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THE MORAL FORCE BEHIND INDIA'S SURVIVAL

COSMOPOLITAN BASIS OF CIVILISATION

THE very essence of India's culture is spiritual. Her nationalism too has been essentially based on a deep-rooted spiritual foundation. Spirituality has been the one condition on which Indians have lived and thrived. Politics, power and even intellect have formed a secondary consideration here. Strikingly contrasted with it, in other countries the great national power is represented either by politics, intellectual pursuits, militarism or commercialism. A militant nationalism has been always opposed to India's history and tradition and her attitude in relation to others has been always marked by humanitarianism. She has been always averse to a diabolic craze for expansionism; love and cosmopolitanism have been the two most notable features of her civilization. They indeed constitute the foundation on which the edifice has been erected. This moral force which India fields, accounts for her survival while others have perished. History tells us of mushroom nations, rising and falling almost every century - starting from nothingness growing into mighty powers, dazzling the world by their grandeur and then vanishing from the scene. But this big, gigantic country which had to grapple with some of the greatest problems of misfortunes, dangers and vicissitudes, such as never fell upon the head of any other nation of the world survives because it has discarded base human passions and stood for all that is noble in man.

BY

A. L. SINHA

Finance Minister of Bihar,
 in the Orient Weekly.

ramshila not only received scholars from abroad to educate them in different branches of learning, but also sent out their own savants proficient in manifold branches of humanities to countries beyond the geographical limits of India as messengers of her liberal culture and thought. One still recalls with pride the names of scholars like Atisha Dipankara and Santarakshita who went out as prophets of India's culture to Tibet in the early Medieval period.

The remarkable feature of modern Indian nationalism has been its emphasis on the spiritual values of life. It has been indeed the revival of the soul of India in spirit. This is strikingly illustrated in the careers of some of the prophets of modern Indian Renaissance like Ram Mohan Roy and Swami Vivekanand, who were also in fact the pioneers of India's nationalism. In the truest role of leaders of world thought, exercising dynamic influence on different countries, they transcended the narrow limits of a

Liberal Attitude

All periods of her national development have been characterised by brilliant manifestations of Indian liberal attitudes towards peoples of divergent castes and creeds within or without her territorial boundaries. In our ancient history, the period of Asoka's rule witnessed a marvellous flowering of India's national genius. He had within his sphere of influence very far off lands. But his was not the rule of sword. He was not in the role of a conqueror who seeks domination through war and bloodshed. He had eschewed violence and adopted nonviolence

HOW AGRICULTURAL RUSSIA BECAME INDUSTRIALISED

SOCIALIST PLANNING: NO OUTSIDE AID

[The Process of Industrialisation in the U. S. S. R. was the subject of a lecture at the Delhi University by Prof. Maurice Dobb of Cambridge, now attached to the Delhi School of Economics.]

PROF. Dobb pointed out that Soviet industrialisation has a unique interest and importance as being the first example in history of the industrialisation of a predominantly agricultural country carried through under condition of socialist planning and without the assistance of borrowing from abroad. Moreover, it had represented the coincidence within a single decade of an agricultural and an industrial revolution.

Before the revolution Russia was a country of underdeveloped industry and a backward agriculture of low productivity; her coal output, example being only a little larger than that of India today. The rich mineral resources of the eastern part of the country lying in Asia, were virtually undeveloped. In the course of 12 years between the launching of the first five-year plan at the end of 1928 and the second World War steel production was increased by nearly 4 times, production of electricity by 7 times, that of coal by 4 times to about half the British level and of oil by nearly 3 times while a series of new industries had been established such as motors and aeroplanes plastics synthetic rubber and aluminium. During the same period some nine tenths of her agricultural area had been transferred into the basis of collective farms; the number of wage and salary-earners had risen from one-seventh to one-third of the occupied population; and between the censuses of 1926 and 1936 the urban population had doubled. As regards the geo-

type of petty nationalism as grew elsewhere. The interests not only of their own countrymen, but also of humanity at large were dear to their hearts.

Sympathy for Mankind

After the passage of the Reforms Bill of 1932, which marks the first important step in the growth of British democracy, Ram Mohan Roy wrote to Mr. William Rathbone; "As I publicly avowed

graphical distribution of Soviet production it was significant that according to the post-war five year plan over a half of her coal production and nearly a half of her steel would to-day be coming from the eastern (Asiatic) regions of the country.

Marketed Surplus

A central problem which occupied the attention of planners and policy-makers when the first five-year plan was under discussion was that of the marketed surplus of agriculture. Any expansion of industrial investment and of the industrial population necessitated an expansion of this marketed surplus. This constituted, therefore a crucial bottleneck-factor. The new methods of farming greatly increased the productivity of agricultural labour, and thereby enabled both man-power and a larger share of the produce to be released in favour of industry and the towns. The lecturer considered it to be a fallacy to say that the high rate of development under the Soviet five-year plans was dependent on absolute reduction in consumption of the population.

By Experience

As regards Soviet planning methods; these had been developed in the main, to deal with such major strategic questions in development as the location of industry, the order of priority to be assigned to different economic sectors such as heavy and light industry transport and agriculture, the degree of standardisation and specialisation in production and the rationalisation of production-methods. A technique of planning had been developed out of this experience which combined planning by means of detailed output-targets with initiative and discretion at lower levels, production-planning with planning of financial-transactions (including detailed costing and credit-plans) and both of these with the provision of financial incentives to stimulate personal initiative at various levels from the factory upwards.

