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Obiter Dicta—VII.

SWARAJ?

At the Post Office Counter—Petty Tyrants at Post Office—Is He fit for Self-Government?—Training Grounds—Contempt of Court?

SOMEBODY had it put in an English newspaper. Or it was in a book printed in England. Therefore, it acquired the potency of "high authority". And, some local imbecile quoted it. What? This—"the question is not whether the people are prepared or not for self-government, but it is rather why it is being withheld from them". The patient may be prepared or not for the operation, but he must undergo it! The hat may or may not fit the head, but it must put it on! The soil may or may not be ready for the seed, but we must sow all the same! The audience may or may not be fit to understand a word of psychotherapy, but the lecture must be delivered! The boy may be fit or not fit to sit for the examination, but sit he must! So also, whether we are fit or not fit for self-government we must have it!!! And do what with it??

At the Post Office Counter

The time is 10.45 a.m. The place is the post-office inquiry counter. A respectable Moorman, some rich trader, is rustling a V. P. P. paper as noisily as he could to attract the attention of three Jaffna clerks busy laughing and chatting by the V. P. P. clerk's table in full view of the window and the meek Moorman. I joined the long-suffering Moor. He had two parcels to remove for Rs. 480.87. Mine was for Rs. 7.00. The merchant told me he had been waiting from 10.15 a.m. I became meeker than the Moor, and looked appealingly towards the clerk who happened to be immensely enjoying their pleasant talk.

Petty Tyrants at Post Office

After some waiting I mustered sufficient courage to ask, "Please let me know if it is already office time." The Moorman stepped back from the counter in dread of my daring. He of the V. P. P. table asked me, "what do you want?" To such quintessence of courtesy I couldn't think of saying anything but my first inquiry, "Please let me know if it is already office time." Clerk No. 2, jumped down from the table where he had been seated all the time, came up to us and received our papers. The three read our names, read mine with some concern obviously, for No. 2 came up to the counter and said, "Sir, we didn't know it was you. Sorry to have kept you waiting." I said, "It does not matter who is at the counter. Everybody is entitled to attention." Now those petty tyrants at the post office, are they fit for self-government?

Surely they should not be trusted with any degree of power.

Is He fit for Self-Government?

Here is more tyranny. A firm in Colombo has supplied customers with addressed cases of cardboard for sending spectacles and similar goods to it for repairs. I had used the cases on many occasions. The other day some clerk, who apparently has not much to do in the post office, noticed my cardboard addressed case, and refused to let it be posted. He was polite enough to send me a verbal message, "Tell your master to seal it and register it against thefts." In my written reply to him I pointed out that I had used such cases many times and added, "If you don't steal I'll take the risk of Colombo not stealing." The tyrant kept my man waiting till very near the last moment and said, "Here, take this away, it is too late now." But my man who had been duly instructed against such eventuality, affixed the proper stamp and hung it on the table and walked away, followed by the echoes of the clerk's, "Eh! Eh!!" Is he fit for self-government? Swaraj?

Training Grounds

They are training-grounds for self-government, village committees are, says the political philosopher. He would do well to attend the meetings of some of these committees. A young man lately happened to be smoking a cigar on the high road as the V. C. Chairman was on his way to hold court. The great man stared hard at the rude young man, and harder at the offending cigar. But the young man budged not one inch from his pose of disrespect, and the cigar burned the brighter. The irate dispenser of village justice hastened to the court house, mounted the Bench in high dudgeon and directed the arrest of the young man on the road on a charge of contempt of court!

Contempt Of Court?

The offender appeared without his cigar, and on his being told of his "offence", promptly raised legal objections. A sober councillor was heard to whisper, "Disrespect on the road is not contempt of court". The Chairman, however, bellowed his contrary views to the terror of the assembled village. The councillors began to take counsel very audibly. One or two of them who had been seen to be smiling must have heard the young man's remark, "A V. C. is not capable of contempt!" Whatever did he mean? The matter of the order to show cause ended in smoke. Now, was that Jaffna fit for self-government? Swaraj??

MEDIUM OF INSTRUCTION

81 Per Cent Vernacular

THREE ALTERNATIVE COURSES

'SLIDING SCALE' METHOD

The medium of instruction in schools varies according to the type of school. For example, in vernacular schools the medium of instruction is entirely Sinhalese or Tamil. This group of schools includes 81 per cent of all the school-going children in Ceylon, says the Director of Education in his report for 1932.

In the Bilingual group of schools the vernacular language is the medium of instruction for the first four or five years of school life, after which a course of English is introduced which is entirely optional and for which fees are charged.

Sliding Scale.

