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(THE CHEAPEST WEEKLY IN CEYLON)

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Mr. S. S. Vytilingam who was connected with our Printing Press for the last two years has been appointed Travelling Agent for the *Hindu Organ*. He is authorised to collect the subscriptions (arrear as well as current) due to the paper, to enlist new Subscribers, and to sign bills and receipts on behalf of the Manager, *Hindu Organ*.

P. CARTHIGASAPILLAI
(Manager, *Hindu Organ*)

Jaffna 3rd July 1901.

TENDER FOR LANDING AND DELIVERING RAILWAY MATERIALS EX STEAMERS OR SAILING VESSELS AT KANKESANTURAI, JAFFNA.

Tenders will be received up to the 18th January 1902 from persons willing to contract for receiving from steamers or sailing vessels at the Port of Kankesanturai, Jaffna, and landing and loading into Railway Waggon on the Customs siding at Kankesanturai as directed all descriptions of Railway materials arriving for the Northern Railway between the 1st of May and middle of October 1902.

The contractor will be required to deposit a sum of Rs 1,000 for the due and faithful performance of the contract within 10 days of receiving notice in writing that the Chief Resident Engineer is prepared to accept his tender.

Copies of specifications relating to the work can be obtained on application to the Chief Assistant Engineer Northern Railway, Jaffna, or to the undersigned.

H. OLIVER.
Chief Resident Engineer
Northern Railway.

Railway Extension Office,
Kandy, 28th November 1901.

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THE HINDU ORGAN.

JAFFNA, WEDNESDAY, JANUARY 8, 1902

The Thesawaleme.

Lord Tennyson sang "Law, a lawless science, a myriad of single instances." True that Lord Tennyson had in his mind's eye the Common Law of England, which being unwritten law, had, and has still, to be found out in the decisions of the Courts and in legal treatises which do not possess the authority of positive law. Not only in England, but in every country under the sun, the "uncertainties of the law" have come to be regarded as a proverb. It is owing to this reason perhaps ancient Hindus who were great philosophers and metaphysicians and who moreover perfected a political science of their own, never matured a sys-

tem of jurisprudence. In ancient India justice was administered more according to "equity" than "law".

Lord Tennyson's words apply with greater force to the *Thesawaleme* of Jaffna than to the law of England. A Proclamation of 806 conserves to the Tamil (wrongly called Malabar) inhabitants of Jaffna their old-established customs and usages known as the *Thesawaleme*. Subsequent orders, proclamations, and ordinances have introduced into Jaffna the law prevailing in the rest of the Island, except as regards "inheritance" which is still governed by the *Thesawaleme*. One of the cardinal rules of jurisprudence being that succession to property is regulated by the law of one's domicile, a Jaffna man carries the "Thesawaleme" with him wherever he goes, be it Burmah, Straits, Africa, or Australia—unless and until he settles in a foreign country and acquires a new domicile. If the rule governing a particular case of inheritance cannot be easily ascertained in Jaffna—the birth-place of the *Thesawaleme*—how difficult it will be in Kuala Lumpur and Kuala Kubu!!

The rules of the *Thesawaleme* regulating succession to property are too general and vague to be of any use at the present day. In olden days when complicated cases of inheritance were rare, they perhaps served their purpose well. At that time, even in other countries laws were not perfect. Besides, in the good old days there were not many lawyers to find loopholes or detect *casus omissi*. Add to this that when a point which was not provided for in the "Thesawaleme" arose for decision, the opinions of "Mudaliyars" were invariably taken, and a decision satisfactory to all parties was come to. The old generation of "Mudaliyars"—custodians of the laws and usages of the country, who were not only of high birth, but owners of extensive properties—has become extinct. The old order of things has changed almost entirely. A new generation of merchants, traders, and land owners has risen up and supplanted families of old, who proud of their blue blood did not care to acquire wealth by trade and other pursuits fostered by the strong arm of the British Government, and stuck to their own traditions without availing themselves of the educational advantages afforded in Missionary and Government institutions. The result is that at present there are very few "Mudaliyars" in Jaffna whose words will carry the same weight and authority as those of the "Mudaliyars" of by gone days, and even among these there is none who can speak to the custom of the country with any degree of certainty.

