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# THE Hindu Organ.

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## The Thesawalamé And Marumakkal Thayam Law Of Malabar

### TWO ANALOGOUS SYSTEMS

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

**B**EFORE proceeding further it is as well to summarise the grounds we have so far traversed in the last three articles in the "H. O." issues of 19/6, 6/7 and 3/8 on the subject.

I have endeavoured to point out that the Tamils as a race had passed through two stages of development in the matter of their Law of Inheritance, viz. the Matriarchal Stage in which the property descends from a common female ancestress and, generally speaking, in the female line of descent which is an earlier stage and the later patriarchal stage in which the inheritance is derived from a common male ancestor and, roughly speaking, the descent is in the male line. Malabar by reason of its inaccessibility by land and its isolation from the rest of the Tamil land, interceded by barriers of a chain of steep hills (the Western Ghats) and dense forests, has remained a land of arrested growth of social institutions and retains characteristic traces of its matriarchal stage and primitive customs of the Tamil race down to the present day.

#### A Happy Blend

The rest of the Tamil land in South India had passed on to the patriarchal stage in the early centuries of the Christian era, the space of such transition being accelerated by the Aryan notions about sons (Puthra-ratnam from hell) penetrating into the Tamil land and the consequent adoption of the Aryan religious obsequies and funeral rites for the dead, such as *Soornotsavam* (ceremonies on the body), cremation, *Atthisanchayam* (collection of ashes and bones) *Anthieddi*, *Pithir Pinda Thilothanam*, *Masikam*, *Sapindi Siradh-dham* etc. By this I do not mean to say that the Tamils discarded all their original rites and ceremonies and adopted the Aryan obsequies. The Dravidian rites were happily blended with the Aryan, a discussion of which matter is irrelevant for the purpose of the present thesis.

But what is important to be borne in mind is that the Aryan idea of the females being incapable of conferring spiritual benefits on parents, husband or other close relations relegated the females to a back ground in respect to their civic rights, especially in the matter of owning and inheriting property.

#### Dissimilar

This formed the subject of discussion in my last article, wherein I pointed out that the Hindu Law of Sridhan by which women held property and inherited from parents and others, contrasted with the Dowry System of Thesawalamé Law, shows that the two systems are altogether dissimilar and poles asunder.

While the Dowry looms large in Thesawalamé and occupies the first Chapter in the Dutch Code in which there is a provision that the sons should not claim anything from the parental property till after the last

daughter has been dowried, the Hindu Law provides mere trinkets in the shape of Sridhan over which the woman has full control and disposing power, and her rights to hold and own other properties are of a limited or qualified nature and the right to inherit from parents or relations is still more restricted. I therefore concluded that our Thesawalamé Law with such undue emphasis on the Dowry System could not have its source in the Hindu Law of Sridhan.

#### Two Colonisations

In the earlier articles I pointed out that the people of Malabar had greater facilities of communication with the rest of the World by sea rather than by land and that this accounts for their early contact with Ceylon. Our ancient histories of Jaffna, the Kailasa and Vaipava Malais speak of two colonisations, the earlier one by the Lutist (Yalpad) and his tribe and the later one by the Agriculturists and their associated tribes. The earlier colonists had settled down in Jaffna for a period of not less than 7 or 8 centuries before the later colonists, who are undoubtedly from the Coromandal Coast, so much so that these later colonists found that the Matriarchal System of Malabar—the right of a female to a dowry at the time of her marriage and the principle of female succession and all the other Matriarchal principles—had become embedded in the Thesawalamé and were recognised as well-established customs having the force of law. The only course open to the later settlers from Coromandal who were followers of the Hindu Law was to adopt the customs and usages of the original settlers and to modify the rigors of the Malabar usages and customs, in matters of inheritance, by rules such as "Male succeeds males" and "son succeeds to father's property etc., necessary corollaries from the corresponding rules regarding female succession in Malabar. But to alter it entirely from the Matriarchal to the Patriarchal, they found it impossible. It is customary law, introduced into Jaffna and nurtured by the Malabar Colonists and subsequently modified by the later Coromandal settlers with a slight veneer of Roman Dutch Law principles that became embodied in the Dutch Thesawalamé Code.

#### Analogous.

These in main are the conclusions I have arrived at in the last three articles. I shall now proceed to discuss why I was led to attribute a Malabar origin to Thesawalamé. The Marumakkal Thayam Law of Malabar is closely analogous to the Jaffna Dowry System and we might pause here to examine the fundamental principles of the Marumakkal Thayam Law for purposes of comparison with the principles underlying the Thesawalamé and our Dowry Law. Three systems of the Law of Intestate succession and inheritance obtain in Malabar and they are, (1) the Marumakkal Thayam Law 2 Aliya Santhanam Law of South Canara and the Makkal Thayam Law. The first two are similar in that they are both Matriarchal with some slight difference in details. Marumakkal means both nephews and nieces (sister's sons and daughters) and Thayam means inheritance of property. Aliya means

## CEYLON COPRA IN TRAVANCORE

### Preventive Tariff Urged

#### DEPUTATION TO DEWAN

#### Ryots Apprehend Annihilation

The import of Ceylon Copra into Travancore was one of the subjects of importance discussed by a deputation of Travancoreans which met Mr. T. Austin, the Dewan, on the 16th instant at Alleppey.

