indigenous population of an eighteenth-century colony was actually registered. In the head *thombo*, the (designated) head of the family appears at the apex of a group of persons, all related to him or to his wife. We come to learn the names, places of residence, matrimonial status, ages and relationship to the family head of these individuals. The latter may include foster, adopted and illegitimate children. Moreover, their caste, service obligations and eventual physical handicaps are mentioned. The family names, but also the proper names reveal a wealth of additional information to the researcher as these names almost all reflect origin, history and social position of the bearers (Belt et al., 2011). In the land *thombo* the family´s property is described, separated in paddy fields and gardens. We find the name of the *panguwa* or plot of land, its legal title and often its origin and history of cultivation. Furthermore, where a *watte* or garden is concerned the number of trees is recorded, and in the case of a sowing field, or *kumburu*, the sowing capacity in *amunam* and *kuruni* is mentioned.

It was not easy to record such detailed information. Two methods, that of summoning villagers to the Landraad and visiting the village being registered were adopted in the three revisions of the Colombo *thombos* undertaken in the eighteenth century (Mottau, 1953). The first registration which took 17 long years adopted the former method, while during the second registration the latter circuit method was used, followed by reverting to the former method in the last registration that took place around 1770. In Galle, where registrations did not follow the chronology in Colombo, and were spread out over a longer period, it is not clear which procedure was used. In 1745 Dutch officials complained of how unwilling the people were to divulge information and of how ignorant they were of details of their own lands (SLNA 1/2805, 1745, fol. 31r–v; 40v–41v). Despite such issues, however, the people displayed a keenness to have their names and services accurately registered in the *thombo* (Rupesinghe, 2016)*.*

DEALING WITH SINHALESE MARRIAGE IN SCHOOL AND HEAD THOMBOS

Vital events, school participation and migration of baptized Protestants were recorded in the parish records or school thombos. We assume that people recorded as ´married´ had their marriage solemnized according to Dutch rules. The Dutch registration practice followed a two-step process: outside the towns, the couple first had to give notice of marriage to the schoolmaster of the village. The schoolmaster would then announce the marriage on three consecutive Sundays when the villagers had gathered for the church service. After the banns were thus read, and no objections had been raised to the union, the second step was to confirm the marriage in Church. In Galle at least, this second step was often omitted. The people considered the putting up of the banns as good as a marriage - they even dressed up for that - and could not be bothered with the solemnisation (Rupesinghe, forthcoming). Occasionally, this seems to have been recognized by the schoolmaster as well. For instance, the records of Ambelangodde parish mention the marriage of Hinidoema Adriaange Janies

with Ambeleme Jacobge Loesikka, but with the notation ´banns passed´. The couple had one child, Siman, who is not, in contrast to several other children, described as illegitimate (transcription in Reimers, 1950, 2). It was also recognised in the *thombos* (Rupesinghe, forthcoming).

The head thombos do not indicate civil status as such. Whether a person is married we have to deduce from the words: '*zijn vrouw*' (his wife), ´*haar man*´ (her husband) or from the past participle '*getrouwd*' (married). For (older) women, we often find the remark ´widow´, but never for men. There are no notations for divorced persons. Although we realize that the thombos are not proper censuses, we can use the information on people recorded as actually living in particular villages (thus, we ignore those recorded as outmigrated), and make a distinction between those listed as married of widowed, and those who were not listed as such. For most (more than 95%) people actually present in the described villages the ages are given, allowing us to make an age pyramid. We look separately at the Mende Pattu of the Hina Korale and the Udugaha Pattu of the Hapitigam Korale (both in Colombo province, southwestern Ceylon) as earlier research showed remarkable demographic differences, even though the regions are located closely. Figure 1 (Hina Korale) and Figure 2 (Hapitigam Korale) show the pyramids. Both pyramids have an unexpected shape. First, we see that young children are either underreported, or have suffered from high mortality. One of the causes for the latter may have been the smallpox epidemic which raged in coastal Ceylon in 1754 and 1755. According to the Dutch governor Loten it claimed many victims and caused severe social disruption (Reimers, 1935, 74). Also, the numbers in the age category 0-4 years are relatively small because ages were probably rounded upwards (there is no one of age zero in the thombos), and because we probably lack unbaptized infants or children who had not received their name (which happened according to Buddhist rituals around the seventh month).

We also see that men vastly outnumber women. This is caused partly by female surmortality which plagued Ceylon up until the early twentieth century, and which we can also witness in the eighteenth-century thombos. One of the causes is extremely high maternal mortality, related to hookworm and malaria induced anaemia (Kok and Van de Belt, 2013). However, female infanticide was also common in the regions studied here. Drixler and Kok (2016) calculated that in the period 1756-1768 between a quarter to half of all newborn girls fell victim to this practice, especially in Udugaha Pattu of the Hapitigam Korale. Infanticide rates clearly increased during the war of the VOC with Kandy (1761-1766) which also struck both pattu for which we have data.