The third course introduces a second language (usually English) for one period a day at the Kindergarten stage. The time given to the second language is progressively increased each year until at the end of the elementary-school course the medium of instruction in all subjects except the vernacular language itself is English. This method, known as the "sliding scale" method, has the advantage of retaining a considerable amount of instruction throughout school life in the mother tongue of the pupils. Its value as contrasted with the direct method of teaching English referred to below is still a subject of investigation.

In the case of the third group of schools, viz., English schools, two alternative methods are employed in giving instruction in the English language.

English Medium.

In the first method pupils begin the study of English at the earliest stage of school life, and as they must have a working knowledge of English before admission, their progress in mastering the language is very rapid.

The second method employed is a two-year special course in English for pupils who transfer from Vernacular or Bilingual schools to English schools. The pupils who enter this course are approximately 9 years of age and have already received instruction in their own mother tongue in the primary standards. This course is an intensive one in which the direct method of teaching a foreign language is employed. After completing this course, pupils are able to enter the ordinary standards of the English school, in which the medium of instruction is English. In the majority of such schools the vernacular languages continue to be taught throughout the upper classes. Pupils recruited from Vernacular and Bilingual schools can attain a standard equal to the en-

Indian Musicians At Rome.

THAKUR BROTHERS

Sig. Mussolini Appreciates Their Music.

His Excellency the Signor Mussolini invited Pandit, Omkarnathji Thakur and Pro. Rameshchandra Thakur, the great Artists of India, to perform their art in his palace.

The Panditji and his Brother went to the Palace and they were welcomed by Sig. Mussolini cordially.

After some conversation, Prof. Rameshchandra Thakur began to show his perfect art on "Tablataarang" with skilful varieties and richness of the art. Sig. Mussolini was really enchanted and often expressed his delight.

When the Panditji was absorbed in the deep sentiments of Rag Malkuns, Sig. Mussolini came near to the Panditji and sat down, on the ground to listen to the wonderful music of India, and forgot himself for sometime. After finishing the Rag, Panditji opened his eyes in perfect silence; and he saw the Sig. Mussolini near him saying heartily "Marvellous, marvellous".

After finishing the programme, Sig. Mussolini and his wife with impression and solid appreciation, treated the Indian artists to refreshments.

During the conversation Sig. Mussolini asked Panditji: Have you seen Rome? How did you like it? Is it beautiful?

Beautiful Rome and Marvellous India

Panditji answered gently without any hesitation: "Yes, Rome is a most beautiful and wonderful place for its new arrangements and old remains. We were pleased and surprised with them, but I must say that India is the most marvellous country in the world." Sig. Mussolini agreed with Panditji by shaking his head.

At midnight, His Excellency and Her Excellency accompanied the musicians to the door and shook hands with them twice with emotion. Panditji and his brother left the palace under a glorious and deep impression.

Pandit Omkarnathji Thakur and Prof. Rameshchandra Thakur were also received by H. E. British and French Ambassadors to Italy and by the leading Italian musicians and musical societies. Panditji has gained a very great success in Rome. —"A.B.P."

trance examination of a university about their seventeenth or eighteenth year.

It will be seen, therefore, that in the system of education prevailing in Ceylon the pupils are given the following alternative courses: (1) A full course of elementary instruction in the vernacular languages; (2) a full course of elementary instruction in the vernacular languages plus a working knowledge of English; and (3) a full course of instruction in English not merely for pupils whose mother tongue is English, but for those who at the beginning of school life have no knowledge of that language.

DEPRAVING MEN

Decoy System Condemned

HIRING PRIVATE CARS

CENTRAL GOVT'S DUTY

The question of the Jaffna Urban Council advancing money to the Police for employing decoys to detect private cars plying for hire, came up for discussion at the last monthly meeting of the Council. The practice of employing decoys was condemned and a motion for a vote of Rs. 100 for the purpose was thrown out.

The correspondence that took place between the Chairman, the Superintendent of Police and the President, Local Government Board, on this subject was placed before the Council.

The Chairman wrote to the Superintendent of Police, Jaffna, the following letter:—

"I have the honour to inform you that while 15 motor cars were licensed during 1932 for hiring purposes only 9 have so far been licensed for the current year. It is reported that most of the private cars are being used for hiring purposes. I have, therefore, to request you to be good enough to take necessary action in the matter. Any assistance you require from Council will be given to you."

Money for Decoys

The Superintendent of Police, in reply wished to know whether the Council could advance some money to engage decoys or get them some decoys.

The Chairman then wrote the following letter to the President, Local Government Board:

"I have the honour to inform you that in connection with steps to be taken against owners of private motor cars who ply their cars for hire, the Superintendent of Police requests that some money may be advanced to him to engage decoys and to inquire whether such expenditure can be met out of U. D. C. funds."