'Aggressor Resolution' An Anomaly

Alladi Krishnasamy Iyer's Criticism

"The resolution adopted by the United Nations General Assembly branding the People's Government of China as aggressor far from averting a possible global war and helping to bring about cessation of hostilities in Korea, will only serve to promote and strengthen international strife and discord", said Mr. Alladi Krishnaswami Aiyar in an interview with the U. P. I.

Advisability

Mr. Krishnaswami Aiyar was asked to give his views in regard to the advisability and competency of the U. N. General Assembly to pass such a resolution. In reply, he observed: "The two points raised in the question must be kept distinct. On the question of advisability, it is impossible to understand what purpose is served by condemning a Government which has not as yet been recognised by the United Nations and whose legitimate right to sit in the Security Council and to participate in the deliberation of the General Assembly has been denied in spite of its undisputed sway over the whole mainland of China and Manchuria".

Competency

"With regard to the second point, namely the question of competency, it has to be noted that this is the first occasion on which a resolution of the kind has been passed by the Assembly without following it up by recommendation to the Security Council to take the necessary action, that being the only authority to take action under the terms of the Charter. The competency of the Assembly depends upon the proper interpretation of Articles 10 and 11 of the Charter.

Legality

"The question has been debated whether the terms of Article 11 (2) and the general terms of Article 10 and of 11 (3) of the Charter are mutually exclusive. It is unnecessary to canvass that point in the consideration of the legality of the resolution passed by the General Assembly. It may be assumed, as is pointed out by Goodrich and Hambro that the provisions of Article 11 (2) are intended to particularise but not in any way to restrict the more general provisions of Article 10. Article 10 clothes the General Assembly with power to discuss any questions or any matters within the scope of the Charter. The point for consideration is whether a resolution condemning and censuring a particular Government as an aggressor can be treated as coming merely within the meaning of the expression 'discuss' used in Article 10.

Not an Enforcement

"The main principle underlying the constitution of the UNO

under the Charter is that the decisions and actions are to be reserved for the Security Council, the General Assembly being, in the main, deliberative body competent to discuss any question or matter within the scope of the Charter and within the sphere of international relations. It may also be taken that the power to discuss will include, also the power to make recommendations on such questions and matters. If, on the other hand, it is suggested that the resolution branding China as aggressor is not in any sense an enforcement action, the resolution will be legitimately open to the criticism that the Assembly has stultified itself by passing it without backing it up with any recommendation for appropriate action by the Security Council, and that it will only serve to worsen the international situation and intensify the forces of discord.

No Majority Support

"Besides, it is not without significance that none of the Asian countries nor Egypt nor Russia has supported the resolution and in terms of the population of these countries, it can in no way represent the verdict of a majority of the world's population. The result of the voting forcibly brings out the anomaly resulting from the constitution of the General Assembly under the Charter of each State having one vote irrespective of its size and population, a feature to which Prof. Brierly has drawn pointed attention in his "Treatise on International Law".

Freedom Day In Jaffna

Speaking at the Independence Day celebrations in the Police Grounds in Jaffna, Mr. C. Ponnambalam paid a high tribute to Mr. D. S. Senanayake's leadership characterising him as one of the greatest statesmen of the world.

Senator S R. Kanaganayagam commended to the English-educated young men commercial and agricultural pursuits.

Mr. Justice E. F. N. Gratian with Mr. P. J. Hudson G. A., N. P. took the salute.

Cycle Marathon

In the cycle race organised by a committee with Mr. W. M. Umaramasamy as secretary, three prizes awarded by Mr. A. L. Thambiyah M. P. Sir Chittambalam Gardinar and Mr. J. Jafferjee were given away to the winners by Mrs. Hudson.



Hindu Organ

FRIDAY, FEBRUARY 9, 1951

Treasure These Thoughts

The world is so unhappy because it is ignorant of the true Self.

—RAMANA RISHI

CRIMINAL PROCEDURE CODE

THE COMMISSION ON CRIMINAL PROCEDURE CODE Reform will be sitting at Jaffna on the 16th instant when Judicial Officers and lawyers among others will place their views before the Commission. The questionnaire sent to those expected to submit memorandums or give evidence is in the form of a booklet containing numerous questions among which may be mentioned those relating to delay in the disposal of criminal cases, the establishment of a large number of Courts including Juvenile Courts, Preventive Detention and Whipping.

Under the present Code, the Magistrate who records non-summary proceedings has to play a dual role. He is at once prosecutor and Judge. Under the old order, Magistrates recorded evidence and forwarded the record to the Attorney General who was the committing authority. At present he (the Magistrate) commits the cases to the higher court, but still his record has to be typewritten and forwarded to the Attorney General, who prepares the indictment. In some instances, Crown Counsel returns the record to the Magistrate with instructions to record further evidence. Delay is caused in the course of the Magistrates' record being typewritten before it is sent to the A. G. and in the transit. The process by which Crown Counsel in a way sits in judgment over a Magistrate should also be eliminated if possible. The defects of the present system can be remedied. Before the Magistrate records evidence, some law officer should give the necessary directions to the Police or other prosecuting officer who leads the evidence. The Magistrate ought to be spared the task of being a prosecutor. The appointment of stenographers in Magistrates' Courts will eliminate the delay experienced in getting the records typewritten. And finally there should be only one committing authority. As it is, the Magistrate does the committing and Crown Counsel in the A. G.'s Department again has room for interference with the Magistrate's commitment. This ought to be avoided.

Lawyers in some cases cross-examine witnesses at

length in the lower court with a view to getting a discharge. It will be impossible to draw the line as to where witnesses in the lower court ought to be cross-examined at length or not. Lawyers must use their discretion. It will be often advantageous to the defence to reserve the cross-examination, except on vital points, for the higher court.

