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THE Hindu Organ.

The Only Newspaper in Ceylon for the Hindus
PUBLISHED EVERY MONDAY AND THURSDAY

Editor: M. S. Eliatamby, Advocate.

Estd. Sept. 11, 1889.

VOL. XLV—No. 33

(Registered as a Newspaper.)

JAFFNA, THURSDAY AUGUST 3, 1933.

Phone 56.

PRICE 5 CTS.

Thesawalam III.

THE HINDU LAW OF SRIDHANA AND THE THESAWALAME DOWRY LAW A CONTRAST

By V. Coomaraswamy, B. A., Proctor
(Special to the "HINDU ORGAN")

THOUGH the Tamil Version of the Thesawalam Code uses the term "Sridhana" (சீர்தானம்) to denote dowry property i.e. the property settled on a female in contemplation of her marriage, the connotation of Sridhanam in the Hindu Law as obtaining in South India, or for the matter of that in the whole of India, is altogether different from the import and legal implications of Sridhanam of the Jaffna Tamils.

Sridhana in Hindu Law is entirely an Aryan conception. "In the dim twilight of the early Vedic period" said West, J. "it is possible to discern some indications of a theory of perfect equality once subsisting between the parties to a marriage. The indications are by no means uniform. But the prevailing notion appears to have been that of a free choice of her husband by the damsel who was even dowered by her father. The married couple were conjoined to pass their lives in union and content. Yet by the time of the actual composition of the Vedas, a text could be introduced which according to the interpretation of Bandayana or Apastamba declared that women are not entitled to read the sacred texts or to inherit."

A Contrast

Evolution of Aryan society in India subsequent to the Vedic time offers quite a contrast to the progressive development of the rights of women among the Aryan races of Europe and to the sexual equality that obtained among the Dravidian races with whom the Aryans came in contact in their advance towards South India.

An Aryan woman had no existence apart from her husband so far religious rites were concerned and the Vedic Mantras were recited by the husband on behalf of his wife with the sequel that the recital of the Vedas was forbidden to woman. To the same doctrine must be assigned the *Smritis* texts of the mediaeval epoch which excludes altogether wives and daughters from having any interest in or inheriting any property from their deceased husband or father, thus putting the females of a family in the same category as slaves and cattle.

Beginning of Recognition

Smritis of a later age, however, began to recognise the rights of woman to some kind of property limited in scope and duration—in scope, in that such rights were inalienable and impartible, in duration in that such rights were enjoyable only during their life, if not sooner terminated by remarriage or other causes, and not transmissible to the heirs. Later on however the women in Aryan Society were conceded the right of disposal of certain kinds of property, which were considered her separate property devolving upon their heirs if not disposed of in their life-time. We thus find Manu who perhaps made the earliest attempt at a codification of the Hindu

Law recognising six kinds of property answering to the above description.

They are (1) What was given before the nuptial fire i.e. at the actual marriage ceremony—*Adhyagnika Sridhana*..

(2) What was given at the time of the bridal procession—*Adhya-Vahnika Sridhana*.

(3) What was given by the husband or his parents in token of affection or respect for the bride—*Sulka* (bride's price).

(4) What was received from a brother of the bride.

(5) What was received from a mother of the bride.

(6) What was received from a father of the bride.

The *Smriti* law gives range from Manu of 900 B. C. to *Angiras* of 1100 A.D. There were also commentaries on the texts of the prominent *Smritikars* like Manu, Narada, and Yajñavalkya, who flourished from 900 A.D. to 1400 A.D.; and several *Sangrahas* or Digests of the Hindu Law as expounded in the *Smritis* and the commentaries, were compiled between 1400—1700 A.D.

Development Of Sridhan Law

It would be unnecessary and irrelevant for purposes of the present thesis to follow up in detail the evolution of the Hindu Law of Sridhan in various parts of India from the time of Manu, through the subsequent *Smritikars*, their commentators and authors of Digests down to the present day. But it may be useful for a proper understanding of an altogether different conception of the principles of the Jaffna Dowry System to indicate in broad outlines the course of development of the Sridhan Law in India.

I have enumerated above the six-fold gifts to a woman which, according to Manu, constitute her Sridhan. Subsequent *Smritis* and Commentators followed this up by adding a few more, such as income derived from or accretions to the said six kinds of gift or purchases made out of such gifts or accretions and property acquired by self-exertion. The interpretation of the text of Manu regarding Sridhan, gave rise to two conflicting schools of thought. One of them gave a strict interpretation to Manu's text and held the view that the enumeration of the six kinds of Sridhan was intended by Manu to be exhaustive and that it was incapable of further additions.

The Question At Issue

The writers of the other school point out that Manu himself follows his enumeration of the six kinds of Sridhan, by mentioning immediately after two other kinds of property not included in his preceding enumeration, to be Sridhan. They further contended that by tacking on the word "Adhya" (அத்யா) to the enumeration of the six modes by which a woman acquired her Sridhan, Manu meant to include not merely the six modes specified by him, but also property acquired in any other manner, *ejusdem generis* with those modes. Even amongst the writers of the school that was disposed to give a wider interpretation to Manu's text there arose divergences of opinion as to the scope and duration of the rights a woman

Human Skeleton Unearthed OF UNUSUAL DIMENSIONS

Chavakachcheri Discovery

A skeleton resembling that of a human being measuring approximately 12 feet in length was unearthed at Chavakachcheri last week.

A correspondent writes that while a well was being dug at the crematorium near the Chavakachcheri 'beach' a human skeleton was discovered at a depth of about 9 feet. It was found to be much bigger in size than that of an ordinary human body. The skull is said to be soft and brownish. The correspondent says that there is doubt whether this could have been the skeleton of some of our giant ancestors who belonged to the decadent Rakshasha age.

possessed over the extended categories of her Sridhan. In other words the question at issue was had the woman the same right of free disposal of the extended categories, as she undoubtedly had, over the six kinds specified by Manu and did her own heirs inherit such property? The answer to these questions again depended on the view-point which a particular school of thought took as to whether natural love and affection and propinquity or spiritual efficacy was the determining factor in deciding the law of succession. Thus in the *Dayabaga* school in which spiritual efficacy is the sole test a childless widow and a sonless widowed daughter were excluded from inheritance because they were incapable of offering any religious benefit by reason of the fact that the widow and daughter being issueless and sonless, they conferred no benefit by themselves unlike widows and daughters with subsequent progeny of grandsons or sons. But the *Metakshara* system subordinated and even ignored religious considerations, love and affection being the primary test, though spiritual benefit may be applied as a secondary test in deciding a contest between persons of the same degree of propinquity.

Most Complicated

It happens in most cases where next of kin and nearer relations are heirs "propinquity, spiritual efficacy and natural love and affection run in the same lines and no difficulty arises; but whenever they run in different lines spiritual efficacy is ignored in the *Metakshara* law and recourse is had to other principles or express texts.

It is unnecessary to pursue the subject further. Suffice it to say that the conflicts on the law of Sridhan have their foundations in the different view-points of the law of succession explained above; and the law of Sridhan is the most complicated branch of Hindu law on which there were great divergences of views among the *Smritikars* and commentators and which even now are a prolific source of perpetual litigation.

The Modern Law

But judicial interpretations of the Privy Council and the various provincial High Courts of India have set at rest the conflicts in fundamental principles. The modern law of Sridhan may be summarised as follows: A woman's Sridhan is divided into two kinds—

(Continued on Page 4.)

POLITICAL REALISM STRAY THOUGHTS BY 'POLITICUS'

That which distinguishes man from animal is the fact that he expresses himself not in his claims, not in his needs, but in his sacrifice which has the creative energy that builds his home, his society, and his civilisation. In whatever we are mean, greedy, and unscrupulous there are dark bands in the spectrum of our consciousness. Meanness, greed, and want of scruples, prove chasms of bankruptcy in our realisation not in a blank sky of negation but in the bosom of an ideal spirit of fulfilment.

Man finds an instance of this in the idea of his own country which reveals to him a positive truth. In such intense consciousness of reality we discover our own greater self that offers us generous opportunities of enjoyment in renunciation. In the introductory chapter of our civilisation individuals by some chance found themselves together within a geographic enclosure. But a mere crowd without an inner meaning of inter-relation is negative and therefore it can be easily hurtful. The individual who is a mere component part of an unneighbourly crowd, who in his exclusiveness represents only himself, is apt to be suspicious of others and hitting his fellow-beings. This savage mentality is the product of the barren spirit of negation that dwells in the spiritual and political night. When the morning of mutual recognition breaks out, the morning of co-operative life, these individuals might perhaps surrender themselves to the realisation of their true humanity. They will then become aware perhaps of the subtle intricacies and find their perfection in the harmony of inter-dependence and not in the vigorous exercise of elbows by a mutually pushing multitude. For rampant individualism or communalism is against what is truly human; it belongs to the primitive poverty of animal life; it is a confinement of a cramped spirit of restricted consciousness. Mischief finds its entry through the back-door of personal or communal greed tempting the primitive in man, arousing his evil passions. Those that have come out for depredation have the indecent audacity to say that moral ideas are only for individuals but that the race, community or nation belongs to the primitive nature of the animal.