Mr. W. L. Janardanan Pillai who interviewed the Dewan, drew the attention of Government on the urgent necessity of abolition of all duty on oil and copra, a step which was very necessary to save the ryots of Travancore from utter annihilation.

#### Cannot Sacrifice Revenue

The Dewan pointed out that the amount of duty levied came to about 14 lakhs of rupees and that the State could not afford to make such a big sacrifice in its present financial state especially when Government had accepted the motion of the Assembly to reduce land tax by 25 per cent. The Dewan recognised the need for giving substantial and immediate relief to the owners of coconut plantations in Travancore but said that the question was so complicated especially in its financial aspects and raised issues of far-reaching importance which could not be slightly disposed of. The Dewan however promised consideration of the matter.

#### Another Deputation

Messrs. S. Padmaabha Menon, B. A., B. L., and S. Krishna Panikkar, B. A., B. L., members to the Sri Mulam Assembly from Shertallai, met the Dewan and discussed with him the abnormal fall in the price of copra, and the desirability of doing away with the Travancore customs duty at present levied on copra and oil. Dr. Patel's enquiry and the urgency of moving the Government of India to put on a high tariff to prevent Ceylon copra from coming into Travancore were also discussed.

Son-in-Law and Santhanam means Progeny. In other words the progeny of a sister or of a daughter and Son-in-Law succeed to their brother's and mother's property. The brother's own sons in the former case and one's own sons in the latter case are left out of reckoning and the property in either case goes to the sister's or daughter's children respectively. The third or Makkal Thayam Law is the Patriarchal system of inheritance through sons. The outstanding difference between the Marumakkal and Makkal Thayam systems may be stated in broad terms as follows:—

#### The Difference

In Marumakkal Thayam the common ancestress is a female. In the Makkal Thayam the common ancestor is a male. In the former, the wife and children of the sons and other males tracing descent from the common ancestress are shut out; in the latter the daughters and their children and other female descendants of the common ancestor cannot claim any share of or succeed to the ancestral property.

The membership of the Marumakkal Thayam is a constant unchanging (Continued on Page 3.)

## A Short Story

### GANDHI IDEAL GIRL

By Supra

**T**HERE was no doubt about it—his wife was jealous of his sister. Why the village had begun to whisper about a thing that he himself had heard only a small while ago. The talk was that his wife was using his sister as a maid of all work—and it was maliciously hinted that even food was denied her.

And yet, but a year ago, when their father lived, his sister was the favourite of the family, she had the best of dress, his father had passionately loved her.

"She is not your sister alone—she is your mother come back to life after her death," what his father used to say of Lakshmi.

His father died. Swarup's wife came to him and assumed charge of his house—and Lakshmi was dethroned. More than that, Lakshmi was being persecuted. Swarup loved his wife, of course; he was human enough to realise that his wife was jealous of his sister's beauty and education and had silently begun to persecute her and trying to make her life miserable.

#### II

"A Servant? Why, my father has two thousands a year and he says he cannot afford to keep a servant. You would have a servant on your miserable income?"

Swarup's wife wouldn't hear of it. With Lakshmi, young and unmarried, what need for a servant? When Lakshmi is married, or when she herself has a child, then perhaps the question may arise.

"But then Lakshmi is not used to work. The village is talking. If, as you say—and you are right—we cannot afford a servant, then why do you not join Lakshmi in her work? Go to the tank and bring water. Go to the market and make your purchase. You must divide the work with her, so that others may not see that you treat her as a servant."

The ready answer to this suggestion was tears from a newly-wedded wife. How could her husband say to her to go to the well or to the market if he really cared for her? The talk of the village? Rather call it the talk of the dear sister of his—for how could they speak, unless Lakshmi herself hinted at it. Lakshmi was not the angel that he thought her. She was malicious. What, did she think that her brother's wife would slave for her?

#### III

"Madam, my niece is not a servant—" replied Swarup's uncle as they all sat together and were discussing Lakshmi's going to live with him for a few months."

Lakshmi was willing to go—eager under the circumstances. Swarup's wife was arguing against it, on the score that she would be lonely and that she would have no help to keep her house.

"Uncle, you should not talk like that in anger—I have not been treated as a servant at all. My brother has given his love to me. And as for work, why, I glory in it. All the same, I go with you to stay

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INTHUSATHANAM.

for a while, because of my love for Saraswathi, who would be happy to be with me as I would be with her."

Lakshmi was all smiles and friendship to her persecutrix. Lakshmi said she would be back sooner than was expected—in two months perhaps, when Saraswathi would be married and would join her husband.

"Of course, I will spend any money gladly"—says her brother. "The whole village is proud of her."

#### IV.

"And beggar your wife and your wife's children when they come—" was the burden of Swarup's wife's song into the ears of her husband. Lakshmi's marriage was talked about.

"Lakshmi likes to wear Khaddar and work for the Harijans—and yet the village would not have her work on it! And here you are, going against Gandhi's will, and speaking of spending money for her marriage."