One of the questions asked is whether summary cases should be disposed of within two weeks of the accused appearing in court answering to the charge. It will not be safe to lay any hard and fast rule in this matter. Where necessary, the accused will have to be given sufficient time to enable him to get ready for trial. Four to six weeks and in some instances two to three weeks may be sufficient.

The question regarding Juvenile delinquency is very intricate. We have often stated our views on the matter in these columns and we shall consider the question on another occasion, but for the present we shall satisfy ourselves by stating our views on the question of whipping. There was recently an instance where a Judge of the highest tribunal expressed his faith in King Solomon's remedy. The Jaffna Lawyers appear to have stated in their memorandum that whipping of juveniles or adults should be abolished. There is thus difference of opinion. Whipping ought to be avoided as far as possible; it is in the view of some persons twice debased; it debaseth him that gives and him that takes. It is the shorer and the simpler remedy for correcting juveniles, but the longer and more difficult process by which they can be reformed will be better. The Juvenile delinquent is a problem for the psychiatrist. So far as adults are concerned, in certain offences, whipping will be a good corrective and deterrent, but taking all things into consideration, it will be desirable to abolish all forms of whipping.

Ceylon "Independence Day In Delhi"

Mr. C. Coomaraswamy, Ceylon's High Commissioner in India, held a reception at Delhi to mark the third anniversary of Ceylon's independence. The large and distinguished gathering present included the President of the Republic, Dr. Rajendra Prasad, the Prime Minister Nehru, Mr. C. Rajagopalachari, Mr. and Mrs. Loy Henderson, Sir Archibald and Lady Nye, several Ministers and distinguished diplomats from the various Embassies and Missions in Delhi.

International Situation

The Soviet sponsored 'Brand U. S. Aggressor' motion was opposed by 50 nations in the U. N. Political Committee. The motion was rejected. Only the Soviet block of 5 votes supported the proposal. Yugoslavia and Afghanistan abstained from voting.

Communist defence of Seoul is cracking.

THE MORAL FORCE BEHIND INDIA'S SURVIVAL

(Continued from page 1)

What in the event of the Reform Bill being defeated. I would renounce my connection with this country, I refrained from writing to you or to any other friend in Liverpool, until I knew the result. I thank Heaven, I heartily rejoice that I have the happiness of witnessing the salvation of the nation, nay of the whole world." We know from his contemporary, William Adam that "Love of freedom was, perhaps, the strongest passion of his soul—freedom not of the body merely, but of the mind—freedom not of nation merely but of thought. He did not seek to limit the enjoyment of it to any class or colour or race, or nation or religion. His sympathies embraced all mankind". He wrote to Buckingham:—"Enemies of liberty and friends of despotism can never and will never succeed."

Swami Vivekananda's Contribution

Another great son of modern India, Swami Vivekananda, who thought not only in terms of India's emancipation but also in terms of the regeneration of the world as a whole, proclaimed: "Help and not fight, assimilation and not dissension, concord and not discord". He once said:—"It is not only that we must revive our own country. That is a small matter....." "There have been great conquering races in the world. We also have been great conquerors. The story of our conquest has been described by that noble Emperor of India, Ashoka, as the conquest of religion and of spirituality. Once more the world must be conquered by India. This is the dream of my life and I wish that each of you who hear me today will have the same dream in your minds, and stop not till you have realised the dream. They will tell you every day that we had better look to our own homes first, and then go to work on side. But I will tell you in plain language that you work best when you work for others. The best work that you ever did for yourselves was when you work for others, trying to disseminate your ideas in foreign languages, beyond the seas and this very meeting is proof how the attempt to enlighten other countries with your thoughts is helping your own country. This is the great ideal before us, and every one must be ready for it,—the conquest of the whole world by India,—nothing less than that, and we must all get ready for it, strain every nerve for it. Let foreigners come and flood the land with their armies, never mind. Up, India and conquer the world with your spirituality".

Prophet of Modern Humanity

The revival of the soul of India had its noblest unfolding in the greatest prophet of Modern Humanity, Mahatma Gandhi. A prophet of "Universal Humanity in Universal History" he preached that the true cure for the agonies of the bewildered and tormented world of today lay through right mindedness, liberalism and humanitarian attitudes, for the development and dissemination of which no other country could be so marvellously fitted as Free India of his dream—India emancipated from foreign political yoke and inertia of servitude. "India awakened and free", wrote Mahatma, "has a message of peace and good will

to a groaning world". He observed in his usually optimistic strain that "Indian freedom must revolutionise the world's outlook upon peace and war". India's Independence was undoubtedly the dearest object of his heart but he was convinced that militant nationalism of the western type has been responsible for a race of armaments for self-aggrandisement amongst the great powers of the world at the cost of the common interests of suffering humanity. "Indian nationalism", he said, "is not exclusive, nor destructive". "My idea of nationalism", he once expressed, "is that my country may become free, that if need be the whole of the country may live. There is no room for race hatred here. Let that be our nationalism".

International Universalism

Just as Asoka, one of the greatest champions of religious toleration in World-history, proclaimed, "One who disparages other sects does so at the expense of his own"; so Mahatma Gandhi firmly believed and preached, "Patriotism based on hatred killeth and patriotism based on love giveth life". Opposed to isolationism of any kind he most nobly thought of international universalism based on cordial feeling of fellowship. "I do want to think", he emphatically expressed, "in terms of the whole world". "My patriotism includes the good of mankind in general. Therefore my service of India includes the service of humanity. Isolated independence is not the goal of World States. It is voluntary interdependence. The better mind of the world desires to-day not absolutely independent states warring against one another, but a federation of friendly interdependent States. The consummation of that event may be far off. I want to make no grand claim for our country. But I see nothing grand or impossible about our expressing our readiness for universal interdependence rather than independence. I desire the ability to be totally independent without asserting the independence".