The following was received in reply from the Local Govt Board.

"I have the honour to inform you that the advance would be an expense incurred by the Council in the exercise of its powers and duties under the Local Government Ordinance or any other Ordinance (Vide section 170,1 (a) of Ordinance 11 of 1920). The Council will however have to pass a specific vote for the purpose."

The Chairman placed the above facts before the Council and wished that the Council should vote a sum of money for the purpose.

Central Govt's Policy

Mr. Rajaratnam said that he was opposed to this vote as he found that the central Government was systematic

(Continued on Page 4.)

CEYLON SAVINGS BANK.

The Annual General Meeting of Depositors of the Bank will be held in No. 1 Committee Room in the New Council Chamber on Monday, June 26th., 1933, at 4.30 p.m.

HENRY A. HAMER
Secretary

Ceylon Savings Bank,
Colombo, 10th, June, 1933.
G. 7. 19-6-33.



Hindu Organ.

MONDAY, JUNE 19, 1933.

THE CENSURE MOTION

—O—

MR. S. W. R. D. BANDARANAIKE has added to the debt the public owe him by his fearless exposure of the serious breach of faith with the people on the part of Ministers who accepted office under the Donoughmore constitution only to give it a fair trial. Introducing his censure motion, MR. BANDARANAIKE tore the masks off the Ministers and threw a flood of light on the moves and manoeuvres, to which Ministers have resorted, to assure their own safety in Council without imperilling their popularity with the people. Almost from the very beginning, it was clear that the Ministers could not continue to function without surrendering their rights as custodians of the peoples' interests. One after the other came in quick succession the acts of certification by the Governor of measures disallowed by the Council. The truth was brought home to the public that the Ministers were powerless and impotent to protect the interests of the people and suggestions were made that they should quit their seats and concentrate on securing the reform of the constitution. Members and Ministers, however, stayed on in the hope that the much-talked of good-will from the Governor would smooth their way. This was not to be. The Governor took umbrage under the provisions of the Order-in-Council and continued to flout the considered views of the Council. Finding themselves between the devil and the deep sea, the Ministers threw themselves into the arms of the Governor. Members in Council began to grow suspicious of the change that had come over the Ministers. Members were not admitted into their confidence and their opinion was sought only when it was necessary to secure their support to proposals that, in open Council, might lead to differences of opinion and attract the attention of the public. If the Governor had set his heart on a line of action, it was worse than useless to oppose him, for he had the power to over-ride the decision of the Council and the Board, and the Governor had not hesitated to use his reserve powers as a giant

Every time the Governor intervened with his power of certification, the public grew clamorous and condemned the Ministers and Members. There was no way to save themselves from the tide of unpopularity which threatened to overwhelm them. A motion to recall the Governor was staged to divert public attention from Ministers to the Governor. This move did

no more than amuse the public. The Ministers had by now become the trusted agents of the Governor's Government and had abdicated their lawful position as advisers to the Governor. They were so deeply absorbed in carrying out the behests of Government that they completely forgot that they represented the Council and the people.

The Ministers had forfeited the confidence of Members as well as the public. It is small wonder, therefore, that members of Council joined the popular agitation for reforms. Their deliberate delay to take action on the Perera Resolutions threw a lurid light on the degeneracy that had come over the peoples' leaders. Only a censure motion could have awakened them from the smug self-complacency into which the Ministers had drifted. It was well, therefore, that MR. BANDARANAIKE should have introduced his motion impeaching the conduct of Ministers. Had MR. BANDARANAIKE wished to be on the good side of the big ones in the land, he might have hung up his motion indefinitely without encountering any protest from the people. For, the people of this country have long been used to witness in the State Council brave words and threatening gestures leading to no tangible results. All praise, therefore, be to MR. BANDARANAIKE who brushing aside the frowns of the high and the mighty and the gentle persuasions of the crafty, decided to push his motion to debate. We are glad that he did not flinch from his purpose even though the Congress, of which he is a distinguished member, threatened dire penalties for the alleged breach of party loyalty.