Seeing the unsettled state of the law of inheritance in Jaffna, Mr. P. W. Conolly, one of the ablest judges that ever presided over the Jaffna District Court, framed with the assistance of the members of the Jaffna Bar and some of the leading residents of the district, about ten years ago, a draft ordinance embodying the rules of the *Thesawaleme*, making amendments, supplying deficiencies, filling up "vacancies", &c.. One of the chief defects of the "Thesawaleme", as it at present exists, is, that it deals for the most part with concrete cases rather than with abstract principles. When a case left untouched by the *Thesawaleme* comes on for decision, there are no "principles" to fall back upon. Mr. Conolly's draft code reduced the rules to a system, as is the case with the Roman-Dutch law, so that any and every concrete case that comes up for consideration may be easily met. Mr. Conolly submitted the draft to Government for being enacted as an "ordinance", but owing to the opposition, as it was at that time believed, of a leading Civil Servant and some elderly Tamil gentlemen who did not approve of some of the amendments made by the draft code, the Government did not

take upon itself to pass it into law; and the *Thesawaleme* remains unto this day as it was ever. It speaks much for the law-abiding and peaceful character of the Jaffnese, that they do not often take advantage of the defect in the law to litigate disputed points of inheritance in the Jaffna Courts. Most of the cases which the *Thesawaleme* does not solve are settled amicably. As the "Thesawaleme" now stands, if the Jaffnese should be as litigious as the people in the South, there must be an "Additional District Judge" for Jaffna also. We hope that if Mr. Conolly's code is not acceptable in all respects, the necessary modifications will be made, and the "Thesawaleme" will be reduced to shape and system ere long by being made a part of the statutory law.

We are led to make the above observations in view of a judgment lately pronounced by the Appellate Court affirming a judgment of the District Court of Jaffna. A father died intestate thrice married and leaving children by the three beds. The children of the first bed, all daughters, had been dowried by him in his life time. An only son by the second bed and the children by the third bed contended that the children by the first bed having been dowried by the intestate, the estate left behind by him at his death should be divided between the children of the second and third beds only. The children by the first bed contended on the other hand that the rule excluding dowried daughters from the succession applied to only such cases where the inheritors were their full brothers and sisters, and that they as half-sisters of the children by the second and third beds were entitled to participate in the property left behind by the common father. Both the Lower Court and the Appellate Court have upheld the latter contention.

It is inexplicable to us how the distinction founded in "full" blood and "half" blood turned the scale in favour of the children of the first bed. The succession being to the father and all the inheritors being children of that father, the same principle which excludes from the succession dowried sisters of the "full blood" must operate in the case of the dowried sisters of the "half blood". When a parent who has given "dowry" or "dotation" to some of his children, dies leaving behind other children to whom such dowry or dotation was not given, the law presumes that he intended to exclude the former from succeeding to the residue of his property and acts on that presumption. In the case referred to above, the father (the common parent) had given "dowry" to his children by the first bed. Then on what principle have they been held entitled to succeed to one-third of the property left behind by him at his death? The distinction drawn between "full" blood and "half" blood is most arbitrary and founded on no principle whatever. We shall revert to the subject once more.

A SYNOPSIS OF THE SAIVA SIDDANTAM.

BY THE LATE SIR
M. COOMARASWAMY, KT.

(Continued from our issue of the
1st January, 1902.)

The intelligent and active state of the soul is called Sakkiram, when all the 96 Tattuvams are in full vigour and play, and when the soul takes its seat in the forehead between the eyebrows. Soppanam is the state when a man is asleep. Here all but twenty-four of the Tattuvams are lulled into inactivity, and the soul descends to a seat in the neck. It experiences here only what it had seen in Sakkiram. This is the phenomenon of dreams, Sulutti is the stage below Soppanam. Here the soul exists in the heart in company with only two Tattuvams—the will and the vital principle. The soul is incapable of distinguishing any thing here. From this, the soul drops down into the navel, and exists in the state called Turigam, in union with the vital principle alone. Here it ceases to think. Next below is the Turiyathitham, where the soul descends deprived of even the vital principle. This is Death.

The polar star of life is then, according to this Philosophy, the deliverance of the Pasu from the Pasam. But Pasu soon loses

The above is the title of a small book written by Mr. Chellaiah, Assistant Master, Jaffna Hindu College, and published at the *Navalar Press*, Jaffna. The brochure represents, as far as we know, the first attempt ever made in Jaffna to publish in book form a course of lessons in Translation for the benefit of Tamil school boys. The arrangement of the subject under different heads, and the order in which the lessons and exercises follow one another leave nothing to be desired. Students are gradually introduced to lessons and exercises of greater difficulty from those of less difficulty. Where necessary, particular stress is laid on the difference between the idiom and structure of the two languages, so that the book serves to teach not only the correct mode of rendering into English Tamil words, phrases, and sentences, but also the idioms and constructions peculiar to the English language. We confess to having seen no other book where

the rules on which correct translation depends have been arranged so systematically as in the one before us. The thanks of Tamil students are due to Mr. Chellaiah for his labours in their behalf. We hope that he will follow up his first attempt by more elaborate treatises on the subject of Translation.