The world needs today more than ever before the ideals and personal examples of Mahatma Gandhi if its blind race of self-destruction is to be averted for the good of humanity. Mahatma's ideal is being advocated and echoed in the Council of Nations today by his worthy disciple and successor, Shri Jawahar Lal Nehru. Aggressive nationalism in the garb of communism or capitalism is working havoc. The world is presently threatened with an impending war and all the miseries that it brings in its train. India, in this maddened world, has a message of peace and harmony which alone provides panacea for all the ills which torment humanity today.

Statue for Mahatmaji

At the third Anniversary Celebrations held in the Jaffna Town Hall, in commemoration of the death of Gandhiji, a motion to the effect that a statue of Mahatma should be erected in Jaffna was proposed by Mr. K Shanmugam.

The meeting unanimously adopted the proposal. Mudaliar. C. Mutthambay, Mudaliar S. Sinnathambay and Mr. A. Arulambalam spoke on the teachings of Mahatma Gandhi.

Northern Assizes Begin

Acquittal In Araly Murder Re-Trial

The Northern Circuit of the Supreme Court began on Tuesday last.

Mr P. J. Hudson, Fiscal Northern Province presented the mandate to Mr. Justice E. F. N. Gratiaen who opened the assizes after attending a Service at Christ Church.

Murder by Shooting

The first case out of the calendar of 19 was the retrial in the murder case from Araly in which Vyramuttu Sinniah of Araly stood indicted with having committed the murder of Annammah wife of Swaminathan also of Araly by shooting her with a gun on January 20 last year.

The jury returned a unanimous verdict of not guilty. His Lordship acquitted and discharged the accused.

Mr. M. Balasundaram with Mr. J. C. Rajaratnam instructed, by Mr. S. C. Cathiravelu appeared for the accused.

In the original trial at the Assize Court in Jaffna last year the accused was sentenced to death, the jury having found him guilty, but on appeal to the Court of Criminal Appeal the sentence was quashed and the case was sent for re-trial.

Indians In Malaya

About 217,000 Indians have become Federal Citizens of Malaya either automatically under the operation of law or by registration according to official figures available in Kuala Lumpur.

The Indian population of the Federation of Malaya is about 550,000. The Federal Citizenship Law does not apply to Singapore which has an Indian population of about 70,000.

Certain concessions which had been announced for enrolment as Federal Citizens expired on January 31, and more stringent qualifications have to be fulfilled now for enrolment. In view of this there was a last minute rush for enrolment last week, Indian and Chinese estate and mine-workers crowding into Kuala Lumpur for the purpose.

Of Malaya's total population (of all races) of five million 3,100,000 have become Federal Citizens, seven per cent of the latter figure being Indians.

Federal Citizenship carries with it most of the rights accorded by other countries to their citizens, but does not confer nationality—there is as yet no Malayan nationality in the legal sense.

Swami Sivananda's Code of Conduct

A man of clear conscience is ever pure, joyful and cheerful. A man of guilty conscience is morose, cheerless.

Virtuous acts, charity, benevolence, nobility, generosity, acts of mercy, practice of truthfulness, *Bramacharya* and *Ahimsa* sharpen the conscience. Falsehood cruel and immoral life, crookedness, deceitfulness, kill the conscience. Certain professions in which one has to utter deliberate falsehood daily annihilate the conscience.

A man of pure and clean conscience sleeps happily and wakes up happily and moves about happily in this world. He attains happiness in this world and in the next world. A man of guilty conscience is ever restless and unhappy in this world and in the next world also.

Sattwic Food

Food plays an important role in the development of a pure conscience. *Sattwic* food helps the man to have a clear conscience. Animal food makes the conscience impure. It produces a hard crust on the surface of the conscience and blunts its totally. A man of guilty conscience is dead even while living. A man of pure conscience is a veritable God on this earth.

Have always a clean conscience by adhering to Truth and rejoice in the Eternal Soul within.

No Yoga, *Samadhi* or *Kaivalya* is possible without ethical perfection.

The word "morality" comes from the root 'mores' which means conduct.

That which is ethically good helps man to attain freedom, perfection and ever-

(To be Continued)

Ceylon Independence Day Celebration In Singapore

The Ceylon Tamils' Association, Singapore, held a social on the eve of the Independence Day. Mr. G. G. Thomson, Secretary, Public Relations Office, Singapore, addressed the meeting paying high tributes to the constitutional manner in which Ceylon had attained her Independence and Mrs. P. M. Balasandren gave musical recital on the occasion.

Mr. M. Saravanamuttu, Ceylon Commissioner in a speech recalled the glorious past of Mother Lanka and her people. He said that Ceylon enjoyed independence for an unbroken period of well over two thousand years before the European domination and that Independence was not a new thing for the Ceylonese. When Ceylon was under alien rule the Ceylonese had less responsibilities and duties to discharge but ever since they regained their Independence they have before them very great responsibilities and duties to do to their country and for which the Ceylonese people should be prepared.

Mr. K. C. J. Kulasingha and Dr. P. T. Nathan spoke in Sinhalese and Tamil respectively. After the speeches Mrs. P. M. Balasandren, Miss Jayalakhmi Rajah and Miss Baladevi Balasingham entertained the gathering with delightful music and while sweet drinks were served.