With respect to marital status, we observe that almost all adult women were described either as married or as widowed. Among men, the lack of the ´widower´ notation may account for the relatively large share of ´non-married´. But it is also likely that many of them were sharing a wife, without this being recorded. We do find, surprisingly, recorded polyandrous marriages in the Mende Pattu of the Hina Korale, which may help explain why the shares of ´non-married´ is somewhat lower than in the Udugaha Pattu of the Hapitigam Korale.

Fig. 1 *Age pyramid of Mende Pattu in Hina Korle*
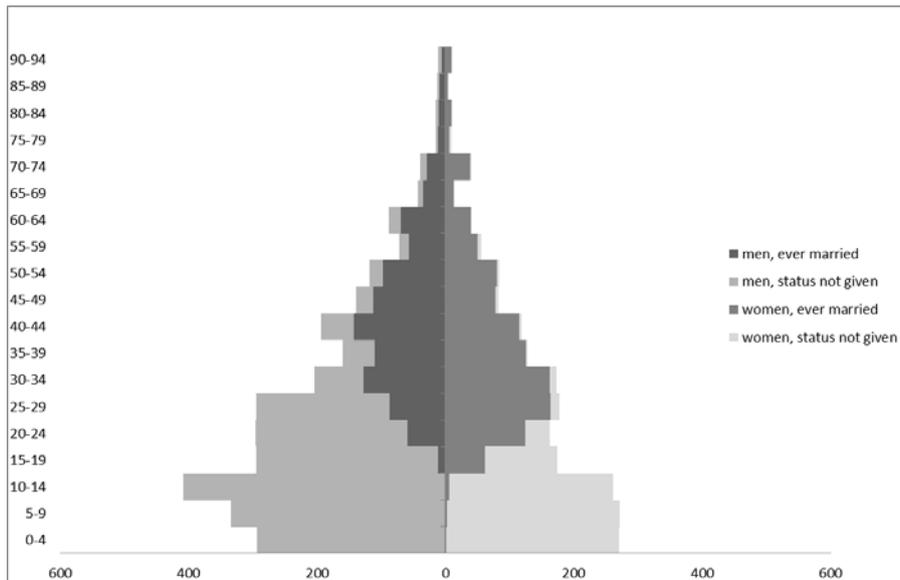
*Source: Database of 1760 thombos of Mende Pattu in Hina Korle.*

Fig. 2 *Age pyramid of Udugaha Pattu in Hapitigam Korle*
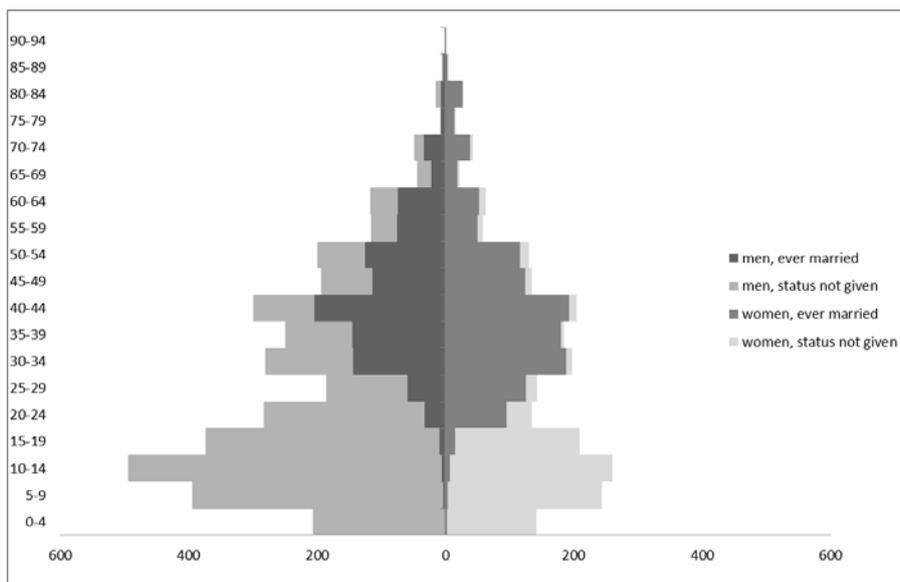
Source: Database of headthombos, Udagaha pattuwa in Hapitigam Korle.

Polyandry posed no threats to the transmission of land and associated taxes and duties, but it formed a striking contrast to Dutch perceptions of propriety. As yet, we have not found instructions given to *thombo* keepers on how to deal with the phenomenon, and therefore we do not know why it was recorded in Mende Pattu of the Hina Korale but not in Udugaha Pattu of the Hapitigam Korale. An example from the Hina Korale *thombos* is shown in Figure 3.