The motion was lost. Indeed, no one expected the motion would go through. Every member in Council has his own personal reason to oppose a motion calculated to unseat him. MR. BANDARANAIKE'S motion, if it did not succeed in bringing the Ministers to their senses, or the members to a better appreciation of their duty by their electors, was at least, useful in that it evoked the assurance of the Leader of the House that the secret Memorandum forwarded to the Colonial Office by the Ministers on Constitutional Reform would see the light of day and that the recommendations therein are not inconsistent with, or opposed to, the Perera Resolutions. The statement read out to the House on the day fixed for the censure motion was the first official intimation the Ministers condescended to give with regard to the Memorandum hatched in secret and forwarded to the authorities behind the back of the Council. This aspect of Ministerial conduct constitutes the greatest betrayal by the Ministers of the country's interests. It is not possible for us to discuss the merits of the proposals favoured by the Board in the absence of any knowledge of the contents of the Memorandum. But one does not need to be a prophet to say that the effect of the recommendations will be to counteract and weaken the representations made on behalf of the people. The assurance given by the Leader notwithstanding, which, let us add, approximates in tone, temper and substance to the assurance vouchsafed to the people by the late Sir Hugh Clifford when he recommended the necessity for the Donoughmore commission does not feel that the Ministers who had at every turn sacrificed

the interests of the people and their elected representatives, would go out of their way to disturb an arrangement under which they are, to say the least, prospering gloriously.

The Leader's 'assurance' was intended to take the sting out of the censure motion and the wind out of the sails of Mr. G. C. S. COREA. There is no knowing what shoals and reefs the Reform Bill may have to face in its passage through the Council. And even when it is safely steered through wind and weather in Council, what further difficulties will arise before the Bill gets to the Statute Book it is not easy to forecast. One thing, however, is clear. The reform of the constitution from within the Council is an impossible task unless the people are prepared to accept with becoming gratitude the reforms doled out to them by the dominant power. Halfway houses on the road to national freedom have a fatal influence on those who bravely walk into the parlour with the idea of reforming the constitution from within. They succumb to the fascination exercised by Government and not infrequently turn out to be enemies of the country's freedom.

We trust MR. BANDARANAIKE will realise the futility of hoping to win freedom for the country from within the Council. No country willingly gives up the power it has till it feels no longer safe to refuse to do so.

A HOWLING DERVISH

We should not feel disposed to take seriously the insinuations and accusations made by the "Ceylon Free Press", were it not for the fact that even in controversy it is necessary to keep strictly to truth. The abuse may stand, for blackness in moors is not reckoned a deformity. As for the author of the "home-truth", well, God made him and let him pass for a man. In one of those ridiculous fits of indignation which the "Free Press" may well flatter itself to be righteous, it has thought fit to take us to task with regard to some facts which came under our personal observation during the early days of the boycott of Council. What we stated with reference to the boycott was neither false nor incorrect. We repeat that it is the plain, unvarnished and undyed truth, that the leaders of the community decided upon the boycott themselves at a conference of the candidates held on the day previous to that fixed for nominations. The Youth Congress had resolved to boycott the State Council elections many months before the date of elections, when the Donoughmore Report was before the public; if the members of the Youth Congress were jubilant over the decision arrived at by the candidates, it was because they felt proud and happy that their leaders had endorsed the view taken by the Congress and not because they had succeeded in persuading the leaders to stand out of the elections. It is uncharitable, to say the least, that men like MESSRS DURAISWAMY, SANDRASEGRA and BALASINGHAM, and the other candidates, "allowed themselves to be easily persuaded."

We are in a position to vouch for the truth of the statement that not one of the candidates considered the possibility of

another nomination day. Indeed, in order to render the boycott effective the suggestion that none of the candidates who signed the undertaking to boycott should accept even nominated seats was approved. If they expected another opportunity to enter the Council would they have within a week of the boycott held a mass meeting at the Esplanade and to affirm the boycott? This was followed by several meetings at various centres in Jaffna where the boycott was re-affirmed. In view of the above facts, is it honest, we ask, to suggest that the leaders expected another nomination day? It is said that "each one was doubtful as to the result of a contest" and therefore, all the candidates agreed to retire from the field. We leave it to our readers to judge the merits of this proposition.

We do still maintain that communalism has no foundation in fact. We have reasons to believe that educated and intelligent opinion in the country is with us. The masses too are with us in this view. The communal attitude of mind does not exist outside the small circle of mischief-makers. It is not correct to say that "the leaders of the majority community are communalists." There may be, there are, Sinhalese leaders who sometimes place their own community before their country just as there are some Tamils would-be leaders who profess to be patriots because they shout over the interests of the Tamil community even at the sacrifice of the country. There are many Tamil gentlemen who may have reasons to hate certain Sinhalese gentlemen and vice versa. But, the point for us to remember is that neither these "leaders" nor the gentlemen referred to constitute the entire community to which they may happen to belong. Indeed, it is inevitable that members of the two communities who have to live side by side as brothers in this country should have many occasions to love or hate each other. There is no clash between the two communities as such. The two communities have been drawn to each other by the sacred bonds of culture, religion, historical tradition and political fellowship. Efforts have been made by our foreign rulers to keep us divided but these efforts have proved futile in the end. The Tamils are one with the Sinhalese in the political aspiration to win freedom for this ancient land. The Sinhalese are one with the Tamils in securing economic independence for this beautiful land of ours. In these two vital problems facing the country there cannot be any split or difference between the two communities. The Sinhalese, let us bear in mind, cannot secure freedom for themselves without allowing the Tamils the full benefit of it. The Tamils cannot enjoy economic prosperity without the Sinhalese taking their own share of it.