India Not Consulted on 'Ceylonisation' Agreement

The Deputy Minister of External Affairs, Dr. Keskar, informed Indian Parliament on Feb 6 that the agreement with the Ceylon Government regarding employment of Ceylon nationals in Indian business establishments was signed by the Indian Mercantile Chamber and trade associations without their consulting the Government of India.

Under the agreement signed between the Government of Ceylon and the Presidents of the India Mercantile Chamber and other Indian and Pakistani trade associations, no person should be recruited or employed as a new entrant unless he was a citizen of Ceylon.

Dr. Keskar said some discrimination was being made between Indian and other non-Ceylonese foreigners. The agreement would not, however, apply (1) to persons who merely changed employment or were transferred from one firm or establishment to another (2) to classes of posts for which citizens of Ceylon were not available and (3) also to posts of confidence such as those of managers or attorneys, bank agents and accountants.

Any person employed after July 1, 1948, and who was not a citizen of Ceylon would be discontinued from employment immediately, provided he was not a child of the proprietor or of a director of a limited liability company.

Message Of The Master

Charka-Symbol Of Human Life

Commemorating the 30th day of January the President of the Indian National Congress made a fervent appeal for putting Gandhism into practice.

Shri Tandon, addressing the gathering, exhorted them to follow the path shown by Mahatma Gandhi in solving the problems before the country.

The Congress President said: "It is very natural to think of Bapu and his teachings to-day at a place where he had lived and taught. This spinning yagna is only a result of his teachings. Bapu believed the charkha as an emblem of Swaraj. Very often, he emphasised this point because he felt the charkha was symbol of human life. Our people forgot the ways of ideal life. At a time when we as a country were weakening, Gandhiji gave the message of charkha. Through this small weapon, he wanted to strengthen the country and break our bondage.

"To-day we have gained freedom as the result of Gandhi's campaign against the foreigners. But we cannot claim that to-day we are observing what Gandhiji taught us. The work begun by Gandhiji is yet unfinished. If we follow the methods he has shown, we can solve our problems and establish real Swaraj.

Let There Be No Lip Service

"We should not simply pay lip sympathy to Mahatmaji. Every

Surprise Sword Attack On Pedestrian

Three suspects Eliyavan Murugan, Kandar Velan and Sellar Murugan of Karainagar have been taken into Police custody in connection with an alleged attack with sword and Kris on Sithampary Vaithilingam, a dhoby, on a road in Kayts at dusk.

The injured man was left behind bleeding on the road where he lay all night until the police arrived on the scene and despatched him to Kayts Hospital.

man and woman should strive to raise the moral standard of the country. For giving work to the unemployed in the villages and supplying food to every Indian we can use the charkha very effectively.

"Many think of the food problem first. But one should not forget that food is only one of our needs in our 'jivan yatra'. We should not forget our moral.

"To-day we find in our bazars various foreign goods that only cause more unemployment. We have to choose between the foreign goods that take away the food from our brethren and the Gandhian method of spreading small industries in the villages.

"I believe that certain centralised industries have to exist.

But we must canalise our vast manpower into small industries if we have to eradicate poverty and unemployment. We should not think of high or low prices but we should only aim at giving employment to every human being.

Shri Tandon exhorted the people to take a pledge to follow Gandhiji's teachings.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 1238

In the matter of the estate of the late Sinnapodi Tambo Samuel of Uduvil Deceased.

Pooranam widow of S. T. Samuel of do Vs. Petitioner.

- 1 Samuel Arulnesarajah
 - 2 Samuel Arulnothirajah
 - 3 Samuel Pushparanjidevi
 - 4 Samuel Pushpanathan all of do
- by their guardian ad-litem the 5th respondent
- 5 Ponnar Pasupathy of do Respondents.

This matter of the petition of the petitioner praying that the 5th respondent be appointed guardian ad-litem over the 1st to 4th respondents, that the petitioner be declared entitled to administer the estate of the deceased and that letters of administration issued to her accordingly, coming on for disposal before S. S. J. Goonesekera Esq. District Judge, Jaffna on the 18th day of January 1951 in the presence of Mr. P. R. Rajendra Proctor on the part of the petitioner and the affidavit and petition of the petitioner having been read:

It is ordered that the 5th respondent be and he is hereby appointed guardian ad-litem over the 1st to 4th respondents, that the petitioner is declared entitled to administer the estate of the deceased and that letters of administration issued to her, unless the respondents or any others shall show sufficient cause to the contrary on or before the 22nd day of February, 1951 at 10 a.m. The 5th respondent do produce the minors the 1st to 4th respondents in court on the said date.

This 31st day of January 1951

Sgd. S. S. J. Goonesekera,

Drawn by District Judge.

Sgd. P. R. Rajendra, Proctor for Petitioner. O. 116, 9 & 13.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 1239

In the matter of the intestate estate of Daniel Murugesu Chelliah of Manipay Deceased

Thulasammah widow of D. M. Chelliah of Manipay Vs. Petitioner.

- 1 Murugesu Chelliah Sinnadurai of Shellford Estate Klang, Malaya
 - 2 Nannithamby Alagaratnam of Selangor Bulk Installation Kampung Kuantan Selangor and wife
 - 3 Rasamany Alagaratnam of Manipay
 - 4 Chelliah Nadarajah of No. 4 Behind Shop House Brickfields Road Kuala Lumpur.
 - 5 Kanagmany daughter of Chelliah of Manipay
- Respondents.

This matter coming on for disposal before S. S. J. Goonesekera, Esq. District Judge of Jaffna on the 2nd day of November 1950 in the presence of Mr. S. Thirunavukarasu on the part of the petitioner and the affidavit and petition of the petitioner dated the 2nd day of November 1950 having been read.