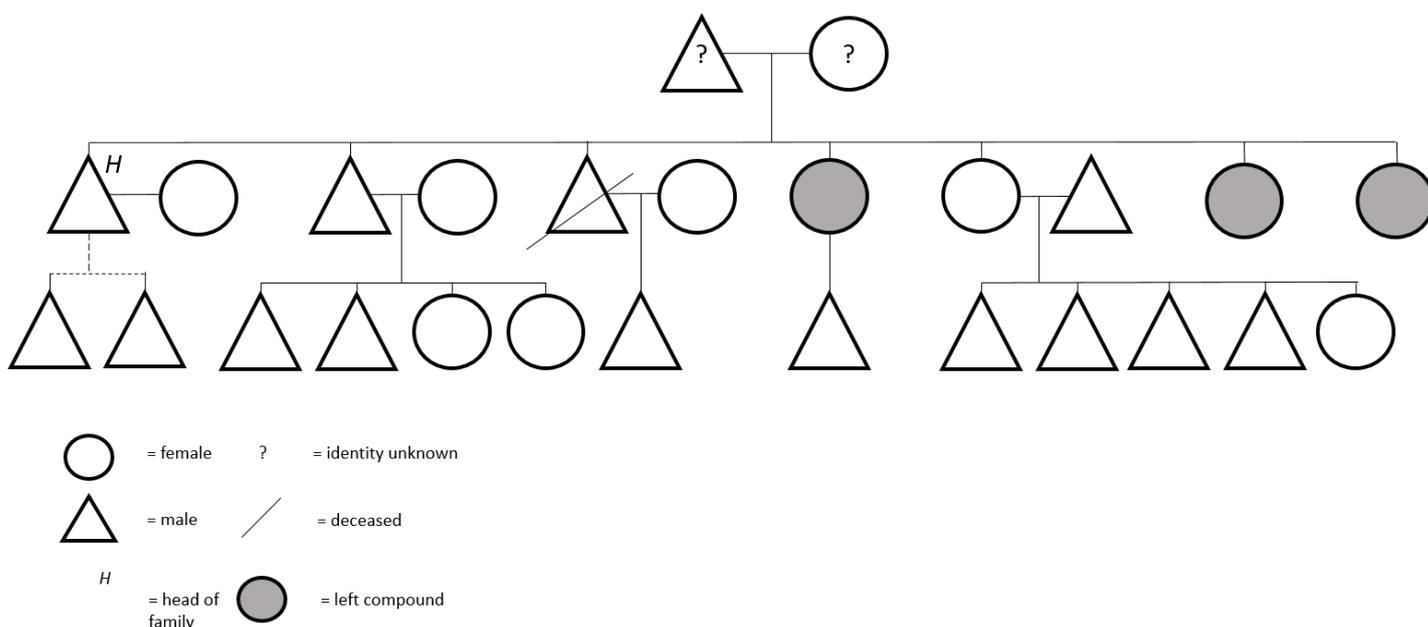Fig. 3 *Polyandrous family structure as found in 1/3690 and 1/3819*
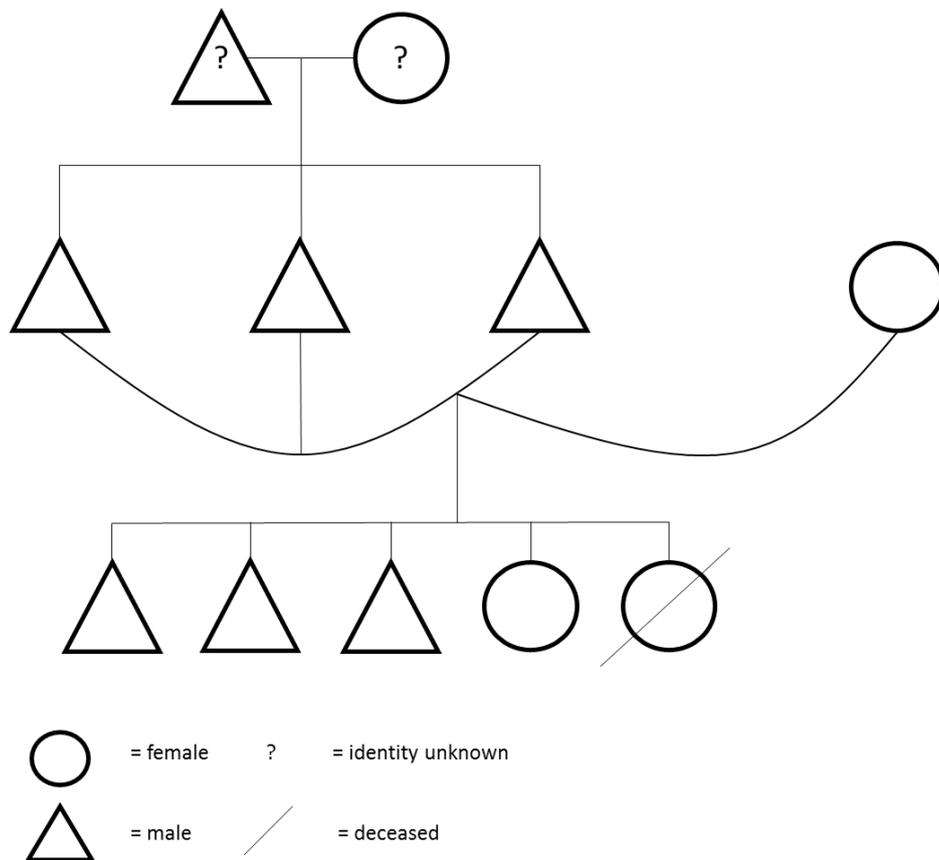
Source: author-based on SLNA 1/3690 & 1/3819.