We find nowadays that something like a chuckle of an exultant disillusionment is becoming contagious and infectious and the knight-errants of arson are abroad setting fire to our time-honoured altars of worship. They say that it has been found out that the appearances in human idealism are deceptive, that the underlying mud alone is real. When we accept the cult of realism we forget that is the worst form of untruth, because it contains a minimum of truth. It is like preaching that only in the morgue can we comprehend the reality of the human body.

AN AUSTRALIAN ON ASIA RENDER UNTO ASIA THAT WHICH IS ASIA'S.

We quote the following from "New Asia," monthly organ of the New Asia Association, Tokyo Japan:—

Mr. Grant Madison Hervey is an Australian—a white man. He is one of those noble, though rare, souls who unquestionably belong to humanity rather than to any other particular race. He has the courage of his conviction and (as an indispensable corollary) had to pay the penalty for his heroic fight against wrong and injustice in an Australian Gaol. It does one's heart tremendous good to find such a selfless worker for the cause of humanity among the white peoples. He has recently sent to the Editor for publication an illuminating article. He gladly reproduces a part of it below:

"Asia has a brain, wherewith to think Asia has a heart wherewith to feel. Asia has a soul finally behind heart and brain wherewith to discern who are the real untouchables or perhaps of the unclean castes, today in this great fertile world. It is we, then, ourselves—the over-wealthy stupid pampered British Race who are in Asia's thoughtful eyes the Sudra (pariah) caste and worse. We have spat deliberately and by 'Hindish' act of choice upon our own religion and upon the benignant practice of our 'Judeo-Asiatic' Christ, calling Him God, Saviour, Messiah, Prince of Peace and I know not that we have by our national and imperial actions deliberately spat on his face....."

"Not as a sycophantic, lying politician, priest or other kind of current Anglo-Australian humbug, therefore, do I thunder out this new Messiah's challenge to the conscience of the English-speaking race. Cease to be goading rats, I say, around the so-called Christian throne of Calvary. Render unto Asia that which is Asia's, in the name of your borrowed Hebrew Prophet, Jesus of Nazareth, or the day will most assuredly arrive when Australia will become in sober truth, 'an overseas province of a great Chinese or Japanese Empire.'"

REVIEW

THE KAMAT THOLL VILAK-KAM (By Chelliah H. Cooke J. P.) is a useful handbook. This agricultural magazine contains articles about the cultivation of the Pomegranate and Papaw, School Gardens, Government Agricultural Garden, Fruits, Poultry Farming, and Treatment of Cattle Diseases.

THE WORLD AND CEYLON HISTORY, PART I. (By A. V. Somasundaram) This is an "ambitious" piece of work. He gives us a bird's eye view of the history of the world in simple and easy Tamil. The book is eminently suited for the purpose for which it has been written. We hope the author will soon bring out the other part. Books of this kind, written by Jaffna Tamils are very rare. The author's pioneering work deserves success and commendation.

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NOTICE

Applications are invited for the following posts which are expected to be available about December 1933.

- (1) DRIVER for an 18 H. P. Motor Launch built in Glasgow. Pay Rs. 40 per mensem. No allowance. Launch will ply daily on week-days between Pungudutivu, Nainativu, Analativu, Eluvativu, Kayts, and Jaffna.
- (2) CONDUCTOR Pay Rs. 25 per mensem. No allowance. Will be required to travel daily in the launch, sell tickets, collect fares, hand over collections daily to the Treasurer, and enter up Ticket Register.
- (3) TINDAL. Pay Rs. 20 per mensem. No allowance. Travels daily in the boat and required to have experience and working knowledge of the waters to be traversed, depth of water landing places etc., and weather conditions.

Applications will be received in writing up to the 1st of September by the Secretary Jaffna Islands Co-operative Boat Service Society, C/o. The Assistant Registrar of Co-operative Societies Jaffna. Applicants should annex copies of any testimonials but originals if sent will not be returned. Any candidate invited for an interview for selection should bring with him the original certificates on which he relies. In the case of the posts of Conductor and Tindal applications will only be entertained from residents in Pungudutivu, Nainativu, Analativu and Eluvativu.

Mis 71. 3rd



Hindu Organ.

THURSDAY, AUGUST 3, 1933.

WEALTH IN FRUIT- PRODUCTION.

ADDRESSING THE YOUTH LEAGUE at Pt. Pedro on 27th December 1930, Mr. K. BALASINGHAM, pointed out the possibilities of fruit-growing in Ceylon both as a source of augmenting national wealth and as a means of solving unemployment among English educated young men in Jaffna. To give a practical turn to the efforts to popularise fruit-growing in the Province, Mr. BALASINGHAM inaugurated the Jaffna Fruit-Growers' Association; but, for want of enthusiasm among its members, the Association seems to have been still-born. We trust the members will realise the necessity to revive the Association and give a lead to our youngmen to take up fruit-growing as a profitable occupation. The figures given by Mr. BALASINGHAM to prove the immense possibilities of fruit-growing for home and foreign markets should leave no room for doubt as to the value of fruit growing as a business proposition. The nutritive value of fruits, rich as they are in vitamin contents, is being more widely realised throughout the civilised world and the demand for wholesome fruits is likely to be steady and less subject to fluctuations than the production of raw materials to feed the foreign manufacturers' factories. Moreover, rice is not the only article of food for which Ceylon has to depend on foreign countries and pay a heavy bill. We are unable to grow the fruits necessary for our own consumption. In 1931, we imported nearly 8 lakhs' worth of fresh fruit and preserved fruit to the value of Rs. 359,978. All this money could have been retained in the Island if fruit cultivation had been taken up on commercial lines. There is every possibility of finding a good market for fruits in India. India imported in 1930 from foreign countries fruits to the value of more than 18 million rupees. There is no reason why Ceylon should not supply most of the fruits that India may need. It is unfortunate that we had not hitherto given thought to this aspect of the question. There is no need at the present moment to cast about for markets outside Ceylon. Ceylonese fruit-growers will have to concentrate on at least the production of fruits for local consumption.

In the matter of fruit-growing and marketing Bombay has taken a step ahead of Ceylon. The Bombay Fruit-Growers' Association have made arrangements for a regular fortnightly consignment of mangoes to London where a market has been found for them. There is no reason why Jaffna should not make an attempt to compete with Bombay in supplying the London market with mangoes. Every variety of mango thrives in Jaffna and though the fruits may not be as crisp and attractive to the eyes, they are extremely delicious to

the taste. It is possible to improve the appearance of the fruits by careful cultivation.

Mr. BALASINGHAM in the address above referred to said "Fruit production is a suitable industry for all parts of Ceylon. But Jaffna is specially suited for orchards for the finest fruits are produced here. Mangoes grow on every kind of soil. It is perhaps the hardest of tropical fruit trees. It requires no water once it is well set. A fruit of the best variety sells at the tree at ten or twelve cents and there are trees which have been leased for Rs. 200/- each. But even at Rs. 15/- a tree the Jaffna Peninsula can produce mangoes to the value of 16 million rupees per annum if four good grafted trees are planted to the acre.....In an orchard 75 grafted trees can be planted to the acre. There is no difficulty in converting some dwelling compounds into orchards. A small yield can be expected from the fourth year onwards and after the 12th year the bad plants may be eliminated to give room to the good ones.....A note about the Peradeniya Experimental Garden gives the Yield of a quarter acre at Rs. 200/-

If mango cultivation is taken up on a wide scale, it is possible to grow good pine apples for the local market in as much as pines, which require some shade in dry districts, could be planted near the mango trees as they do in Thenmaradchy. As a subsidiary crop pine apples will bring a good return to the fruit grower. The example of Fiji which is about double the area of the Northern Province and has a population less than half that of the Jaffna Peninsula is well worth copying. When the price of cotton declined in 1929 the planters tried coffee, tea and cocoa but with little success. They then turned their attention to the pineapple industry. A Company was formed and land opened up for pineapple cultivation on commercial lines. The results have more than justified the expectation of the "pioneers" Fiji has now secured a good market for her pineapples in Great Britain.

With the setback which the trade in Travancore tobacco has had to face recently and the definite policy of the Government of the Federated Malay States and the Straits Settlements to keep Jaffna Tamils out of their services, and the difficulty of finding employment for educated youngmen in Government service should compel parents and students alike to find other means of earning an honourable living. There can be no doubt that the only solution is to go back to the land and fruit-growing should appeal to students of the middle class as an occupation which might not require a heavy outlay to begin with.