"Who is she?" was the question on all lips among the marriage guests of Saraswathi, as they saw Lakshmi flitting about as an angel. She had assumed charge, in fact, of the entire arrangements. Saraswathi's mother left everything into her hands.

"So young and yet so experienced and so like a mother to all—" said the guests.

And Shri Ram, the wealthiest of the locality, marked Lakshmi for his daughter-in-law.

"But we are poor," pleaded Swarup's uncle "we cannot afford to keep up relations with you."

"And, uncle—" said Lakshmi to her father's brother later, "I will not marry if my brother has to spend a rupee on it. Father did not leave much for him, you know, and I will not touch it. My needs are little—khaddar and work which makes me happy. I am resolved on it—and so, do not talk to me of marriage."

Of course she did not like being lorded over by her sister-in-law, but was it not God's will? Else, why should her father die? She will not complain but will go through the grind patiently.

"She could be more loving if she cared" Lakshmi spoke about her sister-in-law, "but then who knows, she might see faults in me which you or my friends do not."

#### V.

"She knows English," said one. "She will only wear khaddar and she insists on going into the huts of the Mehtars and clean things for them once a week," observed another.

To think of bringing a girl like that to their family, and to marry her to the son and heir to the Shri Ram millions. Impossible!

The women who had seen and heard of Lakshmi had made up their minds.

But the stories they said against her urged the old man and his son to hasten the marriage.

Definite proposals were made.

"I shall advance the money for the marriage—" said Shri Ram on hearing the objections of his daughter-in-law against her brother's heritage being encroached upon.

But it was not her brother's money merely—it was the ideal she has imbibed from Gandhi's teachings.

She was happy to hear that her

(Continued on page 3)



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## Northern Province Teachers' Provident Society

Under Clause 4 of the Rules, October 31st, 1933 is the last date for those teachers above 30 and under 50 years to enroll themselves as Members.

From 1st of November, Membership will be strictly restricted to those below 30 years of age. Do not miss this opportunity to provide for the future. N.E. The upper limit for members is 50 years and not 45 as notified in previous issues.

For further particulars apply to:  
Jaffna Central J. C. CHARLES,  
College, Secretary  
Jaffna, 20th. Oct. 1933.  
(Mis 123. 23rd)

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(H. 75, 10-8-33-9-2-34.)

## St. John's College, Jaffna.

The Annual Prize Distribution will be held on Friday, November 3rd, 1933, at 6 p. m., in the College Hall. His Excellency the Hon. Mr. F. G. Tyrrell, C. M. G., has kindly consented to preside. All Old Boys and Friends are cordially invited to attend.  
(Mis. 124, 23-10-33)

## NOTICE

The undermentioned Government Timber at the Jaffna Depot will be sold by public auction on the spot by the Divisional Forest Officer, Northern Division, Jaffna on Tuesday October 31, 1933 at 9.30 a.m.

Lot 1. 75 Palm logs.  
Lot 2. 10 Satin logs.

For further particulars please apply to the Divisional Forest Officer, N. D. Jaffna.

A. B. LUSHINGTON,  
Actg. Conservator of Forests,  
Office of the Conservator of Forests,  
P. O. Box 500,  
Colombo, October, 20, 1933.  
G. 27. 23.



## Hindu Organ.

MONDAY, OCTOBER 23, 1933.

### THE NEW LAND BILL.

—O—

THE HON. THE MINISTER FOR Agriculture and Lands must be congratulated on the new Land Bill which has just passed the second reading in the State Council. The Bill represents the legal machinery designed to give practical effect to the new policy inaugurated by the Ministry for Agriculture. Of the many factors which contributed to the neglect of agriculture in the past, the system of sale by auction of crown land and the utter indifference of Government to the interests of the peasantry were not the least. With commendable forethought and wise appreciation of the difficulties facing agriculture in the country, the Ministry have evolved a policy of restoring the prestige of the cultivator and the many and expensive experiments launched out by the Ministry have already yielded encouraging results. It is absurd to expect that merely by large expenditure of Government revenue, the present situation of the dependence of this country for her food on foreign imports could be retrieved. The Government, the people and the peasantry must combine to achieve a task so stupendous. The response made by the villager so far to the efforts to foster the agricultural bias has been marvellous. But, it is doubtful whether the enthusiasm created by the colonisation schemes could be maintained long unless some of the drastic provisions of the Bill are whittled down and recast so as to harmonise with the long cherished views of the peasantry.