It is ordered that the petitioner abovenamed be and she is hereby declared entitled as the widow of the deceased to have letters of administration over the estate of the deceased abovenamed issued to her and that the same be issued to her accordingly unless the respondents abovenamed or any other person interested shall on or before the 28th day of February 1951 appear before this Court and show sufficient cause to the satisfaction of this court to the contrary.

This 2nd day of November 1950 Sgd. S. S. J. Goonesekera, District Judge, O. 117, 9 & 13

Ceylon Government Railway Level Crossing Repairs

The Level Crossing at 8 miles 75 chains 35 Links (Railway Mileage) Reg ma South on the Kadawatta-Welisara Road, between Hunupitiya and Ragama Railway Stations will be closed for vehicular traffic as follows for effecting repairs:-

Totally from 12 00 midnight on Saturday, 17-2-51 to 3 00 a.m. on Sunday, 18-2-51.

Partially from 3 00 a.m. to 6 00 a.m. on Sunday, 18-2-51.

During the period of partial closure, traffic will be assisted over the level crossing. G. 75 9

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 1248

In the matter of the estate of the late Sinnathamby Karthigesu of Kopay, Jaffna Deceased

Nagamattu Theivendram of Colombogam, Jaffna Vs. Petitioner

- 1 Karthigesu Sivarajah of Kopay
- 2 Karthigesu Sivasothimalar of do

3 Chellammah widow of Sinnathamby Karthigesu of do

This matter of the petition of the abovenamed petitioner coming on for disposal before S. S. J. Goonesekera, Esquire District Judge, Jaffna on the 24th day of November 1950 in the presence of Mr. V. Nagalingam, Proctor for Petitioner and the affidavit and petition of the said petitioner having been read; it is ordered that the abovenamed 3rd respondent be appointed guardian ad-litem over the minors the 1st and 2nd respondents and that the petitioner be declared entitled to have letters of administration of the estate of the said deceased unless the said respondents shall appear before this court on the 29th day of January 1951 and show cause to the satisfaction of the court to the contrary.

This 24th day of November 1950 Sgd. S. S. J. Goonesekera District Judge Extended to 13-2-51 (O. 15, 9 & 13)

Sick Woman Commits Suicide

The body of one Theivanai-pillai a patient of the Kankesan-turai Hospital was found washed ashore on the sea beach close to the Hospital on Tuesdaylast.

Mr. R. Vaithalingam, Coroner, held an inquest on Wednesday and returned a verdict of suicide by drowning.

Miss S. Perera, a nurse of the Hospital, in the course of the inquest told the Coroner that the deceased was admitted to Hospital after she had complained of pains in the head and of sleeplessness. On Tuesday Miss. Perera attended to Theivanai-pillai at about 7.30 but a few minutes later found her missing. She informed the D. M. O. immediately.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 1245/T.

In the matter of the estate of the late Thampu Ponnampalam of Chiviatheru Jaffna Deceased Thampu Periatamby of Havelock Road Colombo Petitioner

- and
- 1. Thampu Somasundaram
- 2. " Mailvaganam both of Colombo Respondents

This matter of the petition of the abovenamed petitioner praying that the petitioner be granted letters of administration to the estate of the abovenamed deceased coming on for disposal before S. S. J. Goonesekera Esq. District Judge Jaffna in the presence of Mr. C. T. Kumarasamy Proctor it is ordered that the petitioner as an heir of the deceased be granted letters of administration to the estate of the abovenamed deceased unless the Respondents shall show sufficient cause to the contrary on 24th January 1951.

S. S. J. Goonesekera

District Judge

7 October 1950

Order Nisi extended for 14-2-51 (O 114 9 & 13)

Our Astrological Feature

WEEKLY FORECASTS

"SRIPATY"

FROM 11-2-51 TO 17-2-51

ARIES Aswini, Barani, Kartikai 1st part—[Medha Rasi]

This will be a extraordinarily good week for you. You will get many unexpected gains. Favours from elder brothers and sisters also promised. Go ahead with your plans.

TAURUS Kartikai 2, 3, 4, Rohini, Mirugasirisha 1, 2 [Idapa Rasi]

A favourable week for new undertakings. Financial success also shown. But be careful when dealing with friends of the opposite sex and avoid quarrels.

GEMINI Mirugasirisha 3, 4, Thiruvathirai, Punarpusam 1, 2, 3—[Mithuna Rasi]

Your health and financial position should prove better than the previous week. You will have some mental peace also. Favours from relatives promised week end.

CANCER Punarpoosa 4, Poosa, Ajilya [Kataka Rasi]

You will have to face some criticism and scandals this week. Avoid tussles in the family circle. Favours from friends of the opposite sex promised week end.

LEO Maha, Pooru, Uttira, part—[Singha Rasi]

The first day of the week must be spent with care. Secret enemies may cause you some annoyance. The rest of the week favourable for business deals but there will be no domestic harmony.

VIRGO Uttira 2, 3, 4, Attai, Chittirai 1, 2—[Kanni Rasi]

The first three days of the week must be spent with care. Quarrels and misunderstandings with friends, petty official troubles, ill health and mental worries shown. Things will improve after Wednesday.

LIBRA Chittirai 3, 4, Swati, Visaka 1, 2, 3, [Thula Rasi]

The first part of the week favourable for business deals. But spend Wednesday Thursday and Friday forenoon with care. Week end will prove beneficial again except for health worries.