LOCAL & GENERAL

Cholera—We understand that there were no fresh cases of Cholera during the past week.

Rain—It rained incessantly all over the Peninsula for three days from the evening of the 1st instant till Saturday.

A Boat accident—A boat which conveyed bulls from Southern India having struck against a rock when nearing the port of Kayts, eleven of the bulls were drowned. The other bulls and the passengers were saved owing to timely assistance rendered by a *Katamaran*, which passed close by.

Topographical Survey of Jaffna—It is reported that a party of topographical surveyors will be stationed in Jaffna from this month to carry on the topographical survey of the Peninsula. Mr. D. Blair, Assistant Superintendent of surveys, will supervise the work.

The Ceylon Friend—We have received the Prospectus of a Tamil newspaper to be started in Colombo under the name of "Ceylon Friend". It will be issued twice a week commencing from this month. We wish success to the new venture, and hope that it will be the means of enlightening the masses of the Tamil people on agricultural, commercial, industrial, and political topics.

Marriage in High Life—Dr. C. Danforth of Uduvii was married last month to Miss Maria Elaiyatamby, a daughter of the Rev. Mr. S. Elaiyatamby, a popular pastor.

"THE INDIAN HEALTH"

We have received from Messrs N. K. Rao & Co., of Bombay the prospectus of a monthly journal with the above title which is to be published from this month. We are sorry that we cannot find room in our paper for the publication of the elaborate prospectus kindly placed at our disposal. We shall however give insertion to what are said to be "the objects of the journal" reserving for a future issue a summary of other matters given in the Prospectus.

The objects are:—

(1) To secure and promote the physical well-being of the Indian Nation.

(a) by disseminating, far and wide among the Indian Public, a knowledge of the laws and principles of Health by means of a journal treating of popular Hygiene in all its aspects and bearings and published in English as well as in all the principal vernaculars of India;

(b) by awakening in them an interest in the cause of practical Hygiene so as to make them grasp its valuable truths and act up to their requirements, by describing in the journal from time to time, the manifold advantages of observing the rules of Health, pointing out, at the same time, statistically and otherwise, the inestimable benefits secured by the civilized nations of other countries by adopting sanitary measures, and by a strong and persistent advocacy of the cause of practical Sanitation through the columns of the journal.

(2) To reduce disease and suffering and thus to lower the rate of mortality in the Nation,

(a) by educating the public through the journal as to their means and powers of avoiding what are called preventable diseases, of guarding against epidemics and preventing their spread when they prevail;

(b) by giving instructions, now and then, on the care and management of the sick and the rearing of infants and children;

(c) by extending to them a knowledge of the principles of the "first aid" and nursing in cases of accidents and emergencies by introducing such instruction into the journal.

X' MAS PURSE AT VAVONIA

On the evening of the 24th December the reading of an address and presentation of a

handsome purse from the residents in Vavonia to Dr. L. de La Harpe took place at the residence of the District Engineer. The address was read by the Revd. Mr. M. Arudpragasam, and the purse was presented by Mr. E. R. McDonnell, the Chief Irrigation Inspector.

Amongst the speakers was Mr. R. Candappa, Shroff of the Vavonia Treasury, who spoke very highly of the abilities and kind nature of the popular doctor. Special mention was made in the address of Mrs. de La Harpe's medical training and the benefits she conferred on the female portion of the population at Vavonia. A fitting reply to the address was made by the doctor in well chosen words.

Songs in Tamil accompanied by native music, which were followed by three hearty cheers for the Doctor, brought the function to a close.

Light refreshments were served throughout the evening.

The following were amongst those present at the function:—

Mr. E. R. McDonnell, the Revd. M. Arudpragasam, Mr. and Mrs. E. J. Meurling, Mrs. de La Harpe, Messrs. Mapanapillai, T. Ralapaawae, R. Candappa, C. Kandayah, T. Emerson, P. Arulampalam, C. de Hoedt, J. Simon, K. Kapurale &c.

A HINDU MOTHER WEeping OVER HER DROWNED CHILD AND WOULD NOT BE CONSOLED.