It is only natural that the villager should look upon any limitation to his rights of ownership with suspicion. He has always regarded his own holding, however small and uneconomic, as an asset which enhanced his credit with the money-lender. If his rights in respect to alienation and mortgage are sought to be restricted in the Bill, it is done solely to protect him against the rapacity of the money-lender. It is precisely this that he objects to. He must have his dealings with the money-lender with whom he will even join hands to

defeat the best devised legislation against usury. The peasant-proprietor will never take kindly to these provisions, made avowedly for his own good, unless cheap credit facilities are made available to him. Co-operative Credit Societies might solve the problem to some extent, but it will be many years before such societies can become popular among the indigent cultivator class. Licensing of money-lenders and pass-book systems have been tried in many countries. Experience, however, has clearly demonstrated the futility of all such legislation. The only alternative is the substitution of the money-lender by an agency which can lend at a cheaper rate and which would not resort to unfair practices. The Indian Government introduced a system of offering money advances to the peasants. The Land Improvement Loans Act XIX of 1883 and the Agricultural Loan Act XII of 1884 were intended to protect the agriculturist from the harassing attentions of the money-lender. Under these Acts, Government advances money at 6 3/4 p. c. rate of interest. The cultivators have to apply to the District Collector for such loans. The loan can be recovered by the revenue officials along with the revenue and by a summary process. The main defects of this system of advances are its rigidity of collection and the corruption of petty officials through whom the advance is paid. In order that the system may be worked usefully, it is necessary that the period of repayment should be extended and there must be as much elasticity as possible in the collection of loans. The procedure prescribed in the Indian Acts for getting loans is bound to occasion trouble and delay to the cultivator. This must be simplified and effective steps must be taken to prevent leakage or any portion of the advance sticking to the hands of subordinate officials through whom it must pass. The peasants have not yet learnt to revolt against this ancient tradition of official corruption.

If cheap credit facilities are not provided, the peasant cultivator with his hands tied with regard to his right to sell or encumber his holding will in no time degenerate into a tenant cultivator. He will not put his soul into the task of cultivation and may even prefer to roam about in the village as he used to do. The perfunctory manner in which even long-term tenants and *chena* cultivators and *Naidagama* cultivators raise crops should warn the Committee of the State Council against any provision in the Bill likely to engender this belief among the peasant-proprietors.

The levy of a fixed annual rent cannot but result in emphasising the impression that the proprietors are only tenants of their holdings. If Government does not propose to introduce in this way a new form of taxation, the value of the land at the time of settlement should be assessed and when the assessed price is paid up by the cultivator, he should be relieved of any further payment on that score. The continuance of payment cannot be regarded in any other light than a levy on paddy cultivation.

We have no doubt that the State Council will reconsider the Bill in the light of the many criticisms made in and out of Council and modify its provisions so as to remove some of the objectionable features of the Bill in its present form.

## DREAMS OF AN EASTERN EMPIRE.

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### Japanese Scheme of Aggression.

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(Japan's dreams of a world empire to be achieved by a policy of aggression abroad and repression at home are revealed by the Diplomatic Correspondent of the "Daily Herald", London, in the following article:)

General Araki, the Jap "Mussolini," is not satisfied with the annexation of Jehol and Manchuria but looks forward to the "Liberation" of India and the countries of the Far East.

Japan is on the verge of passing under the control of a military dictatorship, pledged to a policy of big armaments and aggression abroad.

Recently General Araki, the War Minister, who loves to be called the "Japanese Mussolini," secured the resignation of Count Uchida and the appointment of Mr. Koki Hirota, one of his own friends, as Foreign Minister. But that is only a step.

He plans to abolish Parliamentary Government as being the "cause of social unrest," and to place all power in the hands of a Council of State, theoretically responsible to the Emperor, but in fact controlled by himself and the army.

He has the backing of his general. He has already intrigued his friends into most of the key posts of the administration.

### "MURDER GANGS"

He has the enthusiastic support of the "murder gangs" of young officers who are out to assassinate every politician of democratic views.

And he is a first-class publicity man, for whom a clever propaganda has gained much popularity among the public. He is more photographed than even Hitler or Mussolini.

General Araki's policy—which he calls "Koto" "the Royal way"—is one of aggression abroad and repression at home.

It is he who insists that the Japanese Navy shall be freed from the restrictions of any treaty. It was he who decided that Japan should leave the League.

He is demanding more expenditure on the army, though the Exchequer is already bankrupt.

### EYES ON INDIA

"Financial considerations," he says, "are unimportant."

He is not satisfied with the annexation of Manchuria and Jehol. He has visions of a great Japanese Empire exercising hegemony over all Asia.

He has dreams of a Japanese "liberation" of India.

"India," he said recently, "lives in dire misery under British oppressive rule.....Is it possible for Japan, whose sacred mission is to spread "Koto" and protect her neighbours, to sit still and look on any longer?....."

### TALK OF WAR

"The countries of the Far East are the object of pressure by the White races. But awakened Japan can tolerate no further tyranny and oppression at their hands."

General Araki has talked openly of war with Russia, and of the need for seizing Mongolia and Vladivostok.

His ideas may be crazy; but they are infinitely dangerous.

And they are the more dangerous because of a growing feeling among the Chinese that they have been betrayed by the Western nations, and that they would do better to make a close alliance with Japan.

### AND GERMANY!

Add to that Germany, isolated in Europe, is cultivating very close relations with Japan, and the dangerous possibilities become very evident.

On the other hand, though Araki can certainly seize power, Japan may easily collapse economically.

Her industrial situation is desperate. The flooding of the world markets with goods sold below even Japanese costs of production is a desperate measure which can hardly continue.

