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NO. 27.

THE FUTURE OF THE CEYLON TAMILS

By K. Shanmukham
(Bar-at-Law)

THE Tamils in Ceylon have been inhabitants of this island from the very earliest times. This historical fact is not disputed by even the modern Singha'se history writers. Whether Tamils lived in this country when Vijaya landed at Tambapansir near Puttalam with his followers in 543 B. C. is a debatable question but it must be conceded that the history of the Tamils in Ceylon dates back to as early times as the Singha'se or almost about the same era.

That the Tamils held sway over different parts of this country from the earliest times until 1815 A. D. is another important fact to be remembered in this connection. The last king who ruled over the remaining independent state of Kandy was a Tamil from Vellore in South India and even the document of surrender by the Kandyans to the British conquerors was drafted in the Tamil language.

The Tamils meaning in this article the Ceylon Tamils, have been from the earliest times an integral part of this national entity. Great political power has been wielded in the past by the Tamil leaders in the shaping of the political destiny of this country. The turning point for the Tamils came with the advent of the Donoughmore Constitution in 1931.

A British officer signing himself 'Carnaticus' wrote in the Asiatic Journal in 1821 that 'divide et impera' should be the motto of our Indian administration—civil or military. Lord Alphonstone, the Governor of Bombay in a minute dated 4th May 1859 reiterating this said 'divide et impera was the old Roman proverb and it should be ours'. Just a few years ago Mr. Winston Churchill on the floor of the House of Commons warned the government of the day 'not to follow the opposite system and eventually abdicate. That error of not dividing and ruling he said was a great danger and a very great error into which they, i. e., the British might easily fall.' 'Divide et impera' is exactly what has been adopted under the Soulbury Constitution. All the weightage has been given to the Singhalese majority enabling the Singhalese majority to dominate and suppress the minority. This has been the policy followed by the British rulers from 1815 up to now. Has not communalism reared its head more during these recent years than ever before? The different communities lived more happily together before the introduction of the Donoughmore Constitution into this country. The

Soulbury Constitution will ultimately lead to a more rigid communalism than even under the Donoughmore Constitution. In the present constitution there is at least the saving factor of the Committee system of government whereas, in the cabinet system to be hereafter introduced shortly, the Singha'se premier will be the master of the situation.

Mr. G. G. Ponnambalam waged a gallant fight for the minorities before the Soulbury Commission and demanded parity representation in the Legislature to safeguard against majority domination. That the demand by the Tamil Congress leader was just and proper is borne out by what is happening in India at the moment. Mr. Mohamed Ali Jinnah demanded parity and the Cabinet decision was in a mood to grant that concession. What is sauce for the goose is sauce for the gander. If the Muslims in India, a 27% of the entire population, are to gain parity—or something near parity—with 73% of the population, then why is that parity not conceded to the Tamils in this country? Here again it is one policy by the rulers in one country and another policy pursued in another though the circumstances remain almost the same in both places. The reason for the difference in treatment lies in the fact that in India the Muslims are prepared to support the ruling power whereas in this country the Tamils are and have been always lovers of liberty not only for themselves but for the entire nation.

However now that the Soulbury Commission has rejected the Tamil demand for a weightage in representation it belies the leaders of the majority to instil faith and trust in the minds of the minorities for fair dealing in the political and economic administration of the country. But will this be realised in the working of the new constitution? We have grave doubts on this question, judging the Singha'se leaders from their past record. Just observe the sinister attempt on the part of some of the Singha'se leaders to enthrone their Singha'se language as the one and only official language of this country. This is just an indication as to what is in store for the non-Singha'se in the near future.

There are three alternatives facing the Tamil leaders in this country. The first is a submissive co-operation and the virtual surrender to the good wishes of the Singha'se. The second alternative is

(Continued on page 3)

Delimitation Commission

Disparity Of Representation Must Be Removed

Coalition Ministries Not Sinful

Mr. A. V. Kulasingham, Advocate, leading the deputation from the Jaffna Association, the oldest political association in the Island, told the Delimitation Commission last Friday that multi-member constituencies would remove the disparity between the representation of the majority community and that of the minorities.

Mr. Kulasingham was the first witness to give evidence before the Commission at its first public sittings in Jaffna.