In the village of Talgas Motte, in the Mende Pattu of the Hina Korle nearby Colombo, we find a family compound in 1760 where a 25-year-old woman named Kirimalie is registered as the wife of Wiejesingepoerege Moengelia, the 45 year-old head of the family, and his two brothers (35 and 25 years of age respectively). The three brothers are recorded as having three children, one son and two daughters. Considering that Kirimalie must have been 14 years old when the eldest daughter (9 by then) was born, it is possible that she is not the mother of (all of) the children.[iii] Yet the three brothers are all mentioned as the fathers of the children, and the husbands of Kirimalie, indicating that they were quite probably engaged in a polyandrous relationship.

When officials representing the VOC returned ten years later, the youngest daughter had died and the oldest daughter (presumably 19 by then, her age is not mentioned in the entry of 1770) had left the village for the 'king's land', meaning the Kingdom of Kandy, and quite possibly engaged into a *Diga*-marriage with a man from the lands of Kandy. At the same time it seems the three brothers and Kirimalie conceived two more sons, aged 3 and 4 at the time of the *thombo* registration. Our database show that – among married women living in the compounds – a small percentage lived in the uxorilocal or binna marriage form, respectively 5 % in Mende Pattu of the Hina Korale (total N=947) and 8.2% in the Udugaha Pattu of the Hapitigam Korale (total N=1053). In several households both marriage forms were present. An example (figure 4) is the household of Elledoewege Kiri Appoe, the 65-year-old village headman (*majoraal*) of Wallawitte. Two of his brothers, one deceased, lived with their wives and children on the family's compound. They seemingly brought their wives to live with them (*Diga*). Three of Elledoewege's sisters have left the compound (coloured grey in the scheme), quite possibly to the family households of their husbands (if this is the case, also *diga*).[iv] At the same time one of Elledoewege's sisters lives with her husband and children within her own family's household. This suggests that her husband came to live with her family, thus implying a *binna* marriage.

Fig. 4 Diga *and* Binna *marriages within a single family as found in 1/3698 and 1/3838*

Given the informal and fluid nature of many Sinhalese marriages, many children must have been born illegitimate according to Dutch definitions of what constitutes a valid marriage. Yet, very few children were described as ´illegitimate´. There was no uniform practice in the recording of nonmarital children in the thombos, while one village in Galle for instance may have recorded a number of *onecht* (illegitimate) family members, another village, in fact many, did not record a single *onecht* child. In the Hinidum thombos (Galle) the record keepers occasionally noted that a couple was *´op de heidense wijse getrouwt´ (*married in the heathen way), which implies some form of recognition of non-compliance with the Dutch rules. In Hina and Hapitigam (Colombo), interestingly, more men were recorded as illegitimate than women. In both regions combined, we find 51 illegitimate men (about 0,7%) versus only 3 women. It is likely that the record keepers only became interested in adding this information when interests concerning inheritances and labour services (passing to the eldest son) were at stake.

A remarkable, but puzzling case can be found in the *thombos* of the Hina Korale (Colombo Dissavany). In the village of Maharagama (1760) one Egoddege Nainde, a *lascorijn* (soldier for the VOC) lived with his wife, Don Asecisia (60) and their daughter, Maria (35). However, the description of the family group continues with no less than six male ´speulkinderen´ and their families. ´Speulkind´ is an old Dutch legal term for *naturalis liberi*, or illegitimate children whose parents could have been married. However, the ages of these sons (respectively 40, 37, 35, 26, 24 and 20) imply that the father was married when they were born. Moreover, their mother, Anno Hamie aged 57, was also living with them, as mentioned at the bottom of the list (REF source xxx). We can, for now, only conclude that we are dealing with a rare case of polygyny, with offspring recorded by the officials as illegitimate in such a way that they could still be legitimized (and thus inherit from their father). As there was only one daughter, the transfer of the *lascorijn* service to a son – even if illegitimate – would be of interest to the VOC.