### NO ECONOMIC POLICY

The Treasury is empty. The Army, the Navy and the Debt service already swallow all the revenue. The rest of the expenditure is met by borrowing.

And the general has, so far as can be ascertained, no economic policy.

It is safe betting that an Araki dictatorship would be the prelude to a complete economic collapse.

But he and his generals and his jingo murder-gangs and his "Koto" might do a lot of mischief first.

## REFORM OF THE CONSTITUTION

—O—

### Congress Executive Supports Ministers' Memorandum

At the adjourned meeting of the Executive Committee of the Ceylon National Congress held on Friday, the following resolution was passed:

"The Executive Committee of the Ceylon National Congress, approves of the proposals for the Reform of the Constitution contained in the Ministers' Memorandum, leaving open the question of the method of choice of Ministers."

### District Judge Jaffna

MR. C. COOMARASWAMY  
ASSUMES  
DUTIES TODAY

Mr. C. Coomaraswamy, C. C. S., assumed duties today as District Judge, Jaffna, vice Mr. D. H. Balfour.

### Additional District Judge, Mullaitivu

MR. RODRIGO'S APPOINTMENT FOR TWO-DAYS

Mr. S. Rodrigo has been appointed, in addition to his own duties, to be Additional District Judge, Mullaitivu, on November 10 and 11 to try P. C. Mullaitivu, case No. 12,102 which has been committed for trial before the District Court, Mullaitivu.



## AGAINST FURTHER SPOILIATION OF PEOPLE'S LAND

### A New Land Bill

### SAVING THE REMNANTS

### Bill Passes Second Reading

What was characterised by Mr. S. W. R. D. Bandaranayake as the most revolutionary and socialist piece of legislation.—The ordinance to provide for the systematic development and alienation of Crown land in Ceylon—passed its Second Reading in the State Council on Thursday last. The Bill was discussed for three days and was criticised from many points of view.

The Bill has been referred to the Standing Committee A, to which Messrs H. R. Freeman, G. K. W. Perera and A. E. Goonesinghe were co-opted.

Mr. G. C. S. Corea in his speech on the Bill explained the need for the Bill and showed to what extent the spoliation of the people's land had ruined the peasantry.

The Bill, he said, was a very simple one and the House was asked to consider two aspects of the question. The two aspects consisted of formulating a new method whereby land might be allocated for definite purposes and the form of tenure which it was desired should be employed when the lands were to be allocated. The Minister of Agriculture had to take immediate steps to supplement the provisions of the Bill by taking such measures as were absolutely necessary not only to put the peasant on the land, but to enable him to remain there and carry on his ordinary avocation of life in such a way as to bring prosperity and contentment. The supplementary measures such as providing credit facilities, medical aid, educational facilities and various other matters which needed attention should follow.

#### End of Spoliation

In regard to the question of Crown land Mr. C. E. Corea's definition had now been accepted—that it was land held in trust for the people.

He welcomed the Bill for another reason as it meant the end of the spoliation of the land of the people and the beginning of the restoration to the people of what belonged to them. Another reason why he welcomed the Bill was that it would arrest the spread of landless vagabonds through the length and breadth of the country. It marked the end of the unparalleled avarice of unscrupulous spoliators which was absolutely contrary to the cardinal principles of justice and absolutely contrary to the declared intention of the British Government.

Up to 1833 history recorded that there had been no attempt on the part of the British to appropriate the lands of the people. But with the advent of the coffee planters at that time there was a widespread demand for land. At the start Government was satisfied with giving away high forests. But the planters were not satisfied, and east covetous eyes on the chena land that had reverted to scrub, and which belonged to the people by the grant of sannasas. A new Ordinance was immediately passed, and that land bought up by the planters. Later on it was found that these lands were not so fertile as they were supposed to be, and for some time the sale of chenas was stopped. In 1866 an iniquitous Ordinance was passed which required the registration of documents which gave possession of land, before a certain time, if they were to be of value. The villagers had not produced their titles for registration, and had been later completely shut out. He could recall villages that were populous 40 or 50 years ago without a trace of

## LETTER TO THE EDITOR

### Site for the Town Hall

Sir, I have read your Editorial of the 19th inst. on the Site question with great interest.

It is my duty to state in fairness to the Chairman, Mr. R. R. Nalliah, that the idea of building the office on the Hindu College playground site did not originate from him. The suggestion first came from the architect and some of the members naturally took it up. Mr. Nalliah, so far as I am aware, is not keen on any particular site but his anxiety is only to see a worthy home for the Jaffna U. D. C. materialise as early as possible.

Nothing is further from the minds of the members than to deprive the students of the Jaffna Hindu College of their playground. The Resolution passed in April approving the present playground site definitely states that the Council should make provision for the students of Jaffna Hindu College by giving them another equally good site.

As a majority of the members were reluctant to demolish the Ridgeway Memorial Hall, the Council had no alternative but to accept a suggestion of the architect and decide to build on the present playground site.

If Public opinion expresses itself in favour of demolishing the Ridgeway Memorial Hall, I do not think it is too late yet to change the Site.

I am

Yours faithfully  
A. M. Brodie.