If some Sinhalese leaders are communally minded, is that sufficient reason why we should be also communal? We cannot succeed in correcting the error of their ways by raising the cry ourselves. It is just possible that a proud and martial race which had been trampled under foot and kept under subjection

for centuries under the very shadow of its ancient ruins, which testify to a mighty civilisation in the past, cannot at a bound regain the poise and assurance of the free man whose self-reliance is proof against distrust or hatred of one's neighbour.

Trust begets trust and distrust breeds distrust. If we distrust the Sinhalese, it is only natural that they should distrust us. But, this mistrust is certain to react on us and impoverish the community. Fear is born of weakness. Communal distrust only emphasises this weakness. When the Tamils succumb to weakness and lose their sense of self-reliance and dignity then will begin the degeneration of the race. A few more seats in Council or a few posts for the Tamils cannot compensate for the moral loss which this campaign of weakness is certain to entail on the community. Our worth, dignity and efficiency should be the best safe-guards for the interests of our community. Otherwise, we shall as in the past allow ourselves to be lulled into a false sense of security and find ourselves helpless in an emergency. Written pledges and pacts will not avail to protect our interests as our own self-reliance and self-respect. Let us stand on our own feet and give up hold of the apron strings of the Briton. Our strength must be sought within ourselves. Let us stand erect and broaden our shoulders and think and act as free men. Then, every community in the Island will seek our co-operation and friendship.

In the circumstance it is for the communal propagandists to decide whether the game they are playing is worth the price they shall have to pay for it. They can have communal representation all along the line, in the Council and the service, but at what price? Are they not bartering away the liberties of the Tamils for a mess of pottage? Are they not reducing the chances of a Tamil revival by prolonging the period of Ceylon's bondage and reducing the chances of its gaining Swarajiam, because that is what communal representation, if carried to its logical length, means and involves? Is it not worth their while to acquire the friendship and good-will of the Sinhalese? Communal representation is only another name for the continuance of communal distrust and weakness. Must this weakness continue to poison our own life in and out of the community? Are the communalists not taking a very grave responsibility, too great and serious to be lightly under-rated, by making themselves responsible for the continued political slavery of the peoples of this fair Island? Let them pause and consider.

It is our duty to warn our readers against the possible consequences of the campaign of vile vituperation of the country's leaders and unprovoked attacks on a community with whom we have lived for centuries as a self-respecting people.

The learned author of "Mirrors of Downing Street" has some reflections on English public life which might be borne in mind by our readers:

"But until our politics are of a higher order, we can hardly expect the best minds in the nation to feel any attraction to a political career. More and more the professional politician, the narrow man, the man of the loud voice and one idea, the man who has few instincts of honesty in his mind and no movement of high or disinterested patriotism in his soul will press himself upon the attention of democracy and by intimidating his leader and brow-beating his opponents, force his way onward to office."

Thesawalam or The Customary Law of Jaffna

Its Genesis And Developments

I. THE DUTCH CODIFICATION

By. V. Coomaraswamy, B. A., Proctor.

(Special to the "HINDU ORGAN")

THE occupation of Ceylon by the Dutch has left an indelible impress on the Civil Law administered in the Island, in respect of land tenure, inheritance, etc., the only exceptions being the laws of the Muslims, the Kandiyans and the Tamils domiciled in Jaffna.

When the Dutch East India Company established Courts of Justice in the Island, it was found that the inhabitants of the Maritime Provinces of the Western and Southern coasts of the Island were composed of heterogeneous elements of diverse races, creeds and tongues, with no settled system of laws of their own, and the Dutch company found no alternative but to impose their own system of law known as the *Asadoms Law*—the Roman Dutch Law as it obtained in North Holland.

But in the case of Jaffna it was otherwise. Here was a homogeneous set of people speaking but one language and professing practically one religion viz. Hinduism, with a sprinkling of converts to an alien faith after the advent of a foreign rule. The converts were but a fraction and in spite of their change of faith, followed the same manners, customs and modes of life and social ideals of the Hindu community.

Customs Acquire Force Of Law.