Dealing first with the Northern Province, Mr. Kulasingham pleaded for the retention of the existing administrative boundaries as far as it was possible.

Chairman: Yes. We are trying to do it all over the Island.

The following are the nine seats suggested by Mr. Kulasingham for the Northern Province: Mannar (1), Mullaitivu Vavuniya (1), Thenmaradchy including Poonaryn, Thunukkai Pachchilspali and Karachchi (1); Vadamaradchy (1); Jaffna Urban Council area (1); Valigamam West (1); Valigamam East, including the remainder of the Jaffna Maniagar's Division (1); Valigamam North (1); and the Islands, including Karainagar (1).

Figures Incorrect

Mr. Kulasingham said that Jaffna was not suited for the creation of multi-member constituencies. It could only be urged on one or two grounds,—depressed classes and Christians. He was not opposed to Christian candidates entering Parliament. Jaffna had returned Christians to the legislature by a preponderant Hindu electorate and vice versa.

The depressed classes were scattered and there was no sufficient concentration of them in any one place so as to secure them the return of a member of their own choice. Unless the whole of Jaffna were converted into a single multi-member constituency no depressed class member could be returned to Parliament, he observed.

Mr. Nadarajah: One memorandum from the Minority Tamils Maha Sabha states that there are 200,000 depressed class members.

Mr. Kulasingham: It is totally incorrect. I challenge those figures most decisively. The word depressed has a different meaning—untouchables—consisting of Thurumbas, Pallas, Paraiyas and Nallavas. The Thurumbas are insignificant in number and the Pallas, Paraiyas and Nallavas cannot exceed one tenth of the total popula-

tion of the Province. The leaders of the depressed classes have, in order to give an appearance of weightage in numbers, lumped together the Kovias, Backsmiths, Dhobies and Barbers. Kovias, I might say, are second to the Vellalas. In the V. C. elections members of the depressed classes have been elected, and economically the Vellalas are at the mercy of the Nallavas.

Colombo

Mr. Kulasingham then dealing with Colombo said that three multi-member constituencies, each returning two members, should be carved out. If the Commissioners thought that suggestion to be impracticable he suggested that the whole of Colombo be converted into a multi-member constituency returning five members.

Disparity in Representation

Mr. Kulasingham said that the Ministers' draft and explanatory memorandum proceeded on the assumption that there were no communal differences, though this very scheme based on population plus area was characterised by the Soulbury Commission as providing a mixture of territorial and communal representation. The Commission held definitely that the representation of the minorities had suffered under the territorial principle and that the basis of representation as set forth in the Ministers' proposals was inadequate. It would be noted that the Ministers suggested neither multi-member constituencies nor the provisions now embodied in subsection 4 of Section 41 of the Order-in-Council. In order to reduce the disparity between the representation of the majority community and that of the minorities, and because the Ministers' proposals by themselves would not suffice greatly to reduce this disparity, the Commissioners recommended multi-member constituencies and the provisions of subsection 4. This recommendation has now been embodied in the Order-in-Council. It would therefore be incorrect to argue, as Mr. Bandaranaike had done, that multi-member constituencies would accentuate communal cleavages which will continue to exist as long as the representation of the minorities in the legislature continued to suffer under the existing scheme of representation. The minorities could have their due share of the executive power only if their representation in the legis-

(Continued on page 2)

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[Mis. 105. 9 7 to 9-10-46]



Hindu Organ

TUESDAY, JULY 9, 1946.

A GRAVE BLUNDER

THE IRRIGATION DEPARTMENT has been guilty of a grave blunder in permitting one-third of the cultivable area under the Karachchi Irrigation Scheme to be sown for sirupokam this year. The Irrigation Engineer at Kilinochchi is the officer who is expected to know the exact quantity of water available for cultivation. Making all reasonable allowance for wastage caused by evaporation and the amount of water required for State undertakings, he is expected to tell the cultivators definitely how many acres each of them could cultivate with safety. In arriving at his estimate, he has no business to gamble on the off-chance of rain during the dry months.