Chundikuli  
Jaffna  
21-10-33.

[We accept Mr. Brodie's correction with regard to Mr. Nalliah's part in the decision taken by the Council. We are still more glad to find that the decision is still open to reconsideration. This is all for the good. Our objections to building anywhere on the Esplanade still hold good.]—Ed. 'H. O.'

## Sunday Postal Service.

### QUESTION IN COUNCIL.

Mr. E. W. Abeygoonesekere has given notice of the following questions in the State Council:

Will the Honourable the Minister of Communications and Works please state:

(a) Why he has not taken steps to resume a modified Sunday delivery and despatch of mails?

(b) Is he not aware that Up-country planters and business people are experiencing a great deal of inconvenience and loss since the suspension of the Sunday Postal Service?

population today. Was there anything wrong in trying to save the remnants for the use of the people of this country? Between 1833 and 1880 about 1,840 square miles, nearly a twelfth of the area of the Island, had been alienated. It was unfortunate that there was still provision in that Ordinance for non-Ceylonese to obtain land.

#### Grant of a Free-hold

It was unsatisfactory to try and foist a new system on a very ancient agricultural community which had grown accustomed throughout the ages to a certain system. It was proposed not to give the free-hold of the land. People would not want to take up for improvement land for which they had no title. If they tried that system he foretold complete failure when normal times returned. He had not the slightest doubt that the intentions of the Ministry were good in that they wanted to prevent improper alienation or forced sales, but that intention could have been carried out by following the practice of the grant of a free-hold. So long as the land was vested, not on individuals, but on that class of people, the intention of that Ordinance would be served.

The method of succession would do away once and for all the unsatisfactory and dangerous system which now existed whereby land was divided into infinitesimal shares.

## To Deprive Customs of Rs. 3,200

### SMUGGLERS' PLANS FOILED

### Tobacco Seized At Pt. Pedro

Sixteen sacks of 'beedie' tobacco, the Customs duty on which was computed at Rs. 3,200 were successfully prevented by the Customs authorities from being smuggled into Pt. Pedro, by two men.

On 6th Monday last at midnight the Pt. Pedro Sub-Collector Mr. K. Kanagaratnam with his staff and the Udayar of Pt. Pedro proceeded to Katkolam Beach and arrested two men with 16 sacks of the tobacco. Several others of the smugglers ran away. The Customs authorities have taken charge of the tobacco.

## New Judge Of The Supreme Court

Major Kenneth Elliston Poyser D. S. O., K. C., the new Judge of the Supreme Court, arrives today in Colombo by the Oxfordshire.

## Local Government Board

Mr. S. W. R. D. Bandaranaike, M. S. C., has been nominated to be a member of the Local Government Board, in place of Mr. J. C. Ratwatte, Adigar, for a period of three years.

## A Short Story

(Continued from page 1)

father-in-law would spend money—and she planned out a feast and gift of clothes to the Harijan population all round.

"But the prestige of the family? No marriage had ever been performed without expenditure of at least quarter of a lakh of rupees."

But all talk was in vain. Lakshmi even swept back her own brother. "I shall be more happy to be the servant of your wife, rather than that for my marriage any lavish expenditure on silks and feasts to the wealthy should be spent by any one. It is a sin that, with such poverty around us, we should waste money on ourselves. Shri Ram has to see to it that he expiates for the sins of his great grandfathers who earned his money for him—and the only way to wash off the sins we have committed against our brethren among the Harijans is to spend all that we can towards their happiness."

"Fancy bringing that live wire of social revolution into the family!" was what the richer relatives of Shri Ram said.

But Shri Ram's son was intent on Lakshmi.

"On the marriage day" he said, "I will make a fire of all my foreign clothes and hats—because my wife would not have me give them even to the Harijans, lest they should be corrupted into loving the hats! She would keep back the coats and shirts and overcoats to the firm and aged—she has a list of them ready—but my ties and collars are to be destroyed, and hats and my handkerchiefs—no, they are to be saved and stitched to make bed-sheets for the Harijan babies."

"The happiness of giving to those who are in want—it is akin to God's"—observed old Shri Ram a year after the marriage that brought Lakshmi into his household.

Back to the past simplicity—was the living message of the angel that his son had married.

Garden parties to the Magistrate were replaced by feasts and gifts to the neighbouring poor. (Roy's Weekly)

## 70 Cruisers For Britain

### BRITISH ADMIRAL'S WARNING

### Big Increases By Foreign Powers

London, Oct. 19th.

"Britain must have seventy cruisers."

That is the keynote of the speech of Admiral of the Fleet, Earl Beatty, to the Navy League.

Alluding to the terrible risks Britain has taken in restoring credit he illustrated the starvation of the Navy, by the facts that the United States personnel of 107,000 had been increased 60 per cent. since 1914 Japan's 88,000 in 1931 had increased 71 per cent. and Britain's 90,000 had decreased 35 per cent.

He did not object to America having parity in cruisers, but next year's Naval Conference must give great Britain sufficient for her needs.

(Reuter.)

## France to Remain on Gold Standard.

London, Oct. 19th.