In the *thombo* registration, the Dutch by and large accommodated for Sinhalese marriage practices, although vastly different from what the Dutch found morally appropriate. Regional variation in describing marital relations was common, suggesting a lack of uniform instructions and registration practices depending on the judgement of the registrars on the ground. However, the registration in the *thombo* could matter for individuals who ran into conflict with their kin, with notables encroaching

on them, or with the VOC. Being legitimate offspring of a properly married couple could then become of vital importance.

Besides the contested registration of Sinhalese marital status by Dutch representatives and middlemen in school and head thombos, the Dutch colonial administration offers us rare glimpses of Sinhalese agency in using the field of tension between Dutch and Sinhalese conjugal practices to further their own agenda. In these two case-studies the Sinhalese conjugal practices explicitly clash with the Dutch legal definition of marriage.

Illegal marriage of a converted Sinhalese and a heathen (1782)

In the introduction to this article the reader was briefly introduced to a Sinhalese family feud between a widow and her stepson, fighting over the inheritance of a local headman in 1782. This case had been brought to the appellate Council of Justice in Colombo by the executors of the estate (*Boedelmeesteren*) of the late second *mudaliyar* (*tweeden modliaar*) of 'Gerrewais'.[v] Initially these executors had determined that the inheritance of the deceased *mudaliyar* was to be granted to his son as he was named as the sole inheritor in the former's will. This decision was challenged before the Landraad of Matara by the widow of the late *mudaliyar*, claiming that she as his rightful wife was entitled to part of the estate according to Dutch law. The executors had tried to persuade the Landraad that she was not a rightful heir, because she was not a descendant of Christians while he was, deeming their 'heathen' marriage illegitimate.[vi] The representatives also pointed out that an entry of the *mudaliyar* in the school *thombos* provided further proof that he was baptized a Christian while she was not.

However, the Landraad had not been convinced by this proof of the headman's Christianity, and overthrew the executor's initial decision by entitling half of the estate to the widow. They appealed to the provincial Council of Justice (*Raad van Justitie)* of Galle, but this appellate court merely confirmed the Landraad's verdict. In a final effort to win this suit, the executors decided to call on the highest appellate court of Ceylon, being the Council of Justice in Colombo.

In their appeal to the Council of Justice of Colombo they wrote that the Landraad's doubts about the *mudaliyar*'s devotion were based on misleading claims made by the opposite party. They wrote that there could be no doubt about his Christianity because his parents were both Christians and following the Dutch definition of marriage and inheritance, their child was considered a Christian as well. The widow had persuaded the Landraad and the Council of Justice of Galle that the *mudaliyar*'s father had died before he was born, thus sowing doubt about the defendability of the inheritance of his father's faith. But according to the executors, the witnesses that were brought to the court to confirm this claim were clearly biased and influenced by the widow. One of the witnesses wasn't even old enough to have witnessed the birth of the *mudaliyar*. In addition, the witnesses were inconsistent in their accounts, some claiming the *mudaliyar* had two siblings while others claimed he had only one. The witnesses also spoke of a bribe of 50 rix dollars that was allegedly paid to a preacher named Spoor to baptize and marry the *mudaliyar*, while the preacher was voluntarily converting heathens and never asked payment for this.

Then there was the matter of the school *thombo.* The widow's party had allegedly claimed that the *mudaliyar* was never baptized and appealed to the school *thombos* for proof. The Christian name of the *mudaliyar* as it was registered in the school *thombo* (Don Joan) could not be found in the land *thombos*, in which he was registered under another name (Don Philip). The executors of the estate tried to defend the deceased's baptism by claiming in the appeal that this was a common mistake that often occurred within the Sinhalese community, because the *mudaliyar* and 'hundreds of other Sinhalese' ("als honderden andere Singalezen") didn't know their Christian names, which would regularly lead to confusion in the different *thombos*. They also stated the fact that most Sinhalese

carried multiple names in their daily lives ("drie en ook vier onderscheide hebben") which often resulted in differences between the several *thombo* registries.

Finally, the representatives wrote that the Council of Justice of Galle had received a missive from Colombo during the first appeal which stated that it was clear that both parents of the *mudaliyar* were Christians, as they were registered as a Christian married couple which would have been impossible if either of his parents wasn't a Christian. Yet, despite of all this evidence indicating that the *mudaliyar* was a Christian who entered an illegal union with a heathen Sinhalese, both the Landraad and the Council of Justice of Galle had determined that the late *mudaliyar*'s widow was right to claim at least half of the inheritance. These judgments were strange from a legal point of view; certainly when bearing in mind that little over a decade earlier the Dutch government declared that Christian women who lived with heathen men ought to be flogged, after which their property should be confiscated and their children enslaved (Pieris, 1918, 88). This shows a clear distinction between norm and practice in everyday colonial rule.