With the consent of the Irrigation Engineer the cultivators decided to sow one-third of the cultivable area. About twenty-five per cent of these cultivators very unwisely sowed much above the allotted acreage, but they did so at their own risk. The Irrigation Department was under no obligation to supply the excess acreage with water. The position now is that there is only eight feet of water in the Iranamadu Tank, which it is proposed to issue every ten days as long as the water lasts. Unless rain falls during the current month, the inevitable result of the doling out of water in this niggardly fashion

will be the ruin of seventy-five per cent of the sirupokam crop.

This is not all. Most of the regulators are without locks. The channels for the maintenance of which the Irrigation Department is responsible are choked with silt and weeds. Water-thieves and rowdies are tampering with the issue of water unchecked.

There is no excuse whatever for this neglect on the part of the Irrigation Officers concerned of what is after all their elementary duty. Even the cutting of the bunds of field-channels by cultivators for the purpose of irrigating their fields by means of illegal shortcuts is tolerated. The entire irrigation system under the scheme is in a state of chaos.

Mr. D. S. Senanayake's threat to let half the population die is being carried out by the Irrigation officers at Kilinochchi in a most alarming fashion. At a time when every measure of paddy counts the neglect of duty on the part of the Irrigation Officers has resulted in the destruction of a valuable crop.

Something more than the usual departmental inquiry is called for by the gravity of the situation. As we have said, there is no excuse for what has happened. Such a thing never happened during the last twenty years. If the water in the tank was not enough all that the Irrigation Engineer had to do was to tell the cultivators assembled at the meeting that he could not guarantee the supply of water over and above a certain acreage. Of course, we shall now be told that this is an abnormal year and the drought and the heat have combined to reduce the level of the water unduly. The explanation cannot be accepted for the simple reason that it was the business of the Irrigation Engineer to calculate the amount of water available for the crop after making all allowances on the footing that there will be no rain during the season.

One word of advice to the cultivators themselves. They must exercise more effective control over the Kama Vidhanes. They must also organise themselves in order to bring the Irrigation Department to its senses. They should be prepared, if necessary, to take the matter to the law courts. The Government cannot evade responsibility for the damage caused by its officers. The cultivators stand to lose lakhs of rupees actually spent by them during this season to cultivate the land. They have lost thousands of bushels of seed paddy. Even the sowing of the kalapokam crop has become doubtful. We suppose this is how the Minister of Lands and Agriculture is producing more food for the starving population in other parts of the Island. It is no wonder that his schemes have failed.

Disparity In Representation Must Be Removed

(Continued from page 1)

lature was assured.

The rejection by the Soubury Commissioners of the Tamil Congress demands for statutory safeguards in regard to the executive did not mean that the Commission did not bear in mind the desirability of giving the minorities their share of the executive power. What was undoubtedly contemplated by the Commission was that these demands would be met to a great extent by according to the minorities a fair measure of representation in the legislature by means of which they would be enabled to take their proper place in the government of the Island.

Coalition Ministries

Mr. Kuasingham pointed out that the two party system prevailing in England was solely the result of British tradition and British prejudice. In a country like Ceylon inhabited by a people of many races and creeds a coalition ministry would be the best and it is only by the creation of multi-member constituencies wherever the conditions favourable to it existed that this could be attained. There was nothing sinful about coalitions.

Coalition ministries, Mr. Kulasingham observed, would definitely function better than the two party system. He could not see why it was necessary that they should try to emulate the British in all their vices. Coalition ministries were functioning very satisfactorily in countries like Belgium, Holland and France. There was no reason why it should fail in Ceylon.

In conclusion, Mr. Kulasingham requested the commissioners to bear in mind the fact it was their duty to see that the Tamils were given their proper place in the government of the country. This would be achieved only by giving them their due share of representation. The creation of multi-member constituencies, he felt, would remove the present disparity in representation and accord to the Tamils their due share in the executive.

Depressed Classes

Mr. J. D. Asservatham who led a deputation from the All-Ceylon Minority Tamils Maha Sabha asked for two multi-member constituencies each returning three members in the Northern Province. It was felt that with the possibility of a good number of higher caste candidates contesting a single nominee of the depressed classes in each of three-member-constituencies, a depressed class member would have a reasonable chance of being elected. The two suitable divisions for the three-member-constituencies would be (1) Valigamam North, East, West and the Jaffna Division with a total population of 186,288. (2) Vadamarachy, Thenmarachy, Pachchilapali, Karachchi, Pooneryn, Thunukai and the Jaffna Urban Council area having a total population of 184,225. He pleaded for the nomination of a depressed class member to the Parliament.