We are glad to note that the views of Mr. Balasingham find ample support from Mr. Fred Taylor who recently visited Jaffna and who has compiled an excellent hand-book on *Fruit cultivation in Ceylon and S. India** which we have no doubt will be read with profit by every youngman who is willing to help himself but does not know to set about it himself unaided. Mr. Taylor is prepared to offer personal advice and guidance to enable the fruit-grower to get the best value from his labour. We commend to our readers a perusal of his book.

* Fruit cultivation in Ceylon and S. India. By F. Taylor. Published by Noolaham Foundation, Consistory Building, Colombo. Price Rs. 6-00.

Ceylon Tamil League.

ANNUAL GENERAL MEETING.

Mr. H.A.P. Sandrasegura on Boycott.

The annual general meeting of the Ceylon Tamil League was held at the Chambers in Baillie Street, Fort, on Monday afternoon. Mr. H.A.P. Sandrasegura K.C., the President occupied the chair and there was a very large attendance of members present.

After the preliminaries, Mr. R. Nadaraja, Hon. Secretary, submitted the annual report.

On the question of boycott the Chairman said that he did not want to argue at present the "rightness or wrongness" of the attitude they had taken up. The new Constitution invited them to "get kicked", and they therefore took a bold stand not to have any truck or part in that. Jaffna stood aloof.

He was willing to admit that when the time did arrive after four years they would have the Constitution either mended or ended. He was perfectly free then to co-operate with any man in those views. Personally he would not enter Council but there would be others who would for the purpose of ending the Council.

The election of Office-bearers resulted as follows:—

President: Mr. A. Mahadeva.

Vice Presidents: Messrs. R. Nadaraja, V. M. Saravanamuttu, M. M. Kumaraswamy, Madaliyar C. Rasnayagam, Messrs. G. G. Ponnambalam, S. Sellamuttu, S. Somasuntheram, R. Sri Pathmanathan and C. Ariyanayagam.

Secretaries: Messrs. W. W. Mutturaja and S. Tangaraja.

Treasurers: Messrs. K. T. Chittambalam and M. Paramsothy.

Committee of sixty including representatives of outstations was also elected.

Right Conduct, Right Speech, Right Thought

—:O:—

GANDHIJI'S THREE GOLDEN RULES

Ahmedabad, July 30

Interviewed by pressmen, Gandhiji said that he had only one fetish in life, and that was Truth, and he was not sorry for having made a fetish of it. In his opinion, prestige came unasked and unsought from right conduct, right speech and right thought. His endeavour ever since he entered public life had been to regulate it by those three golden rules.

Medical Changes.

Dr. C. Seevaratnam of the General Hospital, Colombo is under orders to proceed to Kalutara Hospital as House Surgeon.

Dr. R. Jeremiah of the General Hospital is appointed to Madulkele.

Ceylon's New Pusine Justice

Major Kenneth Elliston Poyster, K. C., Ceylon's new Pusine Judge will arrive in Colombo on Saturday, October 14. He fills the vacancy created by the appointment of Mr. Justice Lyall Grant as Chief Justice of Jamaica.

MAHATMAJI AND WIFE ARRESTED

—:O:—

WHOLESALE ARREST OF FOLLOWERS

REMOVED TO POONA

Mr. and Mrs. Gandhi were arrested at 1-45 a.m. today, under the Emergency Powers act.

Mr. Mahadev Desai, Mr. Gandhi's Secretary, and 32 inmates of the Ashram were also taken to the Sabarnati Jail in Ahmedabad.

Just before getting into the car, Mr. Gandhi asked the Superintendent of Police, Mr. Kaikobad, if he was arresting all the members in a batch. Receiving a reply in the affirmative, Mr. Gandhi said to the Superintendent: "Then, you can arrest one young boy named Bal who was sleeping near me. Mr. Kaikobad arrested the boy also.

It was all over in less than thirty minutes. The other members of Mr. Gandhi's batch, including the women who were to have followed him on his march in the morning and were sleeping at the Ashram, were simultaneously arrested and taken by bus to the Sabarnati Jail.

At Millionaire's Bungalow

The District Magistrate, the District Superintendent of Police and other officials proceeded in four motor cars to the bungalow of the wealthy mill-owner, Mr. Seth Ranchood Das (Mr. Gandhi's host), where a small crowd had collected in the evening in anticipation of Mr. Gandhi's arrest.

On seeing the officials, the crowd rushed into the building and Mr. Gandhi who had been asleep, woke up. He immediately called all the inmates together and offered prayers.

Affectionate Farewell

Mr. Gandhi then called in his wife, Mr. Desai and the other inmates together and led the prayer singing the hymn: *Vaishnava Janato* (He who is the true Vaishnava, etc.)

Meanwhile Mr. Gandhi, in jail kit, his wife and Mr. Desai packed up. When prayers were over Mr. Gandhi's millionaire host, Mr. Ranchood Das, placed a saffron mark on the foreheads of Mr. Gandhi, his wife and Mr. Desai, which is one of the rituals of leave-taking.

Those arrested affectionately bade farewell to their host and hostess. The other inmates followed the Officers out of the house. This was the signal for shouts of "Gandhi ki-Jai" from the crowd excitedly waiting outside the house.

Mr. Gandhi took his seat with Mr. Kaikobad, the Police Superintendent, in one car, and Mrs. Gandhi and Mr. Desai entered the second car, while eighteen packages of personal luggage filled the two remaining cars.

The car with Mr. Gandhi was driven in one direction and Mrs. Gandhi's car proceeded in another amidst cries of "Mahatma Gandhi-ki-Jai" from the assembled crowd. As soon as the cars vanished in the darkness the crowd lingered till about 2 a.m., and eventually melted away.

Govt. Communique

Poona, Tuesday.

The Bombay Government state:—"Mr. Gandhi recently engaged himself in acute incitement to the continuance and intensification of Civil Disobedience through the action of individuals, and in pursuance thereof informed the Government by telegram of his intention, after vacating the ashram, to march with his companions to the village of Ras in the Kaira District where individuals would be invited to offer Civil Disobedience in terms of the Congress resolution.

"The Government of Bombay, therefore, have found it necessary to direct the arrest of Mr. Gandhi under section. Three of the Bombay Special (Emergency) Powers Act of 1932." Bombay, Madras, Ahmedabad and other cities observed *Hartal*. Gandhiji has been brought back by Special Train to Yerawada Prison (Poona). He will be released and ordered not to leave Poona. This he will certainly disobey and consequently he may have to stand an open trial.

Responsible For 'Half The Murder'

JUDGE'S WARNING TO EX-ACCUSED WITNESS

WITNESS'S BAD DAY

ELEVENTH DAY OF VALLAI MURDER TRIAL

The hearing of the Vallai Murder Case was resumed today, the eleventh day of the trial, when two of the discharged accused, "Periya Thurai-rajah and Sinna Thurai-rajah" were examined. The Judge had summoned these two witnesses on his own responsibility, as he felt that the case "will not be complete" without their evidence.

Before hearing the evidence of the two witnesses referred to, the Judge explained to them that they "must answer every question," though they had the protection of law, according to which any of their incriminating answers would not be used against them hereafter, if necessary.

ON FRIDAY

Punchi Appuhany Podi Appuhany, motor-car cleaner, who was also one of the occupants of the room adjoining the 1st accused's saloon, was examined on Friday. Cross-examined by Mr. Tampoe, he stated that Joseph peeped into the kitchen and saw the Sinhalese girl, and showed her to witness also. She was seated. On the 23rd night he heard a voice "Ammal" and not "Magge Ammal".

Mr. Tampoe remarked that these five Sinhalese witnesses were brought into this case purposely to save the Thurai-rajahs. "My position is", said Mr. Tampoe "that all these five witnesses were bundled out on the morning of the 23rd and they were not there on the 23rd night and did not see or hear the cry. As the girl was in the saloon they were not allowed to go to the back verandah."

C. S. LATIFF, Constable, C.I.D. was next examined. He said that he came to Jaffna in connection with this case. On the orders of the Superintendent of Police, he went to Chilaw and in search of witness John. Witness took him to D. I. G. and then brought him to Jaffna.

Cross-examined by Mr. Tampoe, witness said that when he found John at Chilaw he was reluctant to say anything. He stated that he had left the room earlier and did not know anything.

Counsel:—On the way did you tell him of the mission on which you came to Chilaw?—Yes.

His uncle came and asked him to speak the truth? Yes. Be careful you are from the invention Department. Continuing witness said that Thomas did not tell him that he had made a statement, but witness had made a statement to the police.