SCORPIO Visaka 4, Anusha, Keltai [Vrischika Rasi]

Don't rely much on your relatives or newly formed friends this week; your affairs need personal attention this week. Friday afternoon and Saturday may be spent with care.

SAGITTARIUS Moolam, Pooradam, Uttiradam 1. [Thamu Rasi]

Strangers and foreigners will help you a good deal this week. Favour from ladies also promised. Educational success promised week end. Some chances of travelling also shown.

CAPRICORNUS Uttiradam 2, 3, 4, Thiruvonam, Avittam 1, 2. [Makara Rasi]

You will find it difficult to control your temper this week. Newly formed friends may tax your purse a lot. Avoid argumentative disposition. Ruin to enemies promised week end.

AQUARIUS Avittam 3, 4, Satayam, Pooraddati 1, 2, 3 [Kumbha Rasi]

Some disappointments in your personal affairs shown this week. A bereavement in the family circle also indicated. Loss of money and scandals also not ruled out. But don't worry much as better times are ahead.

PISCES Pooraddati 4, Uttiradati, Revati. [Meena Rasi]

You will have to work hard for your success this week. Some financial loss also shown. A newly formed friendship may prove useful to you week end.

Bank of Ceylon

(Incorporated by Ordinance No. 53 of 1938)

Bankers to the Government of Ceylon

Authorised Capital	—	Rs. 7,500,000/-
Issued Capital	—	Rs. 4,500,000/-
Paid Up Capital	—	Rs. 4,500,000/-
Permanent Reserve Fund	—	Rs. 3,000,000/-

Head Office Bristol Street, COLOMBO. Foreign Department G. O. H. Building York St. COLOMBO

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The Bank offers special facilities to Customers

Current Accounts Cheques payable in all principal towns in Ceylon (except Trincomalie, Badulla and Batticaloa) collected free of charge.

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H. L. D. Selvaratnam Agent

NOTICE OF APPEAL

IN THE DISTRICT COURT OF JAFFNA

1 Sinnathamby Sankarappillai and wife; 2 Sinnammah both of Puttur West

7th & 8th Defendants—Appellants

1 Visaladchi alias Thangammah widow of Subramaniam; 2 Muttusamy Subramaniam both of Averanagal

3 Thamotheerampillai Shivagurunathan and wife; 4 Savunthariappillai; 5 Kandiah Nadarajah and wife; 6 Saraswathippillai all of Karanavai North

3-6th Defendants—Respondents

7 Chinniah Vallipuram of Colombo; 8 Chinniah Suppiah of Anuradhapura; 9 Arumugam Appiah and wife; 10 Sinnammah; 11 Ponnammah widow of Vallipuram all of Vannarponnai; 12 Nagalingam Navaratnam; 13 Nagalingam Kandiah; 14 Sabapathy Subramaniam and wife; 15 Annaratnam all of Anchananthalvoo, Jaffna; 16 Kanagasabai Sabaratnam of Veyangoda; 17 Chellappah Rasiah and wife; 18 Ratnam; 19 Karthigesu Nadarajah and wife; 20 Rasamma; 21 Kanagasabai Thiagarajah all of Kokkuvil East; 22 Veluppillai Nallathambay; 23 Paramanathapillai Thiagarajah; 24 Paramanathapillai Sinnadurai; 25 Ponnambalam Balasubramanian; 26 Ponnambalam Kanagasabai alias Thurai; 27 Ponnambalam Venayagamoorthy alias Rasiah all of Vannarponnai

Substituted Defendants Respondents

To the abovenamed 7 to 21 Substituted Defendants

You are hereby required to take notice that the petition of appeal of the 7th and 8th Defendants—Appellants—from the Judgment of this Court dated the 14th day of December 1950 in the abovenamed action having been received by Court and the security tendered by them for your costs of appeal in the said matter having been accepted and a sufficient sum of money to cover the expenses of serving this notice on you having been deposited in this Court, the petition of appeal, the copy of which is hereto annexed for service on you, will be forwarded to the Supreme Court for hearing in due course

Returnable the 19th day of February 1951,

Sgd, C. Arumugam Secretary

Drawn by Sgd. S. Ambalavanar Proctor for 7th & 8th Defts—Appellants

IN THE DISTRICT COURT OF JAFFNA

No 1105

1 Visaladchi alias Thangammah widow of Subramaniam; 2 Muttusamy Subramaniam both of Averanagal

Plaintiffs

Vs. Dead 1 Kandar Chinniah Kanagasabai and wife; Dead 2 Poornam both of Vannarponnai East; 3 Thamotheerampillai Sivagurunathan and wife; 4 Savunthariappillai; 5 Kandiah Nadarajah and wife; 6 Saraswathippillai all of Karanavai North; 7 Sinnathamby Sankarappillai and wife; 8 Sinnammah both of Puttur West

Defendants

1 Chinniah Vallipuram of Colombo; 2 Chinniah Suppiah of Anuradhapura; 3 Arumugam Appiah and wife; 4 Sinnammah; 5 Ponnammah widow of Vallipuram all of Vannarponnai; 6 Nagalingam Navaratnam; 7 Nagalingam Kandiah; 8 Sabapathy Subramaniam and wife; 9 Annaratnam all of Anchananthalvu, Jaffna; 10 Kanagasabai Sabaratnam of Veyangoda; 11 Chellappah Rasiah and wife; 12 Ratnam both of Kokkuvil East; 13 Karthigesu Nadarajah and wife; 14 Rasamma both of Kokkuvil East; 15 Kanagasabai Thiagarajah all of Kokkuvil East; 16 Poornam widow of Kanagasabai of annarponnai East, Jaffna (same as 2nd Defendant)