CHAIRMAN: It is outside our scope.

Tamil Premier

When certain communal politician evacuate the political arena, it would be possible for a Jaffna Tamil to become the Premier of Lanka.

This was expressed by Mr. S. R. Kanaganayagam, Advocate, who led the deputation from the Nationalist Tamils Association on Saturday. He was supported by Messrs. R. R. Nalliah, S. H. Perinpanayagam, V.

AS LONG AS IT LASTS

Water should be issued every ten days as long as it lasts.

This was the decision arrived at by the cultivators of Karachchi at an emergency meeting held at Kilinochchi last Sunday. They were told that only 8ft. 3 inches of water was in the Iranamadu Tank and that only 2ft. 3 inches of it could be utilised immediately.

It is learnt that after the removal of the silt which has accumulated in the main channel at the mouth of the sluice of the Tank more water could be made available.

Somasundaram and A. E. Tamber.

Mr. Kanaganayagam suggested the following electoral districts for the Northern Province to return one member each: (1) Islands D. R. O's Division, comprising of the Islands of Karaitivu, Kayts, Mandativu, Pungudativu, Nainativu, Eluvativu, Annalativu and Delft. (2) Valigamam West D. R. O's Division comprising of Manipay, Vaddukodai, Chathganai and Pandeterruppu. (3) Valigamam North Maniagar's Division comprising of Mlyiddy, Tellipallai, Mallakam and Uduvil. (4) Valigamam East Maniagar's Division and Jaffna Town (Maniagar's Division exclusive of the Urban Area) comprising of Atchuvvely, Puttur, Kopay, Neervely, Chiviateru, Nallur, Vannarponnai and Kokuvil. (5) Thenmarachy — Pachchilapali, Karachchi, Poonery and Thunukai. (6) Jaffna Urban Council Area (7) Vadamarachy D. R. O's Division comprising of Point Pedro, Puloly, Kaddaveli, Udupiddy, Kuddathanai and Champianpattu. (8) Vavuniya District, (9) Mannar District, comprising of Manthai, Mannar Islands and Musali.

A Transitional Device

Mr. A. E. Tamber said that in the Western Province the provincial average was 93,000 and the Sinhalese population was nearly fifteen lakhs and were only entitled to sixteen seats. The Commission must, therefore, make an effort to allow the remaining four seats to Tamils, Muslims and Indians according to population. Regarding multi-member constituencies his Association, Mr. Tamber said, approved it only as a transitional device to allay minority fears. They suggested two member constituencies in Colombo, Kandy, Galle, Puttalam, Badulla and Anuradhapura. They were against three-or-more-member constituencies as they felt it would confuse the voters and generally frustrate the purpose for which they were devised.

Referring to depressed classes, Mr. Tamber said that even two-member constituencies will not help them in the Northern Province as their population was too small when compared with the provincial average. Mr. Tamber pleaded for the recommendation to His Excellency the Governor by the Commissioners for the reservation of one nominated seat for the depressed classes.

Asked by the Chairman what their Association had to say with regard to Indian representation, Mr. Kanaganayagam said their cultural and linguistic interests were identical with those of the Tamils, but economically their interests were divergent. Chairman: What about community of interests?

Mr. Tamber: Not identical.

Chairman: According to the Order-in-Council, we have to consider whether they are racial, religious or otherwise.

Mr. Kanaganayagam said that they were not in a position to say definitely anything on the matter, and that they would leave it at that. Chairman: You can submit a memorandum on the question later.

(To be Continued)

THE FUTURE OF THE CEYLON TAMILS

(Continued from page 1)

to wait and watch the situation and act as the situation demands. The third is to continue the fight that Mr. Ponnambalam and the Tamil Congress had begun but with certain modifications in the methods and policy to be pursued. Without doubt Mr. Ponnambalam still has the following of the major section of the Tamils. Mr. Mahadeva has not the capacity nor the qualities necessary for leadership and the Tamils of the North have not the inclination to follow his lead for various reasons.