The counsel told the witness that he was an officer of the Investigation department, who had come to inquire and fill the gaps in this case. He must remember all the details as that was a murder case, and to what the witnesses said and what time.

Judge: There is no reason why you should lie on this point. Tell us whether you questioned Thomas or not before you went to Chilaw? I must have questioned him.

Mr. Tampoe: You know Sabapathy? Yes.

Was he working in conjunction with you? Yes.

You know Periya Thurai-rajah before that and that he had something to do with the girl? After I came I knew. There was a general talk in this place.

You and Sabapathy left Periya Thurai-rajah out; at one time the senior officers got disgusted with the work of the Jaffna Police in this case. They were in your way? No, that was the general rumour that the police had stopped. That is not the truth.

Judge: That was very common in the place—that judges and police took bribes? Vain talk in the country.

S. N. RAHIMAN SAIBO, sub-Inspector C. I. D., the next witness, said that he came to Jaffna to investigate. John and Thomas were examined. Three or four days after John gave evidence, Thomas came out with

the full story. Murugesu came with Proctor Selvadurai on 21st July. Before that they were searching for him. His evidence was recorded that day. He was not taken in custody. Then on 24th morning Kurunathy gave evidence and Police Magistrate remanded Murugesu to police custody and on 25th July he made a full statement.

Cross-examined by Mr. Tampoe: Before you arrived the Jaffna Police had taken the evidence from Thomas? Yes.

Thomas made a statement to the Magistrate, omitting a lot of things? Yes.

The Magistrate drove him out of the bungalow? Yes.

Did he chase him out of the verandah? He asked him to clear out.

This Thomas and John were detained one night in the Police Station? Yes. After the first statement.

After that Thomas made a full statement? Yes.

You remember taking Murugesu to the 1st accused in Jail? Yes.

What was your object? I did that on instructions from superior officers. You told Gnanamuttu what Murugesu had stated? Yes.

Expecting Gnanamuttu to come out in his statement with the name of Murugesu? Proctor Selvadurai brought him? Yes.

KANDIAH SINNATAMBY, a cultivator of Achuvely was the next witness. He had helped to remove the body in waist-deep water in the cause-way.

THAMPU KANAPATHIPILLAI, Tamil clerk under a Chetty in Dehiowita was next examined. He said he carried the leg portion of the body, when it was removed from the sea.

S. H. R. A. COREA, Sub Inspector of Police, Jaffna said that he received information about the body in the Vallai bridge at 5-30 p.m. on the 25th. He went to Vallai at 6-30 p.m. when the body had already been taken out along with rope, stone wire, gunny bag and some olas. He saw blood marks on the parapet wall and noted it in the note book that very evening. When they went to take finger-print the next morning at 3 a.m. the arms were stiff. The girl was a beautiful girl.

Judge: Your record in the note-book of the blood marks on the parapet wall was very good.

Continuing witness said that he examined the saloon. The kitchen had been cleaned and it looked as if somebody had lived there and not used as a kitchen.

Cross-examined by Mr. Thampu: witnesses said that he knew Periya Thurai-rajah since this case. He knew Sinna Thurai-rajah also after this case. He had the first information connecting Periya Thurai-rajah with this incident, when he went to Ponniah's on July 4, Periya Thurai-rajah's name transpired, again when the accused made statements in Court. Before the statements were made he met Periya Thurai-rajah on the day he met Ponniah. After the statements of the accused warrants were issued and they were handed to him to arrest both the Thurai-rajahs. He searched for both of them for seven days and was not able to arrest them. They surrendered in Court on 10th August. Witness himself went every day, but when he was busy other constables were sent to watch them.

There was no assurance given that Periya Thurai-rajah would surrender in Court but he had heard that Sinna Thurai-rajah had gone to the Income Tax Office in connection with his firm's business. Witness had no fear of Periya Thurai-rajah as a dangerous man, but he thought he would have gone to India or to F.M.S. He had recorded Sinna Thurai-rajah's statement, not Periya Thurai-rajah's. The latter surrendered in Court with a King's Counsel.

Counsel: The Police seem to have no suspicions on the Thurai-rajahs. Have you any now?—Yes, that they had something to do with this.

Did Periya Thurai-rajah tell you that he recommended to Ponniah to give the girl to Gnamuttu?—No. He did not say and the girl was given to Soori?—I went to Kayta and questioned. He denied.

Was there any difficulty in the permanent Magistrate taking up the case?—He said because a friend is in this case I cannot take it.

This country was full of rumours?—I worked up this case also on rumours.

Mr. Tampoe: My learned friend says the car driven that night was a Chevrolet Car. Do you know the Chrysler car, Who found the speak of blood?—It must be the Sinhalese Baas.

Counsel: You know the kitchen and a voice made in the saloon will not reach the saloon?—Unless made very loud.

M. ABRAHIM, P. C. 583 and S. Velupillai, P. C. 2322 were next examined. The latter said that while on duty at Madhu in June he saw all the three accused who came to a well to wash their faces.

SINNATHAMBY SUNDARAM, driver of motor car belonging to Mrs. Strong. On 22nd June at 9 p.m. Gnanamuttu came to Mrs. Strong's and told witness that Periya Thurai-rajah's car had gone out of order when he came to the saloon, and wanted witness to take him back home. Witness went to the saloon and Thurai-rajah was not there. He asked Gnanamuttu where Thurai-rajah was and the former told him to drive him to Thurai-rajah's as he wanted to go and see him. Witness saw Pragasan and Kanapathy in the saloon. He took Gnanamuttu to Periya Thurai-rajah's house. He stopped the car at a lane. Gnanamuttu went into a lane. After half an hour he sounded the horn when Gnanamuttu came and told him that as the girl brought to Periya Thurai-rajah from Matara did not like to stay there, he wanted to take her to his house and send her by train the next morning. Gnanamuttu went and came back with a man carrying a lantern. Gnanamuttu was carrying a trunk, and a girl got into the car. He drove Gnanamuttu and the girl to the saloon. At the entrance to the saloon there were Gnanaprakasam and Kanapathy. As soon as the car stopped, Gnanamuttu asked Prakasam to put the lights off and the barber saloon was dark. They went inside. As soon as they got down witness turned the car and went away.

Cross-examined by Mr. Tampoe the witness said that he did not tell Mrs. Strong that night of the hire. Next morning he told her that Gnanamuttu hired the car and gave her Rs. 2. He did not hear about the girl. He did not want her to know that he had done that work.

Continuing witness said he was told by Gnanamuttu that the car was for Periya Thurai-rajah. If not he would not have taken the car. He had great regard for Thurai-rajah and thought he would pay at once.

Dr. S. Saravanamuttu who held the post-mortem on the body of the deceased girl and Dr. Milroy A. Paul were examined. The Superintendent of Police, was cross examined today by Mr. Tampoe.

The next witness examined was MURUGESAPILLAI KATHIRAVELPILLAI (Periya Thurai-rajah), Manager of the Royal Theatre.

The Judge told the witness that he had called him to give evidence in the case, because mention has been made of witness by the accused, "The case will not be complete without your evidence. You were one of the accused in this case and discharged. It is right that you were not taken as a crown witness. My intention in calling you is to make the evidence complete in this case. I want to tell you must answer every question. That evidence can be used against you hereafter, if necessary. If you think any answer is incriminating you can refuse to answer.....But I can force you to answer. But the answers given under compulsion cannot be used against you. So give the answers to my questions may

incriminate. It all depends on your answers. Those answers will not be used against you, or if you are innocent you need not care. But if you want it you can seek protection under the law".

In answer to the Judge, witness said that he was married. He had three mistresses, and a legitimate wife. He had seven children. His wife was living in a separate house and his mistresses in different houses. He used to get down Indian dancers. His mistresses were Tamils. He had no Sinhalese mistress. It was true that he got down two Sinhalese girls Alica and Elsie. He refused to have the deceased Elsie and she was never in his house. As soon as Ponniah brought her he told witness that she used to have fits and so he refused to take her.

Judge? Or is it she was afraid of you the first time she saw you? You know that Elsie is the subject of this case? Yes.

Had you anything to do with the girl? No.

What caste are you? Vellala.

The 1st accused? Barber.

Had you any dealings with him? He was my barber.

Where does he shave you? He comes home.

You never went to the saloon for shave? Never.

Never went to the saloon? The building is mine and I used to go and inspect it.

Continuing witness said that whenever he went to town he inspected the building. About 7 or 8 years ago Gnanamuttu paid Rs. 10/- a month as rent. After that a Moorman rented the building. A Parava man had sub rented it. Gnanamuttu had rented the saloon from him. The barber was not a direct tenant of his. About a year ago witness sold a portion of the building and now he had half of it.