In the end, unfortunately we do not know what the Council of Justice of Colombo in the end decided in relation to this matter, as we are only in possession of the (re)appeal written by the representatives of the estate that they received. However, this case still gives us a unique insight into religious and cultural customs and norms clashing in the plurality of law-making in the colonial society in Ceylon. Traditional marriages were allowed and even recognised by the Dutch administration, yet were not officially registered or conceived of as legitimate. The Landraad in his case seems to have been very flexible in their implementation of Roman-Dutch Law, as they decided against the representatives' evaluation that the heathen widow was to be excluded from the inheritance, despite of the fact that the - supposedly - Christian *mudaliyar* and his wife were married in a 'heathenly fashion'. They decided that the widow should receive half of the deceased's estate, even though their marriage would have been illegitimate according to Roman-Dutch Law.

The executors expected a different verdict from the Council of Justice of Colombo which suggests that they believed that the higher authorities - who were exclusively European – was more strict in applying Dutch-Roman law than the lower courts, with a more mixed background. Their appeal is a clear clash of theory and practice in the Dutch colonial administration. The marriage between the Christian parents of the *mudaliyar* was recognized and registered by the Dutch government; the birth and accompanying registration of the *mudaliyar* as a Christian citizen was also written down in a school *thombo* although under a different name; the marriage between the *mudaliyar* and his wife was probably not registered by the Dutch as she was not a Christian which made their marriage illegal according to the Dutch laws. Yet both the Landraad and the Council of Justice of Galle granted their Sinhalese union a legal definition by granting the widow half of the estate of the late *mudaliyar*.

It also shows that the Sinhalese could cleverly navigate the Dutch legal definitions of marriage and inheritance. Especially the widow's strategy in this court case is striking, as she paradoxically both contested and agreed to the Dutch law at the same time. On the one hand she attempted to claim half of the estate, arguably based on the Dutch law stating that widows are entitled to a bisection of the husband's property; while at the same time trying to redeem her marriage as legitimate, thus countering the Dutch law that a marriage between a Christian and a non-Christian was illegitimate.

Labour services and an illegal marriage (1794)

In 1794 the Council of Justice of Colombo was confronted with another interesting case from the Galle province, which like the case mentioned before had been brought before the Landraad and the Council of Justice of Galle first. This court case was the result of a longer judicial conflict surrounding the inheritance of a *majoraal* (village headman) service and the accompanying *divel* (land granted in exchange for a service) garden and sowing fields. Matthees, identified as a *bellale*[vii] living in the village of Magiderre had inherited this service and its accessory lands from his deceased father Don Hamie. Yet, fellow-*bellale* (and distant relative) Gammiege Matthees de Sielva from the same village had challenged this inheritance mainly by claiming that Matthees' parents were never married, thus

deeming the inheritance invalid. De Sielva allegedly came from a long line of *majoraals* himself and insisted that he was the sole claimant of the *majoraal* service belonging to the lands of Magiderre.

The *majoraal* service had been a point of controversy within their families for a long time, as the plaintiff claimed that his father had been a *majoraal* while doubting the defendant's claim that his father Don Hamie had also performed the *majoraal* service. The only thing seemingly for certain was the fact that the defendant's great grandfather - who was also the plaintiff's great-uncle - had been a *majoraal.* His name was Manikoe and it was through him that the defendant claimed his family inherited the right for the *majoraal* service, while the plaintiff claimed that his father actually took over Manikoe's title after the latter's death and therefore took over the right to function as a *majoraal* (see figure below for the family structure).

The case was first brought in front of the Landraad of Galle which determined that Matthees' position as *majoraal* was legitimate, after which De Sielva - not agreeing with the Landraad's judgement - decided to reopen the case before the Council of Justice of Galle. The Council wrote that they supported the Landraad's verdict that was pronounced on 21st March 1789, in favour of the defendant. This seemingly led De Sielva to the Council of Justice in Colombo, as he probably felt that de Council of Justice of Galle had effortlessly repeated the Landraad's judgement, not unlike the case surrounding the second *mudaliyar*'s estate. More importantly, and similar to the case of the second *mudaliyar*'s estate, we see two native parties taking their quarrel to the colonial judicial administration and entering the social arena of legal pluralism and the contestation of both Roman-Dutch law and local customs to gain a personal advantage.