Once the new Parliament assembles next year and the cabinet is chosen by the Singhalese Premier then the reality of our political problems would reveal itself gradually. One thing is certain and that is the Tamil representatives will never submit to be dominated or dictated to by the larger section of the Singhalese members. To safeguard the rights and interests of the Tamil people it is obligatory that the Tamil representatives in Parliament should not merely enter with a common programme but should remain so together until the end or dissolution of the parliament. Let us take lessons in this respect for the maintenance of discipline and order in the ranks of its members from the working of the Indian National Congress. If we desire to exist in this country as a strong community then we have to

close our ranks and stand united. Dissentions there will always be in any community or country but that should not be a deterrent but an incentive for further discipline and unity amongst those who believe in a set programme

The next move the Singhalese leaders would work for is the attainment of full Dominion Status. For the Tamils to expect the arrival of another Royal Commission to decide on this advance may be a miscalculation on our part. Dominion Status will be granted to Ceylon in the space of a few years if everything goes on happily and smoothly between the various communities. But on the other hand if there is discord and disunity amongst the communities and particularly amongst the two major sections the Tamils and the Singhalese, then the grant of further political rights will be delayed. This depends more on the Singhalese than on the Tamils.

Another problem which exists today and is bound to create many difficulties for the leaders of the majority group is the question of the Indian Tamil's franchise and rights of citizenship in this country. The Indian Tamil and the Ceylon Tamil have in the past been co-operating in the political domain and there is no reason why that same co-operation will not continue to exist hereafter. According to the last census the Tamils i.e. the Indian and Ceylon Tamils form 22.7 of the population of this country and the Low-country Singhalese are 43.5. As to how many members will be returned by the

Tamils as a whole remains to be seen.

At any rate the Ceylon and Indian Tamil representatives in the House of Representatives will not be a negligible factor and this number in conjunction with a number of other elements which will automatically range itself in opposition to the ruling section will certainly form a formidable group. It is absurd to suppose that with the formation of a United Nationalist party or any other party to support Mr. Senanayake or Bandaranayake in power, the opposition strength in the House will dwindle to a handful. This will never be. The truth of my statement will be seen a few weeks after the assembly of the new Parliament. The turn of events soon after the elections will be such that once the cabinet is chosen the number of the members in opposition to the government will be such that the party in power will have to take serious notice of the opposition and conduct themselves in a manner conducive to their stability.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA Testamentary Jurisdiction No. 554. In the matter of the last will and testament of the late Nanniamby Thuraiappah of Changanai West. Deceased Thangammah widow of Nanniamby Thuraiappah of Changanai West. Vs. Petitioner.

1. Annalechimy daughter of Thuraiappah, 2. Thuraiappah son of Thuraiappah, 3. Thuraiappah Thuraiappasingam, 4. Thuraiappah

Nadarajah, S. V. Ponnambalam Subanathipillai all of Changanai West. Respondents.

This matter coming on for disposal before R. R. Selvadurai Esq., District Judge, Jaffna, on the 10th day of May 1946 in the presence of Mr. S. Sivagnanam, Proctor on the part of the Petitioner and the affidavits of the Petitioner, Notary and attesting witnesses to the last will dated the 6th day of May 1946 filed of record having been read.

It is ordered that the last will and testament bearing No. 733 dated 25th December 1945 and attested by S. Sivagnanam, Notary Public, the original of which is deposited in Court be and the same is hereby declared proved and that the Petitioner as the Executor named in the said Last Will Probate be granted to her accordingly unless the Respondents or any other person shall appear before this Court on the 17th day of July 1946 and show sufficient cause to the satisfaction of this Court to the contrary.

It is further ordered that the above-named 5th respondent be and he is hereby appointed guardian-ad-litem over the minors the 1st to 4th respondents for the purpose of watching their interest in these proceedings unless the respondent above-named or any other person or persons interested in these proceedings appear before this Court on the 17th day of July 1946 and show sufficient cause to the satisfaction of this Court to the contrary.

This 1st day of May 1946.

Sgd. R. R. Selvadurai, District Judge.

(O. 31. 9 & 12-7-46)

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(Mis. 185, 31-12-31-12-46)

ORDER NISI

IN THE DISTRICT COURT
OF JAFFNA

Testamentary Jurisdiction No. 545

In the matter of the estate of the
late Sinnaiyer Sathasivakurukkal
of Koluvil Esi Deceased.