The Dutch, as much as their predecessors, the Portuguese, took stock of this important factor that distinguished Jaffna from the rest of the Island. Certain customs had acquired the force of law by long usage and universal acceptance as regards dowry, inheritance, Otty etc.; and this customary law was administered by the Dutch East India Company in the Courts established by them in Jaffna and were subsequently codified in 1707 A.D. by Mr. Claas Isaack, the then Thesawale of Jaffna Pattam, who, according to his own statement, appended at the end of the compilation, codified them as the result of his experience obtained by long residence and intercourse in the locality and after strict inquiry.

Dissawe's Letter.

In a letter dated 5th April 1707, addressed to the Hon'ble the Commander of Jaffna Pattam re this codification the Dissawe said: "You are not ignorant that I have composed the Malabar laws and customs by order of H. E. The Governor, which I have done so far as my knowledge of the same permitted me; yet, to prevent any future disputes I request that you will have the goodness to cause the same to be translated into Malabar... and cause the Malabar translation to be attentively perused by twelve sensible Mudaliars in order that they may state their objections in writing, should they have any, in which case I request that you will appoint such persons as would be able to point out to you such mistakes as might have been committed either by me or by the said twelve Mudaliars; and should such persons as are appointed by you decide in my favour, I request that you will desire them to sign the Malabar translation."

Imprimatur Of 12 Mudaliars.

The translation of the Code was accordingly circulated among, and received the Imprimatur of, 12 Mudaliars who signed the translation, confirming the correctness of the Customary Law in the following significant attestation: "We declare by these presents that the Composition of the said Malabar Laws and Customs perfectly agree with the usual

customs prevailing at this place and we therefore fully confirm the same." They moreover added a note of dissent from the compiler as regards a right of social detail concerning the relation that should exist between an emancipated slave and master, which is of no interest to us except for the fact that the Mudaliars emphasise the fact that even this matter of social detail wherein they differed from the Dissawe was according to ancient customs which prevailed even under the Portuguese Government and also at the commencement of the Dutch Government; and which statement leads us to the legitimate conclusion that all the customs to which they gave an unequalled approval as finally embodied in Isaac's Code, were ancient customs coming down to us from times anterior to any foreign domination in Jaffna.

Promulgation of the Code

So much for the efforts taken by the Dutch authorities to embody in the form of a Code reflecting quite accurately even in matters of minute detail the Customary Law of Jaffna commonly known as Thesawalam. The Dutch Governor Symons by his order, dated, Colombo 4th June 1707, gave his approval to Isaac's Code of Thesawalam and promulgated the same by causing authenticated copies thereof to be issued to the Courts of Justice and the Civil Land Road of Jaffna Pattam for the guidance of Judges in the Administration of Law in Jaffna. Even after the advent of the British rule in Jaffna the Dutch Code referred to above or rather its authenticated English translation was embodied in the Legislative Enactments as the authoritative exposition of the Law of Thesawalam and the Judges professed to follow and interpret it resorting to the Roman Dutch Law where the Thesawalam was silent. The Dutch Code was modified by legislation in some particulars as regards Matrimonial rights and Inheritance for the first time by Ord. No. 1 of 1911. A more ambitious programme of modifying it in other matters such as Preemption, Otty etc. etc. mooted years ago has not yet fructified.

This in brief is the history of the Customary Law of Jaffna, from its codification in 1707 down to the present day. But what about its origin and its development before the code of 1707? This is the question which is attempted to be answered in this contribution.

Origin of the Thesawalam

The reader would have noticed that in the passage quoted from the correspondence in connection with the Dutch Compilation, the Customary Law of Jaffna is referred to as *Malabar Laws and Customs* and the people themselves are referred to as the *Malabar inhabitants* of Jaffna.

In a footnote appended to a Thesawalam Case reported in the New Law Reports, the late Sir P. Ramanathan questioned the propriety of Thesawalam being styled the law of the "Malabar inhabitants" and considered it a misnomer in view of the history and tradition which ascribes to the ancestors of the Tamils of Jaffna a colonisation from the Coromandel Coast and not from the coast of Malabar.

The reader must remember in this connection that the traditional accounts of our history as embodied in Kailayamalai and Vaipavamalai speak of two colonisations of Jaffna, an earlier one led by the Irtutai, Jalpadi, from whom the Peninsula itself derives its name, and a later one in the middle of the 13th Century when the Aryachakravathy established a kingdom in Jaffna.

First Colonists

The first colonisation was of an extensive scale from the Malabar

Burglary And Robbery

GRAND BAZAAR VICTIMS

MIDNIGHT RAID

Servant Relieved of Cash

Burglars were busy on Saturday night at Grand bazaar and attempted to enter some shops through the roof. They failed in the case of two shops but succeeded in entering a newly opened shop and walked away with cash and goods to the value of about Rs. 600.