The night throbs on; but let me pray, Dear God! Crush off his name a moment from my mouth. To Thee my eyes would turn, but they go back, Back to my arm beside me where he lay— So little, God, so little and so warm! I cannot think that Thou hadst need of him! He is so little, God, he cannot sing. He cannot praise Thee; all his life had learned Was to hold fast my kisses in the night. Give him to me—he is not happy there! He had not felt his life; his black eyes Just knew me for his mother, and he died. Hast Thou a goddess there to mother him? I say he loves me best—if he forgets, If Thou allow it that my child forgets, And runs not out to meet me when I come— What are my curses to Thee? Thou hast heard Curses of world's mothers, and since then We have not ceased to threaten at Thy throne, To threat and pray Thee that Thou hold them still In memory of us—see Thou tend him well, Thou God of all the Mothers! If he lack One of his kisses—Ah, my heart, my heart! Do the gods kiss in heaven? Give him back! Forgive me, God, but I am sick with grief, And tired of tears and cold to comforting. Thou art wise, I know, and tender, aye, and good. Thou hast my child and he is safe in Thee. And I believe.....

Ah, God, my child shall go Orphaned among the Gods! All alone, So little and alone! He knows not Thee, He only knows his mother—give him back! P. V. C.

NOTICE

IN THE DISTRICT COURT OF JAFFNA ORDER NISI

Testamentary }
Jurisdiction } No. 1215

Class I In the Matter of the Estate of the late Nannippillai wife of Thampippillai of Manippai Deceased

Veeragattiar Thampippillai of Manippai Petitioner
Vs
Muttupillai widow of Namasivayam of Chandirupai Respondent

This matter of the Petition of Veeragattiar Thampippillai of Manippai praying for Letters of Administration to the estate of the abovenamed deceased Nannippillai wife of Thampippillai coming on for disposal before W. R. B. Sanders Esquire, District Judge, on the 18th day of December 1901 in the presence of Messrs Casippillai & Cathiravelu, Proctors, on the part of the Petitioner, and the affidavit of the Petitioner dated the 18th day of December 1901 having been read, it is declared that the Petitioner is the lawful husband of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondent or any other person shall on or before the 24th day of January 1902 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 18th day of December 1901
W. R. B. SANDERS
District Judge

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Tonic Pills No. 1; or for Sterility, Impotence... 100 pills	3	8
Emulsion for Leprosy (for internal and external use) for Red Leprosy	6	0
Diarrhoea and Cholera Dispeller (no family should be without it, specific)	0	12
Infant Protector, Carminative and tonic, best for Children	1	0
Digestive pills for 100 pills (for Indigestion, &c.)	1	4
Cough Syrup, (for Bronchitis, Asthma, &c.)	1	0
Cough pills, for 100 pills (of 30 years trial)	0	12
Purgative pills, (for costiveness, bilious habit)	0	6
Liver complaint	0	6
Female pills (for all sorts of female complaints)	0	12
Leucoderma powder (for internal and external use) White Leprosy	1	8
Tonic pills, No 2, (specific for Enlargement of Spleen, Opium Habits, &c.)	1	0
Wind Killing Oil (for Rheumatism, &c.) Assas four and	2	0
Ringworm Ointment (specific) supercedes all other ointment	0	6
Hair Dye -instantaneous, WITH BRUSHES	1	4
Hair Oil -perfumed- for baldness, &c.	1	0
Pandharinath Gopinath & Co.'s SARAPARILLA PILLS on all sorts of venereal diseases...	1	0
arsodyne for purifying blood and all sorts of venereal diseases. A giant remedy	1	0
Headache Remedy cure within 5 minute	1	8
Gopinath's Anti Corpulence for obesity	2	8
Eye drops -for Ophthalmia, &c., &c.	1	0
Ear drops -for purulent discharges &c.	0	12
Universal Ointment -for Healing Ulcers, Wounds &c.	0	8
powder and Ointment for piles each	2	0
Tooth powder -for Toothache, &c.	0	4
Silver Gilding Fluid -gilds an article within 2 minutes	0	8
Scorpion Sting Remedy	0	12
Oozena Remedy for stinking ulcer in the inside of the Nostrils	2	0
Depilatory powder removes hairs within 5 minutes	1	0
Gonorrhoea cure certain within 3 days. Try once.	1	0
Gonorrhoea pills	1	0
Cod Liver Oil Emulsion with Hypophosphite &c. best for consumption	1	8
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