Paris.—M. Georges Bonnet, the Minister for Finance, announces that the rumour that France was contemplating going off the gold standard is entirely unfounded.—(Reuter.)

## The Thesawalamé And Marumakkal Thayam Law of Malabar

(Continued from page 1)

factor regulated by law or custom and no new member of another family can be introduced or incorporated into this group by marriage. But in a Makkal thayam group there is constant shifting, addition and exchange of members with every marriage in the group. The reason for this is not far to seek. Marriage does not confer any legal status on the husband or wife of a Marumakkal Thayam family and on this account the father has no place or interest in a Marumakkal Thayam family. The son has no right or interest in the property of his father, and a wife has no right or interest in the property of her husband, except a right to be housed and fed so long as they son or wife choose to live with the father or husband.

#### Malabar Law Peculiarities

The peculiarities of the Malabar Law were summed up in a Madras High Court decision thus: If Malabar Law is a branch of Hindu law, it is one put out or separated from the parent stem before the present form of Hindu Law existed.

The above I hope gives a clear indication of the scope and aim of the Matriarchal system of Malabar, the law on which has been revised and brought up to-date by the enactment of the Madras Marumakkathayam Act No. 22 of 1933. Non-recognition of marriage as conferring legal status and the impartibility of property subject to Marumakkathayam, two of the three essential features of this law, have been considerably modified by this New Act and these are not material to our inquiry. So that the third and perhaps the most fundamental feature, the descent of property in the female line, is left intact and the Act in this respect is merely an authoritative declaration of the old law, or rather, the ancient usage and custom of Malabar that have acquired the force of Law, with certain necessary changes relating to intestate succession and partition adopted to suit modern conditions.

#### Some Definitions

It may be useful in this connection to acquaint ourselves with some definitions found in the Act referred to above in regard to certain terms of frequent occurrence in the Marumakkal Thayam Law and a few notes on them may be added by way of explanation so that we may have some

## TEMPLE-ENTRY ISSUE

### No One Man's Work

### "WILL STAKE OUR LIVES AGAIN"

### Gandhiji's Reply To Correspondents

Poona, Oct. 20.

In the last issue of the "Harijan" to be issued from Poona, Mr. Gandhi, replying to a Kerala correspondent, assures him that "when the proper time comes and it God wills it, both Kelappan and I would again stake our lives, for opening not only the Guruvayur temple, but many others". The correspondent suggested, "now that the temple-entry legislation had been hung up and prominent South Indian workers including Mr. Kelappan were off the field, what the sole responsibility for getting the Guruvayur temple opened to Harijans rested on Mr. Gandhi, and he should therefore immediately take up the question."

Mr. Gandhi points out that the opening of the Guruvayur temple is no one man's work, and would be done in God's good time, but Mr. Kelappan's pledge had not been exhausted. Mr. Kelappan's visit to Colombo was a temporary one. As for Mr. Gandhi himself, there could be no peace, if untouchability continued in the country.

Hindu

## Mr V. J. Patel's Health

Bombay, Oct. 21.

The latest cable from Mr. Subash Bose, received here to-day regarding Mr. V. J. Patel's health, says: "Temperature is persisting. Prognosis is unfavourable. Read Mrs. Sarojini's message, regarding Bombay public meeting with emotion and conveys gratitude for kind thoughts to all." An earlier message stated that his condition was deteriorating. Reuter

## Soora Samharam Festival.

The Kantha Shashti Fast which commenced on Monday last, terminates tomorrow, the sixth day, with the Soora Samharam Festival.

general idea of the matriarchal system in respect to the tenure of property and intestate succession, so that the intimate connection of Thesawalamé with Marumakkathayam can be better understood.

1) *Tavazhi* (തവഴി) used (1) in relation to a female means the group of persons consisting of that female, her children and all her descendants in the female line; (2) in relation to a male it means the *Tavazhi* of the mother of that male.

The male thus serves only as a link connecting with the female line of descent, neither his wife nor children being entitled to any share or interest in the *Tavazhi* property. Cf. also our Tamil proverb *செல்லுதல் தவழ்தல்*.

(2) *Tharwad* means the group of persons forming a joint family with community of property governed by the Marumakkal Thayam law of inheritance.

Community of property or possession of property held in common by all the members of a particular group is thus necessary to constitute a *Tharwad*. "A Malayalee *Tharwad*" says Mr. Logan in his Malabar District Manual, "corresponds pretty closely to what the Romans called a *gens*, with this important distinction however, that whereas in Rome all the members of the *gens* traced their descent in the male line from a common ancestor, the members of a *Tharwad* trace their descent in the female line from a common ancestress. All *Tarwads* of influence set apart

(Continued on Page 4)



## The Thesawalame And Marumakkal Thayam Law of Malabar

(Continued from page 3)  
property for common use, and indeed it seems to have been for purposes of thrift that this system of inheritance was first introduced."