In this case the plaintiff De Sielva was determined to have the marriage of the defendant's parents adjudged as illegitimate. Apparently this would have meant that the defendant Matthees would have been unable to inherit his father's *majoraal* service and the farmlands accompanying the service. One way De Sielva tried to prove the illegitimacy of the marriage was by pointing out the fact that Matthees' younger half-brother was inscribed as an illegitimate child (*onecht kind*) in the *school* thombo. Yet at the same time Matthees' countered this by emphasising his mother's registration as a widow in that same *thombo* registration, thus proving she was once married to his father before the latter's death. Thereby Matthees' emphasised the fact that his younger half-brother was born 9 years after his father's death. Matthees further proved that his parents were married by adding an extract from the *land* thombo to the pile of evidence, as it was written there that his mother was the legal sister-in-law (*zwagerin*) of his father's brother which also proved Matthees' rightful possession of a part of his family's privately-owned lands (the *paraveni,* or: 'ancestral lands', private lands owned by a family through inheritance).

This trial showcases a true battle through the colonial administration, both parties using the *thombos* to prove their right while fighting for a position/service within the colonial hierarchy. It also illustrates how the indigenous population of Sri Lanka received a certain degree of agency, being able to take their cases to the colonial court and use the fringes of both Roman-Dutch law and local traditions and customs to improve their own position within society – in this case by securing a service which provides both power and extra lands to cultivate. Not only did they employ the judicial platforms provided by colonial rule, they also used the Dutch legal definition of illegitimacy to trump another Sinhalese. Much like the widow in the case of the second *mudaliyar*, De Sielva tried to gain an advantage by claiming another Sinhalese was defying colonial law.

Fig. 5 Reconstruction of family in inheritance case surrounding *majoraal* service
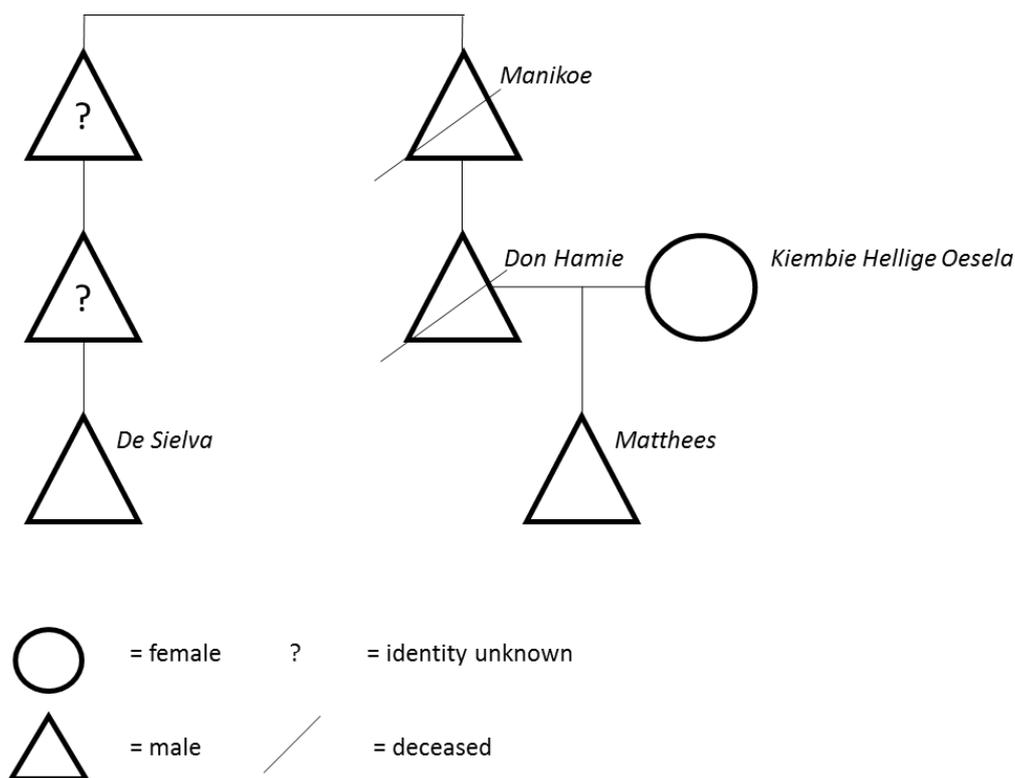
Source: author-based on SLNA 1/4498.