Judge: About a year ago you had no dealings with the barber?—He used to come home to shave me. Never came to get money.—On special occasions like Theepapali, New Year, he used to come and get Santosums.

You are still the owner of the saloon?—Yes.

Did you help him in connection with this incident? No. I couldn't have approved of a woman being brought to the saloon for bad purposes.

Did he come to you for help?—Since this case he sent for help and ask for Rs. 250/-.

Did you give him money? No, I refused to give him money. When was it?—about the time he was arrested and remanded. Then he sent another man the following day saying that he would give a promissory note and give his things in the saloon as security.

That was the first time? Even before that he used to get amounts like Rs. 10/- or 5/- and return.

Then why don't you give it? I thought he would go to jail. Why he was giving security? Why do I want a barber's goods?

Never dreamt that he would implicate you in this case if you refused to give money? Never.

Is there any case in Ceylon in which any man on a charge of murder who will implicate another for refusing to give money? No.

Why did he implicate? To escape himself.

You were rich then? Yes.

What is your worth now in Jaffna? A lakh of rupees now. Continuing witness said that the accused not only had the daring to ask for money but also to give evidence against him. He had also implicated Sinna Thurai-rajah and Soori. Witness did not know why he implicated them. Witness had implicated them, because he thought, that they would retain able counsels and a result of it he too could escape.

Witness's opinion was that the 1st accused wanted to put the blame on others and to be free from it himself. Judge: Or is it that you can with your money get at witnesses and influence them?—No, that was due to a misunderstanding of the 1st accused.

Or, either it must be, that you know about it, or that you had used him for some dirty work?—No.

What, do you think a man charged in a murder case will implicate the Inspector General of Police or the richest man in Ceylon to get a better chance of escape? What I think is that the 1st accused thought that as he used to come to me, by implicating me, he would make others believe it. And also he is your tenant? Yes.

Students' Column.

PURPOSE OF LIFE

A secondary school boy has written me a remarkable letter. He is only fifteen years old, but he writes like a man of nearly twice his age says "R. J."

He says he is fortunate in his circumstances. He has a good home, the best of parents, the prospect of a good job when he leaves school, and plenty of healthy interests.

But one question bothers him. He states it thus: "Can you tell me what is the true aim of life? Surely there is more in it than going to school, going to work to earn a living, growing old and dying—which final event is more mysterious than anything to my young mind..... Here I am with life in front of me, and I don't know what it is for."

The rest of the letter is in keeping with this frank avowal.

The best answer that I know is that human life exists on this planet for the production and ultimate perfecting of personality. Personality is the most real thing in the universe.

As Sir Arthur Eddington says, it is a delusion to suppose that a lump of matter is more real than the mind that perceives it. On the contrary, the first and most real thing in our experience is self-conscious being; all else is remote and strange.

Each one of us is here to make the most and best that he can of himself order to enrich as fully as possible the life of the whole human race. Our first duty is that of self building, but only because we belong to the whole and are called to give to the whole the utmost that we have to give.

This is the only way of living that is truly satisfying. No man is ever satisfied with good work that is done for himself alone.

Any thrill of satisfaction that he gets out of it, any pride in its performance, any joy in its accomplishment, is inspired by the knowledge that it is a genuine contribution to the welfare of mankind.

But there can be no such contribution without development of personality. The polishing and improvement of the outside of life is of small value in itself. What is of greatest value is the personality it produces; and there is no limit to what the future thus holds in store.

Wrapped up in every human being are capacities inexhaustible. The longest earthly life is too short to give them full expression. I know nothing more wonderful than this in all the marvels that science has revealed in our time. The marvel of marvels is man.

We cannot do without one another. As Benjamin Kidd said long ago, culture is a social more than an individual inheritance. Brought up among savages you would be a savage. A hundred generations of civilised society are built into you and mainly make you what you are. Society puts you in possession of your own personality.

There is nothing automatic about the process. You can be a slacker and wastrel if you want to be; or you can rise to the full height of your opportunities and pay what you owe by adding your quota towards the realisation of a nobler and happier common life. It is unthinkable that life lived on this level should ever die. Physical death is but the carrying of personality to a higher plane.

Teachers.

DEFINITION OF NEW ENTRANTS.

At a meeting of the Board of Education held on July 29, the Board recommended the following definition of "New Entrant" for insertion in the codes:—

All teachers except the following shall be regarded as new entrants:—

- (i) Teachers registered on or before July 21, 1933;
- (ii) Teachers eligible for registration and in service in registered or recognised schools on July 21, 1933.
- (iii) Teachers who had completed their training in a recognised Training School or College before July 21, 1933, but who have not yet been registered;
- (iv) Student teachers in Training Schools or Colleges (Government or Assisted) on July 21, 1933.

Thesawalam—III.

—:O:—

(Continued from page 1)

(1) Property over which she possesses a limited power of disposal which is not Sridhan in the strict sense of the term. To this category belong all properties which a woman inherits according to the particular law of succession to which she is subject and also property coming to her by way of partition that is the divided interest of a joint family estate coming to the widow after the death of her husband or the divided interest she inherits from her husband.

The properties coming to a female by way of inheritance and partition are not considered Sridhana even in the broadest sense of the term. Over these the woman has only limited rights without the power of alienation during her life time and on her death such property passes to the heirs of the husband. The qualified right to have property conceded to a woman of India in modern times is the result of evolution through ages of the Aryan doctrine of Vedic times that a woman by the very fact of being a female is incapable of holding any property or *peculiar sui generis* in her own right.

(2) All property (including gifts or bequests from relations or strangers conferring on her an absolute power of disposal) and acquired by a woman otherwise than by inheritance or partition constitute her Sridhan and over these she possessed full power of disposal and on her death they devolved upon her own heirs.

This again is the result of the gradual development by extended and liberal interpretation of Manu's text enumerating six kinds of gifts by the subsequent *Smritis*, commentaries and digests and also by the judicial interpretation of British Courts of India and His Majesty's Privy Council.

Varies According to Provinces

Finally I must not fail to mention that the law of Sridhan in particular, and the limited rights of women to hold property in general, varied in India from Province to Province and Presidency to Presidency according to the extent to which Aryan culture and social institutions were imposed in that particular region. Thus women's rights of holding property stand highest in Bombay and Madras where Dravidian culture and social institutions predominate and lowest in Bengal and other North Indian Provinces where Aryan influences have permeated in a preponderating degree.

I have attempted to bring within a narrow compass the main principles underlying the vast and bewilderingly complicated Hindu Law of Sridhana, and endeavoured to give sufficient details of this branch of Hindu law to convince the readers that between the Sridhana of Hindu India and the Thesawalam Dowry law of Jaffna there is a very wide gulf.

According to Thesawalam

The Hindu law started with the idea that woman is not entitled to hold property at all and subsequently conceded a limited right of enjoyment during her life time in the substantial portion of her property; and those over which she was given full right of disposal are but an insignificant portion.

Whereas, Thesawalam even so late as the time of the Dutch codification lays down a rather astounding principle that sons should not claim anything from the property of their parents until the last daughter is dowried. We have also the oft repeated proverb peculiar to Jaffna "அம்ம பையன் பெற்றுக் கொடுத்த பாவம்" which translated so as to bring out its true import means nothing more or less than this: Even the wealthiest man is reduced to the position of a pauper by the time he dowries his sixth daughter. All his patrimony or wealth getting exhausted in apportioning the six dowries.

(Continued up.)

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(b)

(Continued)

Issueless females are not excluded and powers of alienation are the same for the male and the female. Religion or spiritual benefit does not come into play in the law of inheritance of Jaffna. The sons and daughters (even those dowried if they are prepared for a hotch-potch according to the present law) are treated alike.

Aryan Influence

I do not however pretend to say that the social customs are altogether free from Aryan influences at least in the religious aspect of it.

The *Homa* ceremony connected with the tying of *Thali* and giving of *Koorai* on the occasion of a Jaffna Hindu wedding is an Aryan rite. In the *Tharathatham* gift (தாரததம்) and *Kannikathanam* gift (கன்னிகதனம்), ceremonies performed before *Thali* is tied, in the *Parisam* gifts carried in procession by the bridegroom to the brides home on the wedding day and in the *Kumpiddakai* (கும்பிடகை) gifts by the mother-in-law and other inmates in the bridegroom's residence after the *Uralam* (உரலம்) procession reaches the bridegroom's residence with the bride for the first time we clearly discern the bride's price at the time of the nuptial fire (*Homa*) and the other kinds of the six gifts constituting the Sridhan of the Manu Code. These are but trinkets and insignificant trifles compared to the substantial dowry given to the Jaffna females.