Attempts were made to enter two stores belonging "Aua Nana" and "Rawanna Veena", by removing the tiles, but it seems the burglars were not able to lay their hands on anything. Another shop belonging to a merchant of Arupukkotai, contiguous to the other two shops, was successfully burgled.

No trace of the culprits has been discovered. The place of this burglary is in the heart of the busiest business centre in Grand bazaar and within a few hundred yards of the Police Station. This is not the first time such burglaries have taken place in this quarter.

ROBBED OF RS 120

A case of robbery took place earlier the same night, when a servant of Ponnambalam, a merchant of Koddady, was relieved of, it is said, Rs. 120, which he was carrying on his person. A man wearing a sarong is said to have tightened a shawl round the victim's throat lest the latter should raise an alarm, snatched the bundle of money and ran away with it. The culprit has not been traced.

Fatal Fall From A Tree

A tapper, Swampillai Saviri, (55) died on Saturday as the result of a fall from a coconut tree in Mr. A. E. Clough's garden on the Beach Road. The coroner who held the inquest returned a verdict of death due to accident.

Coast. These earlier colonists had done the arduous pioneer work of converting a dreary waste land into smiling gardens of field and had settled down in communal groups in the villages and hamlets throughout the Peninsula, many centuries before the second colonisation which consisted of a small band of chieftains, their relations, retainers and attendants, sparsely distributed and settled in some villages among the larger community of the earlier settlers for purposes of Civil and Military administration of Jaffna and for collection of revenue in the newly established kingdom of the Aryachakravathies.

The description in the Dutch Thesawalam Code of Isaac over-emphasised the earlier colonisation in calling it a compilation of the customs and usages of the Malabar inhabitants of Jaffna, leaving out of account the second colonisation of Jaffna altogether. The note of SIR P. RAMANATHAN in the New Law Reports demurring to the above appellation laid undue stress on the later influx from the Coromandel Coast, completely ignoring the colonisation. The customs and usages of the Malabar inhabitants constitute, no doubt, the main basis and ground-work of the Law of Thesawalam but the subsequent modifications and alterations, made in Thesawalam after the advent of those that hailed from the Coromandel Coast are by no means inconsiderable, so that, to have a clear perspective of the respective contributions of the earlier Malabars and the later Coromandels, the problems of colonisation, the customs of the colonists, the origin of Thesawalam &c must be studied together and approached, as much as from the historical and ethnological standpoints as from the legal aspect in their correlation to one another.

EDUCATION CODE AMENDMENTS

Annual Meeting Of Colombo Teachers Association

The thirteenth annual general meeting of the Colombo Teachers Association will be held at Zahira College on Friday next.

The following resolutions will be moved:—

"The Colombo Teachers' Association is of opinion that the rule reducing the age limit of eligibility of pupils for purposes of grant from 19 years to 18 years, recently adopted by the Board of Education, should be withdrawn as it adversely affects teachers in service."

"This meeting resolves that the Committee should take all steps to place before the public the fullest information in regard to the proposed Scheme for Assessment of School Grants and its implications."

Missing Adigar Returns

CHARGES LAID AGAINST HIM.

Mr. A. Seemampillai, District Adigar of Mannar division in Mannar, who was missing from the Island from May, 30th, has returned, having been brought back to Ceylon from Pondicherry by Mr. G. Chinniah.

The Adigar who is at present on bail has been ordered to give explanation to four charges framed against him in connection with his leaving his division without leave or permission.

Council of Legal Education

BOARD OF EXAMINERS AND LECTURERS.

A meeting of the Council of Legal Education was held in the Judges' Library yesterday afternoon, presided over by the acting Chief Justice.

The Board of Examiners, composed of Messrs. A. P. Savundranayagam, A. B. Cooray, Rajapakse, J. R. V. Ferdinands and Nihal Gunasekera, was re-appointed for the year of July 1933—June, 1934.

The following lecturers were also appointed for the triennial period July 1933—June 1936:—Messrs. A. B. Cooray, A. R. H. Canakaratne, the Hon Mr. Peri Sunderam and Messrs. J. R. V. Ferdinands, L. A. Rajapakse and D. E. Wijewardene.

Maintenance Orders

POWERS FOR VILLAGE TRIBUNALS?

At Friday's State Council meeting Mr. P. B. Ranaraja (Galgedera) gave notice of the following motion:—

"In view of the fact that great hardship is caused to applicants in collecting maintenance as ordered by Section 3 of the Maintenance Ordinance No 19 of 1889, this Council is of opinion that after an order is made in the Police Court, the record be forwarded to the nearest Village Tribunal to enforce such order and that the President of the Village Tribunal be vested with the same powers as provided by Section 9 of the said Maintenance Ordinance."