From the above definitions, it will be seen that both *Tavazhi* and *Tharwad* are both creatures of law and can not be created by Acts of parties. But the main difference between them consists in this that according to the above definition possession of property is not a necessary ingredient of *Tavazhi* while the possession of property in common constitutes the essence of *Tharwad*. A *Tavazhi* would generally speaking be composed of only a mother and all her children. But a *Tharwad* consists of several *Tavazhis* without a living common ancestress, provided there is community of property between the several *Tavazhis* constituting the *Tharwad*. Two more definitions remain to be noticed. They are the following:—

(3) *Karnavan* (കർണവൻ) means the oldest male member of a *Tharwad* or *Tavazhi* as the case may be, in whom the right to management of its properties rests, or in the absence of a male, the oldest female member who has the right of management, or where by custom or family usage the right of such management vests in the oldest female member, such female member.

(4) *Anandavan* (ആനന്ദവൻ) means any member of a *Tharwad* other than the *Karnavan*.

(To be Concluded.)

## The Jaffna Urban District Council

### NOTICE.

TENDERS are hereby invited for the lease of the undermentioned Markets, Gala and Bus-stands for one year beginning from 1st January 1934.

Tenders for the first and sixth leases are to be made upon forms which will be supplied upon a deposit of Rs. 500/- for each form at this office. In the case of the 2nd., 3rd., 4th. and 5th., a deposit of Rs. 250/- will be required. In the case of the other two a deposit of Rs. 10/- will be required.

Tenders must be in sealed envelopes marked "Tender for lease of Markets etc." on the left hand top corner of the envelope and addressed to the Chairman, Urban District Council, Jaffna, and should reach this office not later than 12 noon on Saturday the 28th October 1933.

Separate offers must be made for the different leases.

The tenderer selected by the Chairman will be required to deposit within three days of such selection an amount that may be fixed by the Chairman and in the event of his tender being accepted by the Council to deposit within a month the balance amount which with the amount already deposited by him would make one-third of the amount of the tender and to enter into a Notarial Bond paying stamp and notarial fees before the commencement of the lease. The balance amount to be paid according to the conditions of lease, copies of which are posted up at this office and the Jaffna Kacheheri.

Should he fail to make the deposits as above his deposit will be forfeited. The Council reserves to itself the right to reject any or all of the tenders without any question.

Any further information may be obtained from the Secretary.

There will be no reduction in the rate of rents obtaining at present in the markets.

### Markets Referred To:

1. The Grand Bazaar.
2. The Fish Market near Grand Bazaar including Pannathurai where fish is sold.
3. The Small Bazaar (exclusive of Meat Stalls).
4. The Kalkula Bazaar (exclusive of the newly built 2 rooms).
5. The Chiviatu Market (including Passaiyur Beach where fish is sold).
6. Grand Bazaar Gala including Bus-stands at Grand Bazaar, Front Street and near the Jaffna Kacheheri.
7. The Thaddatheru Market.
8. The Muththiraisanthai.

E. T. HITCHCOCK,  
Secretary, U.D.C.

Office of the  
Urban District Council,  
Jaffna, October 19, 1933.

(Mis. 122. 23-10-33.)

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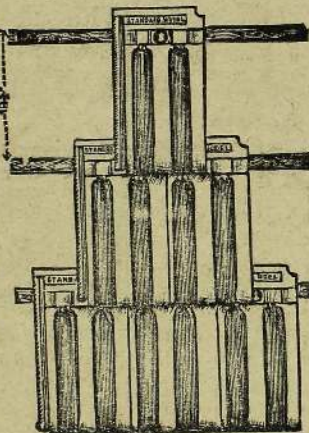
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(M's)

Y 3. 26-4-34

### Order Nisi.

IN THE DISTRICT COURT OF MULLATTIVU

Testamentary Jurisdiction No. 291.  
In the matter of the intestate estate of the late Vythilingam Kadiravelu of Mulliawalai Deceased.  
Kadiravelu Arumugam of Mulliawalai Petitioner.

Vs.

- (1) Kadiravelu Vythilingam
- (2) Kanthar Arumugam and
- (3) wife Ponnathai
- (4) Sankary Kanapathipillai and
- (5) wife Walliammai
- (6) Arumugam Sinnathamby and
- (7) wife Annappillai
- (8) Murugar Appacuddy and
- (9) wife Sinnachy
- (10) Sinnathamby Kandiah and
- (11) wife Katpagam all of Mulliawalai Respondents.

This matter of the petition of the abovenamed petitioner praying for letters of administration to the estate of the abovenamed deceased Vythilingam Kadiravelu of Mulliawalai

coming on for disposal before G. De Soyza Esqr, District Judge, Mullaitivu, on the 8th day of September 1933 in the presence of Mr. S. Pasupathy Proctor on the part of the petitioner and the affidavit of the petitioner dated the 4th day of September 1933 having been read.

It is ordered that the petitioner be and he is hereby declared entitled as the son of the said deceased to administer the said estate of the said deceased and that letters of administration do issue to him accordingly unless the respondents above-named or any other person shall on or before the 4th day of October 1933 show sufficient cause to the satisfaction of this Court to the contrary.

(Signed) G. De Soyza,  
September 8th 1933. District Judge.

The time for showing Cause is extended till the 8th November 1933.

(Signed) G. De Soyza,  
October 4th 1933. D. J.

O. 23. (19 & 23.)

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