Then comes the question why is there such a wide divergence between the Sridhan law of India and that of Jaffna. The answer to the question is that the latter is an adaptation of the *Matriarchal* system of succession which was in vogue among the Tamils in their primitive stage of social development.

Why and how it gained a permanent footing in Jaffna even after the Tamil community across the water had passed on to the patriarchal system will be dealt with in the next contribution.

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Responsible For 'Half The Murder'

(Continued from page 3)

It is now agreed by both sides that the Chevrolet Car was used to carry the body. That car was used by you that very night for bringing dancers and musicians for the entertainment? Yes. That car was in the saloon that night within one hour?—I don't know. If that car was used how could he (1st accused) have taken it? I don't know. This is also an attempt to put you into trouble?—Yes.

His Lordship told the witness how clever the accused were: the very car in which the girl was taken to the saloon was hired in the name of the witness.

Judge: There also he wants to put you into trouble? God alone knows.

Again that is the very girl whom you rejected that was killed?—Yes.

Continuing witness said that Prakasam, the 1st accused's assistant, had implicated him instigated by the accused. It was not true that witness had made arrangements for the removal of the body. The other accused who implicated him in this case must have put their heads together and made their statements.

His Lordship told witness there were many coincidences as regards his connection with the case: the car, the girl, 1st accused who happened to be his barber and also his tenant and further the evidence of the Sinhalese witness that they had seen him in the saloon—all these went to make a case against him.

Never Quarrelled

Examined by the Crown Counsel, witness stated that he saw the girl at Ponniah's which was adjacent to his house. It was false that she quarrelled with witness's mistress. He denied that there was any row between him and his mistress about Elsie. Elsie never stayed in his house. He was never intimate with her.

Cross-examined by Mr. Tampoe, witness said that he knew Sinna Thuraiarah for a long time from his boyhood. His father, Ponnusamy, and the boy used to come to the theatre and they were friends. They also used to come to witness's house during entertainments. On the 24th night when he had that special entertainment they came. Sinna Thuraiarah also came. After the entertainment was over, witness spoke to driver Arumugam who asked whether he could go as he had taken back the dancers and musicians home. Witness asked him to go. The car was taken by him to the garage. Witness did not know if anybody could have taken the car without the knowledge of the driver or owner. Witness knew Murugesu, a witness in the case, only after the case.

Counsel: He says on the night of the 24th, the 1st accused took him near the Theatre junction and went into a lane, evidently it was your house?—I don't know. No such person came to me.

So if he says that 1st accused came and asked him to drive a car that was there, it is false?—I know nothing about it.

You are known to Murugesu because he says he knows you?—I don't know. My instructions are, you are responsible for introducing Murugesu in this case?—It was only after I came into this case I came to know him.

Witness continued that he knew that Prakasam gave evidence against him. Murugesu did not say anything against him.

If Murugesu spoke the truth it is good for you?—I don't know.

One truthful man in Jaffna?—I don't know.

Sealing with Blood

The pomegranate treat, the Sinhalese witnesses referred, said the witness, happened a month before the incident. He went to inspect the building when he saw a ripe pomegranate, picked it, took a portion and gave the rest to the Sinhalese.

Judge: The understanding is, sealing in blood. The pomegranate is red like blood.

The court adjourned at this stage for 10 minutes after which Mr. Tampoe resumed his cross-examination. You told us you met Sinna Thuraiarah at the entertainment in your house?—Yes.

Was that a sudden idea—that entertainment, or was it planned in time?—That celebration was got up for the 31st day of the birth of my child.

31st day after birth of legitimate child?—No, child of my mistress. Continuing witness said that Sinna Thuraiarah and his father came to the entertainment by special invitation which he had extended to them 2 or 3 days earlier at the Theatre. After that he met Sinna Thuraiarah at the entertainment. He was sure he did not meet him on the 24th morning. He did not come to his house. On the 23rd evening witness went to Vaddukoddai accompanied by Proctor Velupillai to get a deed executed. He left Jaffna at 4 or 4-30 p.m. Witness went to his house at Vaddukoddai while Proctor Velupillai went home, had a change, his dinner, and then witness, Proctor and Proctor's clerk went to Thunavy to Selvadurai's. There they executed transfer deed and an agreement and left the place at 11 p.m. The deeds were with the Proctor who could produce them. After that witness returned home and remained there. Next morning he was at home. Thunavy was six miles from Jaffna.

Counsel:—You can drive a car?—Yes. Sinnathuraiarah can drive a car? I don't know.

The 1st accused in his statement in the Police Court said that Sinna Thuraiarah drove the car and you were in it when they took the body to Vallai?—It is false.

But since then he has told me it was a false implication, that you went in the car?

The Judge remarked that if that was false, the other was

true—that he was there like a general responsible for the whole affair.

Counsel:—In fact you told them that you would not go, when Sinna Thuraiarah said he would go and not to trouble you?

Judge: Sometimes you have helped the 1st accused?—No. I did not.

The Sinhalese witnesses, John and others, they have no grudge against you? No.

Executed Deeds

Till the 3rd August where were you hiding? I did not hide, I was at Vaddukoddai in the house of a relative of mine till I retained the services of a King's Counsel to surrender in Court.

Continuing witness said that when the K. C. came he surrendered with him. He did not tell him what the charge against him was. The statement witness made in Police Court was his own.

Judge:—The accused had stated that on the 24th morning, they met at your house with Prakasam and Sinna Thuraiarah?—That is false.

Everyone is telling a falsehood?—Yes.

They also say you sent them ahead to keep the saloon open to keep off suspicion?—It is false.

And that you sent gunny bad and wire through Kanapathy and Elayavan?—It is false?

Your next-door friend deals in grinding stones?—I don't know.

I am instructed that you brought them one by one to the verandah to be taken in the car?—It is false.

Have you ever seen grinding-stones?—Yes.

Any at home?—Yes.

Three pairs of the size of these (shown grinding-stones produced in Court)?—Bigger ones.

As regards grinding-stones you don't mind big ones?—Yes. I have brought big ones also. Each for a mistress?—Yes.

One of the mistresses, more humane than the others, parted with hers that night?—It is false.

You have told the Lordship why they are throwing dirt on you?—Yes.

Is that the tendency of low caste people to drag a big man who can be of help to them into the dirt?—I don't know.

Just the other way. Big men get implicated, and low caste people are dragged into it?—I don't know.

Fit At First Sight

There is evidence in this case that when Elsie saw you first, she got a fit?—I don't know.

The 1st accused says she told him that she got frightened when she saw you first?—I don't know.

Anyway there is evidence that she had a fit after coming to you?—No that is false. She did not get a fit and she did not come to my house.

Elsie knew you rejected her?—Yes.

May it be that she refused when you approached her for some purpose?—No.

Judge: The 1st accused stated you were with the girl in the saloon?—No.

The barber saloon is a central place any one can see?—Yes.

Counsel: You flatly deny you had anything to do with the girl that night?—Yes.

You don't know what Sinna Thuraiarah did that night?—No.

If the 1st accused came and told you the girl was in the well in such a condition, and sought your help wouldn't you have helped him?—

Witness: In what condition? Counsel: Dead

Witness: I would have asked him how she died.

Judge: If Sinna Thuraiarah killed her?—I would ask him to go to Sinna Thuraiarah and do the needful.

Judge: Not give grinding-stones and gunny bag at 10 in the night?—I wouldn't have asked them to use grinding-stones.

Counsel: Gnanamuttu tells me he has supplied servant girls to you?—Never, Never.

You know Oliver?—Yes.

He supplied you girls?—Never.

He had not supplied you servants?—He gave me big boys. You know he supplies young girls to different people in Jaffna?—Yes. He hasn't a good reputation?—Yes.

Cross-examined by Mr. Sambandhan. (for 3rd accused.)

Prakasam says Gnanamuttu asked him to take Kanapathy to your house?—It is false.

A Moor-man whom Kanapathy was shaving that day says that Prakasam said, "Tamby wants you"?—I don't know. You are known also as Tamby?—Yes. Is there any reason why the Moorman should say so?—I don't know.

Foreman of the Jury:—You told us the 1st accused was your barber for a long time?—Yes.

You gave him presents on festive occasions?—Yes.

On two occasions since this case he has sent to you for help?—Yes. He is your family barber?—Yes. Why didn't you give him Rs. 5 or 10?—He did not ask for Rs. 5 or 10.

He is your family barber, why didn't you help him?—Because I have heard that he had the girl and done this. How can one sympathise with him!

You were displeased with him?—I did not want to interfere. You were in your house the whole of the 24th? Yes.

Ex-Accused Witness

PONNUSAMY THURAIRAJAH was called in next by the Judge to give evidence. The Judge explained to him, as he did to the last witness, why he had called him to give evidence and wanted him to seek protection of the law against any of his incriminating answers.