Sinnaiyer Markandakurukkal of
Chavakachcheri Petitioner.
Vs.

1. Sinnaiyer Nadarasa Aiyer of
Chiviatheru. 2. Annapooramma
widow of Kumaraswamy Iyer, 3.
Sethu Ramalinga Kurukkal Peetham-
para Kurukkal of Point Pedro 4.
Sethu Ramalinga Kurukkal Bala-
subramania Iyer, 5. S. Manon-
many Ammah widow of R. S.
Iyer of Alveddy 6. Manonmany
amma and her husband, 7. Sabi-
ratna Kurukkal of Pala'y. 8. Saras-
wathyammah wife of. 9. Ratnakuruk-
kal of Avanga. 10. Sabapathy Iyer
Kukathasa Iyer of Chivi-theru. 11.
Kandadasakurukkal Sambasivakuruk-
kal, 12. Kandadasakurukkal Sa-
thanatha Sarma, 13. Kandadasa-
kurukkal Fatna Sarma, 14. Kanda-
dasakurukkal Subramania Sarma, and
Mirois 15. Kandadasakurukkal Sam-
buntha Sarma, 16. Sarathambal
daughter of Kandadasakurukkal, 17.
Kamalambal daughter of Kandadasa-
kurukkal, 18. Grandswari daughter
of Kandadasakurukkal 19. Sri-
thevi daughter of Kandadasakurukkal
all of Nallure in Jaffna.

Respondents.

This matter coming on for dispo-
sal before R. R. Selvadurai Esquire
District Judge, Jaffna on the 23rd
day of May 1946 in the presence of
Mr. M. Mathiapparanam Proctor on
the part of the petitioner and the
affidavit and petition of the petiti-
oner having been read;

It is ordered that the abovenamed
11th respondent be and he is hereby
appointed Guardian-ad-litem over the
16th to 19th Respondents above
named for the purpose of watching
their interests in these testamentary
proceedings and that Letters of
Administration to the estate of the
said deceased be granted to the
petitioner as elder brother of the
said deceased unless the Respondents
shall appear before this Court on
the 11th day of July 1946 and show
sufficient cause to the satisfaction of
of this Court to the contrary.

The 23rd day of May 1946.

Sd. R. R. Selvadurai,
District Judge.

(O. 37, 5 & 9)

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[Mis. 248, 15-3-46 to 14-3-47.]

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA
(held at Point Pedro)

Testamentary Jurisdiction No. 315 P.

In the matter of the Last will and
Testament of the late Sinnachi-
pillai daughter of Sinnatamby of
Ramb Deceased.

Sinnatamby Murgesa of Karaveddy
North Petitioner.
Vs.

1. Sinnatamby Arumugam of do [do
2. Ponachy widow of Sinnatamby of
3. Theivagai daughter Sinnatamby of
do Respondents

This matter of the Petition of the
abovenamed Petitioner praying that
Probate of the last will bearing
No: 9240 dated 20th May 1929 and
attested by K. Subramaniam Notary
Public, be issued to the Petitioner,
coming on for disposal before Eerdav
W. J. Esquire, Esquire Additional
District Judge Jaffna on the 21st
day of June 1946 in the presence of
Mr. K. Subramaniam, Proctor for
Petitioner and on reading the Peti-
tion and affidavit of the Petitioner
and the affidavit of the Notary and
witnesses dated 20th June 1946;

It is ordered that the Last Will
be and the same is hereby declared
proved and the petitioner is the exe-
cutor named in the Will and the
petitioner be and he is hereby de-
clared entitled to have probate of
the said Last Will is used to him
accordingly unless the Respondents
or any other persons shall on or
before the 18th day of July 1946
show sufficient cause to the satisfac-
tion of this Court to the contrary.

This 21st day of June 1946.

Sgd. E. Wijewardene,
Additional District Judge.

Drawn by
K. Subramaniam,
Proctor for Petitioner.

(O. 33, 5 & 9)

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[Mis. 103, 5 to 16]

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[Mis. 243 B, 12-3-12-9-46 T.]

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