A Jaffnese Honoured In Madras

Mr. J. C. Chinnappah M. A., was conferred the title of Rao Sahib on King's Birthday this year, in recognition of the valuable services he had rendered as assistant to the Director of Education, Madras.

Mr. Chinnappah is the eldest son of Mr. S. T. Chinnappah, retired Registrar of Marriages, Nallur, Jaffna.

Civil Disobedience Suspended.

EXTENSION FOR SIX WEEKS.

IN VIEW OF GANDHIJI'S HEALTH.

Congress President's Statement.

Poona June 17.

Mr. Aney, Acting President of the Congress, after holding consultations with Mahatma Gandhi, issued the following statement:—

"In view of the present state of health of Mahatma Gandhi and the doctors' opinion expressed in today's bulletin issued by the Medical Board, I hereby extend suspension of the civil disobedience movement for a further period of six weeks ending 31st July."

Mr. Aney has been asked to stay one week more. Hindu

Amendments to Education Code.

PUBLIC PROTEST MEETING IN JAFFNA.

A public meeting will be held today at 5 p.m. at the Jaffna Central College Hall, to protest against the proposed amendments to the Education Code. Mr. Nevins Selvadurai J.P., M.B.E., will preside. Rev. E. M. Weaver, Rev. J. Bicknell, Mr. R. B. Nalliah, Mr. C. Ponnampalam, Advocate and Mr. V. Veerasingham, B. A. are among the speakers at the meeting.

The Communal Question

SINK ALL DIFFERENCES.

"We have always believed that the interests of all communities are identical and that all must rise or sink together," says the "Morning Star" commenting editorially on Mr. Balasingham's speech at Batticaloa and the die-hard views expressed in some quarters favouring communalism.

The paper further says:—It is wasting precious time now in trying to rake up the past and fixing the blame of the breach between the two major communities on any one in particular. Blunders have been committed, admitted, committed by both the parties and no useful purpose is served by continuing to make blunders. We agree with Mr. Balasingham when he says that the minorities will not gain anything by going to the Secretary of State, with the humble petition that they want to be given safeguards. After all, these loaves and fishes of seats in the State Council are not everything. But even in this, the last elections have shown that people can rise above the communal prejudice and choose, as their trusted representatives, men from the European and the Tamil Communities in districts where the Sinhalese preponderate. We know that a new generation is coming that is prepared to sink all differences and work together for the common weal.

Personal

Mr. V. Sivaguru, Maniagar, Chavakachcheri, being indisposed, Mr. S. Naganathan of the Jaffna Kachcheri is acting.

Dr. V. T. Pasupathi, D. M. O., Chavakachcheri is indisposed and Dr. S. Vivekananda Rajah is acting.

Mr. P. B. Nicholas, of Messrs. P. B. Nicholas and Sons, Bankers Kuala Lumpur, who was away on a short business trip to Colombo and Jaffna, returned on Tuesday by the Ellengah having boarded the boat at Calcutta.

Mr. Thiagarajah of the General Post Office, Seremban, was entertained at dinner in the Hong Wah Hotel by his friends prior to his departure to Ceylon on retirement. (F.M.S. Cor.)

Depraving Men

(Continued from page 1)

tically trying to get some money out of the Local bodies for doing service which they were bound to do under the existing law. The financial stringency of the Central Government should not induce it to lay its hands on poor local bodies, especially as the incidence of taxation between the Central Government and the local bodies have not been finally adjusted. There were some taxes which should come to the local bodies but the Central Government was getting them. He further stated that he was opposed to the vote, because the police wanted this money to employ decoys. No self-respecting man would care to be a paid decoy. The class of people that were likely to become decoys were such that they would purjure in the witness-box without any consideration for truth. Employment of decoys in Excise cases have been discouraged by the Supreme Court, not to speak of some of the Council Members, like Mr. Freeman, as it was most demoralising and was likely to encourage purjury.

Breach of Principle

Mr. Sam Sabapathy said that it was part of the duty of the police to detect cases of private cars plying for hire and the police under the Local Government Ordinance were bound to help local bodies wherever their assistance was required. The police had their own reward funds to meet cases of this nature. It would be a breach of principle to offer the police pecuniary assistance for work which was within their province.

Mr. R. Subramaniam proposed that a sum of Rs. 100/- be voted to be given to the police, as an experiment.

Dr. S. C. Thuraiajah seconded.

The motion was put to the vote and lost.

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