His Lordship then examined the witness who said that he was the Manager of the Jaffna Apothecaries Co., of which his father was the proprietor.

He was fairly educated.

Getting a salary from father?—Pocket allowance.

No other income?—No.

You can drive a car?—Yes.

Licensed driver?—Yes.

Vellala?—Yes.

Accused are low caste men?

1st accused was my barber, family barber.

Serious Fire At Batticaloa

200 RENDERED HOMELESS

A Spark from Smith's Shed

A serious fire broke out in Batticaloa on the 29th ultimo and threatened to envelop the whole town in flames. The fire originated from a spark from a blacksmith's shed at Munai Street, and helped by the violent wind grew out of control. It was checked before it could cause a disaster.

More than 50 houses were burnt down and no less than 60 families, comprising over 200 people were, it is reported rendered homeless. The damage is estimated at Rs. 15,000.

The Batticaloa U. D. C., Catholic clergy and the general public gave immediate relief to the distressed. A Relief Fund has been opened with Mr. V. Coomaraswamy, Government Agent as the president.

That is the only dealing you had with him?—Yes, and some help when he wanted it.

The furniture in the saloon is your property?—No

Had you anything to do with the girl?—No.

He says so and he is your family barber. Why should he lie so?—He implicated me and others so that he might have a better chance of getting out of this by our spending money and getting ourselves acquitted.

Have you ever heard, of a man on a charge of murder implicating a rich man for nothing? The only reason perhaps is you have been making shabby use of him?—Not at all.

Why should he do it? Any reason? Have you heard of an ordinary low caste man trying to implicate a high caste man?—No. He asked me money.

You live opposite the saloon?—Yes.

You have seen the Sinhalese girl inside the saloon? I have never gone inside the saloon.

That makes it all the more inexplicable. What is the motive then?—He asked me for money, he sent one of his assistants.

When?—About the time he was in remand.

For how much?—Rs 500

A daring thing. To shave you for the rest of your life?—To bail out and help him.

He wanted you to help him by giving Rs. 500?—For him to retain counsel.

Impertinent isn't it? and why should you give?—I had nothing to do with it.

Did he tell you that unless you give him Rs. 500 "I am going to implicate you"?—I never expected.

A casual acquaintance to demand Rs. 500?—On the ground he was the family barber.

Barbers expect a lot of things from people. Barbers here have the whole of Jaffna under their thumb. The assistant barber also has dragged your name—no reason?—At the instigation of his master. One or two Sinhalese witnesses also said you were there in the saloon?—I went to the saloon in the morning.

'I want to warn you' said his Lordship in an annoyed tone "and teach

Cross-Examination

Mr. S. D. Tampoe then cross-examined the witness.

Remember night of the 24th?—Yes.

Day alleged to have been the day when the body of the girl was removed to Vallai?—Yes.

Did you go to Periya Thuraiarajah's house for the entertainment?—Yes. Entertainment was on a Friday.

Friday evening?—Yes.

You know Arunugam's car?—I didn't know until the case.

Periya Thuraiarajah says that car was used for the musicians that night?—I don't know.

You can drive a car of any description?—American and English.

Any other?—No.

Chevrolet you can drive?—It is an American car.

Your dispensary is in front of the barber's saloon?—Yes.

You were occupying a private room in the dispensary?—No. Private room there.

Were you living in the dispensary?—Never.

Judge: You are not married. I think?—Yes.

You some times overstay in the dispensary at night?—Never at all. It is not a residential place at all.

It is where you mix up. How long have you known the barber?—5 or 6 years.

Counsel to witness: Talk loud. You have no guilty conscience. Don't talk as on the 24th night.

Your only relationship with him was he shaves you and dresses your hair?—Nothing else.

Did you hear he was getting girls for immoral purposes?—Never heard.

You have heard of Elsie, that unfortunate girl?—No.

Didn't know that?—No.

You know she was brought to the saloon on the 22nd night at 8 p. m.?—No.

You shave everyday. You did not know the girl was in the back room?—No.

At what time do you go to the saloon?—At 8 a.m. usually and some times late.

You have no recollection of a girl brought in a car and taken into the saloon—that pretty girl?—No.

Continuing witness said that Soori was a relative of his living in the Islands. He had asked for an Ayah about 5 or 6 months previous to this incident.

5 or 6 months ago Soori asked you to get an Ayah?—Not an Ayah.

A girl, one of the female sex?—He wanted one for his sister.

Don't bring in your sisters. We know what sort of Ayas you want. Are you good in getting Ayas?—(No answer)

Judge: Are you an authority in selecting Ayas?—As a friend he asked me.

Counsel: You are a young man; a dangerous thing to ask you to get an Ayah. The Ayah may evaporate when you take her.

Judge: You had to find out one?—I did not make an effort.

You asked the barber?—I gave the information to the barber.

You did not say what brand of Ayah?—No.

You passed it on to your subordinate?—Barber.

The moment Soori suggested to you the idea of an Ayah you thought of Gnanamuttu? No. I went for a shave when I gave the information.

You casually mentioned?—Yes.

Counsel: Think and answer. I want to combine you with the 1st accused. Taking young girls to the saloon for immoral purposes.

When you shave you talk of girls?—No.

You can't say why you mentioned that fact to Gnanamuttu? Casually

Why don't you frankly say that Gnanamuttu gets ayahs?—Barbers know the ins and outs of every house. That is why I told him.

This barber knows your ins and outs? Not so, they generally know where an ayah is leaving.

Judge: What he says is, he knows more of present day ayahs.

Counsel: What was the answer Gnanamuttu gave you? That he will try.

Or that he will find out from Periya Thuraiarajah? No.

Judge: Thambiiah, (soori) lives at a distance from Jaffna? 14 miles.

Judge: You are his local agent.

Counsel: So that you fully relied on Gnanamuttu's endeavours to get an ayah? I did not fully rely on him.

Who was the other person to whom you gave this information? I left it with that.

When did you come to know that Gnanamuttu had found a girl at Ponniah's? No. He never told me.

When Gnanamuttu was shaving you, did he tell you? He did not.

Judge: Extraordinary, isn't it? I only passed the information to a third party.

Counsel: Third party!

Judge: Local agent.

The 1st accused kept it a secret—the girl and he never told you? No.

Do you know that Soori came to Gnanamuttu on the 22nd. You could have met him? I met him.

Stars Getting Together

Counsel: You see stars are getting together. You met Soori and Gnanamuttu. Did he tell you Gnanamuttu had found a girl?—He did not tell me. When I was coming out of the saloon I met Soori at 5 or 5-30 p.m.

Judge: Did Gnanamuttu or Soori tell you that they are going to bring a girl? No.

When did you meet Soori again? Next day at 10 a.m.

You say you met Soori at the saloon. I meet him as I was coming out of the saloon. Gnanamuttu was in the saloon. I can't say definitely.

Judge: In your evidence in the lower Court, you said you met Soori in the saloon while "I was shaving"?—I can't remember.

You met Soori in the saloon? Yes. And you both left the saloon together? Yes.

One other point is when Soori comes to the Main Street, he meets you?—Yes.

You met Soori at about 4 or 4-30 p.m. and you told us you had given information to Gnanamuttu for a girl. You met Soori in the saloon. Yet you say you didn't ask about the girl. Come along, be honest?—He did not speak about it.

Judge: That is worse.

Counsel: Once for all I ask you a question. You say you never had a talk with Soori about the Ayah, after he asked you about one?—Yes. And also Gnanamuttu did not speak to you about the ayah?—Yes.

There is a volume of evidence of the accused, one Prakasam, two Sinhalese witnesses that you were found in the saloon on the evening of the 23rd—I will come to your remark about the girl as a "goodpiece" later.—You were in the saloon. Are you going to admit or deny it?—I might have been there. No harm in admitting you saw a girl—I might have gone there for a shave that evening but did not see the girl.

You knew that Gnanamuttu had brought a girl to the saloon—I have never been inside the saloon.

If you are trying to keep aloof from duty you get into deeper mud—I am doing the duty. Did you come to know that the girl was behind the screen?—I was not told.

A Denial Denied

Judge: In your evidence before the P. M. you denied having told Gnanamuttu about the ayah. You denied it pointedly. But today, you say you spoke to Gnanamuttu about it. To the P. M. you told Soori that Gnanamuttu or Oliver will be able to get an Ayah—I told that to Gnanamuttu.

Counsel: You knew if you said Soori wanted an Ayah that Gnanamuttu would understand it. No.

When you tell Gnanamuttu Soori wanted an Ayah—Soori is a bachelor

—Gnanamuttu understands it... Oliver has a Servants' Agency.

Counsel: Are you trying to defend Oliver, he has a bad reputation. He is always good to you?—I do not know him.