CONCLUSION

The Sinhalese stepmother and son taking their local family feud concerning inheritance to the Dutch court in 1782, was not a coincidence. The case documents clearly testify to the fact that the two parties more than knew their way around the colonial administration, and the population registration or thombos in particular. Both the legal representatives of the stepmom and the son strategically called in fragments of the school and head thombos to cleverly counter their opponents' arguments and build up their own case. Court cases such as these force us to reconsider dominant notions of the limited agency of colonial subjects in earlier historiography. In addition, the fact that two lower Dutch judicial forums ignored evidence from their own administration (both the absence and presence of marriage registration) reveals their willingness to follow the course of practical compromise in judicial cases on matters of inheritance. More research is certainly needed, but these case-studies seem to suggest that the 'creolized' lower courts in more rural settings were more flexible in their application of colonial law than the appellate court in the capital.

Both the Dutch population administration and the judicial cases show the clash of cultures exacerbated and sometimes also mitigated by the overriding concern of the Dutch for profit making. By focusing on conjugality or the meaning of marital status, we have seen how Christian notions of marriages were rather haphazardly applied by the Sinhalese. As far as the latter complied outwardly with the rules, the government was, by and large, satisfied. But even when transgression of the nominal rules occurred, the Dutch acted lenient, at least when their immediate interests were at stake. Although the thombos do not form a proper census, and still leave much to be desired, we have seen how informal marriage and even polyandry were more or less recognized through registration. The Dutch interests were primarily the proper fulfilment and transmission of the labour services and taxes attached to land. Although the Dutch Calvinists contested Sinhalese marriage practices in theory, the practice of everyday interaction shows that in the end profit trumped principle. But whereas the Dutch population registration testifies of their more pragmatic approach towards deviant Sinhalese marriage practices, the court records showcase considerable Sinhalese agency to strategically employ Dutch

legal definitions of marriage to claim legitimacy or inheritance against family members. Contesting both their own and the Dutch conjugal practices played a crucial role in establishing the Sinhalese's legal position within the colonial society of Ceylon, and by extension their property claims, opportunities for social mobility and power relations.

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[i] Sri Lanka National Archives (SLNA), Dutch Records, 1/4476, an appeal from the *Boedelmeesteren te Mature* that was delivered to the *Raad van Justitie te Colombo* on the 3rd of July, 1782.

[ii] In the case the wife of the deceased is never mentioned as the mother of the claimant, leading us to assume that she must be his stepmother. And to be exact; the widow's legal opponents were the executors of the headman's will, which named the son as the universal heir. Technically speaking the son was thus not directly involved in this case.

[iii] The children are registered patrilineal, the mother is seldom mentioned.

[iv] Although one of the sister's children, who is registered to live in the village of Totahagamme, lives on Elledoewege's compound.

[v] National Archives of Sri Lanka (SLNA), Dutch Records, 1/4476, an appeal from the *Boedelmeesteren te Mature* that was delivered to the *Raad van Justitie te Colombo* on the 3rd of July, 1782.

[vi] "*En schoon, hij ook na de heijdense wijse getrouwt, wat egter dit huwelijk zoude moeten worden gehouden voor onwettig*". It was also mentioned that the Dutch government ruling over the island (*de gevenreede regering deze Eijlands*) had determined that children born of Christian parents were to be deemed Christians as well.

[vii] Dutch term for both the Tamil *Vellalar*-caste and the Sinhalese *Goyigama*-caste of private landowners. In this case probably a member of the *Goyigama*-caste as the village is situated in the predominantly *Sinhalese* area surrounding Galle.

SUMMARY

Dutch Ceylon in the eighteenth century offers a fine opportunity to study the dynamics of administrative control of everyday family life in a colonial setting. This article focuses on the Dutch registration of Sinhalese marriage practices, which we know from scattered sources to have been strikingly different from what the Calvinist Dutch deemed appropriate, with cohabitation before marriage, easy divorce and polyandry. To study how conjugality was defined and contested by both Dutch and Sinhalese alike, this article will first analyse the so-called *thombo* administration (a complex combination of census, cadastre and genealogy) for about 200 villages, which offers us a unique perspective on Sinhalese family life. What categories were used by local census takers to label alternative forms of marital status, and to what extent could Sinhalese influence or resist their categorization according to hierarchies of family, caste and feudal labour relations? Then, two inheritance conflicts within Sinhalese families brought before the Dutch colonial law courts are scrutinized to determine if and how the Dutch legal definitions of marriage played their part in everyday colonial life. Although Calvinist morality explicitly contested certain Sinhalese marriage practices, colonial administrators and lawyers had to be practical to run the colony as efficiently as possible. Profit trumped principles, as the Dutch were largely dependent on the proper fulfilment and transmission of traditional labour services attached to land. In practice, therefore, they seem to have accepted many of the traditional family arrangements of the Sinhalese. The court cases however do indicate that some Sinhalese were somewhat willing or clever to adopt the Dutch marriage ideal, and use the Dutch administration to improve their individual position, not in the least against their own kin. Conjugal traditions in eighteenth-century Ceylon were thus contested by both the Dutch and the Sinhalese.