Judge: I ask you those questions because they have an important bearing on this case. I believe on the statements on record that you half-murdered the girl. That is why I told you to seek protection.

Counsel: You are not a total abstainer?—I am. Even now?—Yes.

Judge: Always?—Yes.

Counsel: You see, it is said you walked into the saloon that night with a bottle of whisky cigarettes and chocolate?—That is all lie.

Why do you not admit that you drank at times?—Never drank.

It is one thing to deny a fact, it is another as to what effect it will have on His Lordship and Jury?—I do not deny. On the 24th night, you sat at the wheel of the car in which the unfortunate girl was taken to Vallai?—I never drove it. Though Murugesu denies it, all the accused say that you drove the car?—No. I did not.

Judge: If you drove the car, it is but natural for the accused to have asked for Rs 500 from you.

Counsel: You know Nilavarai?—No. I have heard of it.

What is its reputation?—bottomless well.

Only that?—Only that.

Not connected with suicides or homicides?—Never heard of that.

Judge: What, never?—Yes.

Nilavarai's Reputation

Judge: You tell the Jury that this is the first time you hear that Nilavarai is reputed for suicides and homicides.

Counsel: You know the geography of Jaffna well?—I know up to Pt. Pedro and Mankulam.

Kilinochi, where Senathirajah was suspended?—No.

You know Urumpirai Road? Never been to Urumpirai.

You don't know up to date how you drive up to Nilavarai? No.

A little boy of seven will tell you that.

Counsel: I tell you if you did not know it, that was the reason why you went to Vallai that night. No.

You will see that unfortunate car had to run that night for no purpose with something inside it and something inside you? No.

You know Vallai? Yes.

Famous for thieves? Heard of it.

You know Vallai? Yes.

You cannot make a mistake? I do not think.

You can go to Vallai? Yes.

How deep is the water there in June? Don't know.

Have you not peeped to see on your way to Pt. Pedro? I had no interest.

Witness continuing said that he knew 2nd accused Eliyavan and his brother Kathirani. They used to pull rickshaw for him?

They are your acquaintances? No. They are rickshaw coolies.

No harm in being acquainted with rickshaw coolies.

Counsel: You know Kanapathy.

Never seen him in all your life. Until this case.

You saw Kanapathy for the first time when you were made Co-accused. Yes.

Never seen him at the saloon. No.

I am instructed by the first accused that on 23rd night you were closeted with the girl in the saloon. That is false I never went to the saloon after 6 p. m.

Is it because they had a girl in the Saloon? No.

He says that he saw the girl in the well in the morning.—I do not know. You asked him to go to Periya Thuraiarajah—Never.

He says he found the girl in the well and came to you for advice.—He never came. Where were you then? I was in the shop. You told him to stop Prakasam from going to the Police Station. I would have sent him to the Police Station.

Counsel: The body to Vallai and Prakasam to the Police Station. If he had sent you to the Station all this trouble would not have arisen.

Foreman: You told that Gnanamuttu does odd jobs for you.

What are they. (No answer).

The Judge repeated the question.

Witness: I cannot remember them.

Foreman: You were present that night at the entertainment at Periya Thuraiarajah's house. Yes.

You noticed the car there. I was inside, there were two or three cars outside.

To the Foreman of the Jury the witness admitted that he was a friend of Soori Thambiayah and that he returned that night from the music party at 9 30 p. m. He usually went out on drives with Soori. He knew Ramsurub. He never drove with him.

Blasted His Career

P. R. Thambiiah (Soori) was next examined. He said he was not made an accused in this case. It was not true that he asked Gnanamuttu for an Ayah. But he had asked his friend Sinna Thuraiarajah. He wanted an Ayah for his sister's confinement. Sinna Thuraiarajah had told him that he would get one if he came across one. Witness himself did not make any effort to get an Ayah. He did not go to Oliver, nor was he told by anyone to go to him. His brother-in-law had spoken to Oliver.

Judge:—Did Sinna Thuraiarajah tell you he had asked Gnanamuttu for an Ayah?—No. Witness said that his brother-in-law got an Ayah and denied that Sinna Thuraiarajah was his local agent. He had been to the saloon once for a shave.

How many times have you spoken to Gnanamuttu?—He was my barber at the College. I knew him since then.

Judge: Did he shave you as a boy?—He gives hair cuts, my Lord.

Why did he implicate you?—Perhaps he wanted to misdirect the police. He wanted to put them off the track instead of concentrating their inquiries in Town.

No ill will? Not as far as I know. Didn't ask you for money?—No.

You knew that a girl was in the saloon?

I never stepped into the saloon.

The girl was brought to the saloon for immoral purposes for you and Sinna Thuraiarajah?—I deny it. If I have done it I would confess it. It is no crime.

You swear?—I do swear. Continuing witness said that on the evening of the 22nd he went to see Sinna Thuraiarajah to inquire from him if there was a dramatic performance that night.

As there was no play that night he went to the Club that night and had a game of bridge after which he went to his cousin Sethupathy's place to sleep. Next morning he went the Kachcheri and having finished his business went to the Grand Bazaar and then home in the evening. He had not seen Sinna Thuraiarajah after that.

In answer to the Judge the witness said feelingly that this case had blasted his career. The mere suspicion of complicity was enough to ruin a man's career.

He had never employed these accused to get Ayahs. He had used the 2nd accused's rickshaw but had not known the 3rd accused. He was educated at S. Joseph's College in Colombo.

The Cross-examination of this witness will be taken up tomorrow. The Judge announced that the Court would sit the whole day to hear the case.

Sports

Jaffna Inter-Collegiate Athletic Sports Meet.

JAFFNA COLLEGE WINS THE CHAMPIONSHIP.

The Annual Jaffna Inter-Collegiate Amateur Athletic Sports Meet came off on the 28th and 29th, first on the Jaffna Central College Grounds. Ten schools took part in the Meet and the number of individual entries reached a record figure. The standard of sports attained was of a very high order and several local records were set up.

K. Duraisingham of Manipal Hindu created records in long jump and pole-vault. He cleared 20 ft. 4½ in. in the former and 9 ft. 11½ in. in the latter. This is just ½ in. short of the Ceylon pole vaulting record of 9 ft. 11½ in. B.S.N. Selvadurai of the Jaffna Central College ran the 100 yards in 10 1/10 secs. (with the wind) G.C.G. Rajanayagam of Jaffna College did the 120 yards hurdles in 16 4/5 secs.

Jaffna College came out champions for the second time in succession after a very severe contest with St. Patrick's, Manipal Hindu, and Central which finished second, third and fourth respectively. The last event of the Meet, the Tug-of-War, in which Jaffna College excelled, decided the issue in its favour.

Great credit is due to the Referees, Drs. Ranawake and Chacko, for the very efficient manner in which they ran the Meet and to the Police for the excellent order they maintained.

Mrs. E. Rodrigo distributed the prizes at the end of the Meet and the Secretary thanked the Officials and others present for their co-operation.

Order Nisi.

IN THE DISTRICT COURT OF MANNAR

Testamentary Jurisdiction No. 477

In the matter of the Last Will testament of Pethuru Pavilu of Vanchiyankulam. Deceased. Alvapillai Kanthapper Alvapillai, Secretary, District Court, Mannar.

Petitioner.

1. Philappah widow of Pavilu
2. Santal wife of Salgado
3. Santia Salgado
4. Annappillai daughter of Pavilu
5. Victoria daughter of Pavilu
6. Sebastian son of Pavilu of Vanchiyankulam.

Respondents.

This matter of the petition of A. K. Alvapillai, Secretary of the District Court of Mannar praying for Letters of Administration to the estate of the abovenamed deceased Pethuru Pavilu with copy of will annexed coming on for disposal before R. Y. Daniel, Esquire, District Judge on the 19th day of June 1933 in the presence of the petitioner in person and the affidavit of the petitioner dated the 29th day of May 1933 having been read it is declared and it is ordered that the will of Pethuru Pavilu of Vanchiyankulam deceased dated 5th October 1924 and now deposited in this Court be and the same is hereby declared proved unless the respondents or any others shall on or before 11th July 1933 show sufficient cause to the satisfaction of this Court to the contrary.

It is further ordered that the 1st respondent be appointed Guardian ad litem over the 4th, 5th and 6th minor respondents unless sufficient cause be shown to the contrary on or before 11th July 1933.

It is further ordered that the petitioner be and he is hereby declared entitled to have Letters of Administration with copy of will annexed issued to him accordingly unless the respondents or any others shall on or before 11th July 1933 show sufficient cause to the contrary.

Sgd. R. Y. Daniel, D. J.
19th June 1933
O. 16. 3 & 7.

The time for showing cause is extended to 8th Aug 1933.

11. 7. 33, R. Y. Daniel.