Substituted Defendants in place of the deceased 1st Defendant

17 Veluppillai Nallathambay; 18 Paramanathapillai Thiagarajah; 19 Paramanathapillai Sinnadurai; 20 Ponnambalam Balasubramanian; 21 Ponnambalam Kanagasabai; 22 Ponnambalam Rasiah all of Vannarponnai; 23 Chinniah

14th and 15th Defendants in place of the deceased 2nd Defendant

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

1 Sinnathamby Sankarappillai and wife; 2 Sinnammah both of Puttur West

7th and 8th Defendants

Vs. Appellants

1 Visaladchi alias Thangammah widow of Subramaniam; 2 Muttusamy Subramaniam, both of Averanagal

Plaintiffs Respondents

4th and 6th Defendants? (2) Was the deed No. 441 of 8-9-26 and attested by K. Aiyadurai N. P. executed for valuable consideration? (3) Was the said Deed duly Registered? (4) Does Deed No. 441 referred to above prevail over Deed No. 440 dated 8-9-26 by virtue of due and prior Registration? (5) Have the Plaintiffs acquired prescriptive right and title in terms of Section 3 of the Prescriptive Ordinance to the shares conveyed by Deed No. 441 referred to above? (6) Were the Plaintiffs the owners of an undivided half share of the said lands at the days when Deeds Nos 7053 and 22 of 21-11-43 and 21-11-43 respectively were executed in favour of the Defendants? (7) Did the 8th Defendant or her Vendor the 1st Defendant of the 4th and 6th Defendants give notice of the said sale to the Plaintiffs? (8) If not, is the said sale liable to be set aside and the Plaintiffs declared entitled to pre-empt an undivided half share? (9) What was the market value of the said lands when deeds Nos 7053 and 22 referred to above were executed? (10) Were the Plaintiffs aware of the intended sale by the 4th and 6th Defendants of the half share conveyed on Deed No. 22 of 21-11-43 and did the plaintiffs fail to purchase the said share? (11) If so, can the Plaintiffs maintain the action? (12) Were the Plaintiffs aware of the intended sale by the 1st and 2nd Defendants on Deed No. 7053 of 23-11-43 and did the Plaintiffs fail to purchase the said share at the market value? (13) If the Plaintiff so failed, can the Plaintiffs maintain this action? (14) Are the Plaintiffs bound by the orders made in Case No. 5579 of this Court and estopped from denying that a half share of these lands developed on 4th and 6th Defendants on the death of Nallapillai? (15) Were the shares dealt with by deeds Nos 440 and 441 both of 8-9-26 distinct and separate shares? (16) If so are the Plaintiffs entitled to claim the benefit, if any of the prior registration of Deed No 441 of 8-9-26? (17) Has the 8th Defendant acquired prescriptive right and title to the entirety of the lands described in the Schedule attached to the plaint? (18) If so, can the Plaintiffs maintain this action? (19) Were the deeds Nos 440 and 441 of 8-9-26 executed at the same time? (20) Had the 4th and 6th Defendants acquired prescriptive right & title to a half share of the lands at the time they sold their half share on Deed No. 22 of 21-11-43 to the 8th Defendant? 5. After trial the learned District Judge by his Judgment delivered on the 14th day of December 1950 declared the plaintiffs—Respondents entitled to a half share of the said lands and that they were entitled to pre-empt a half share conveyed to the 8th Defendant by the original 1st and 2nd Defendants and that the conveyance by the 4th and 6th defendants respondents conveyed no title to the Appellants 6. Feeling aggrieved and dissatisfied with the said judgment and decree the Defendants Appellants bego to appeal against the said decree on the following amongst other grounds that may be adduced by the Defendants-appellants counsel at the hearing of this appeal. (a) The said judgment and decree are contrary to law and the weight of evidence adduced in the case. (b) The learned District Judge has erred in holding that the principle of Jus Accrescens applied in the case or the defili commissum created by deed 867 of 25-6-1900. (c) and that on the death of Nallapillai developed on her sole surviving brother Arunasalam. The order made in Testametary Case No. 5579 D. C. Jaffna (7D3) in regard to devolution of Nallapillai's estate is respectfully submitted binding on all the parties claiming title through Nallapillai. It is therefore submitted, that on the death of Nallapillai her interests devolved on Mavilvaganam's children (4th and 6th Defendants) & on Arunasalam. (c) The learned District Judge has erred in holding that the 4th &

WANTED

Applications are invited for the post of Manager, Van North C. A. P. & S. Society, Ltd. Chonnakkam on a salary of Rs 150/- per month and no allowances of any kind. Minimum qualifications required are:—J. S. C. English, knowledge of type-writing, book-keeping and agriculture. Applicants should be not less than 30 years old. Selected candidate should be prepared to furnish cash security for Rs 100 /- (and or per) Security for Rs 2000/- Applications with copies of three recent testimonials should reach the Honorary Secretary of the Society not later than 20th. February, 1951.

Hon Secretary Van North C. A. P. & S. Ltd., Chonnakkam. 6th. February, 1951. (M 207 S)

6th Defendants were not possessing the lands which form the subject matter of this action before they executed P 18 in favour of the 8th Defendant. The learned District Judge seems to think that under the lease in favour of Paramaguru. Paramaguru possessed the lands in question as Lessee & on this disbelieves this Witness but Plaintiffs and all their Witnesses have accepted that certain Vanniar Arumugam was cultivating these lands as tenant right up to the time of sale in favour of the 8th defendant & that Paramaguru never cultivated these lands. In the light of these damaging admissions it is clear that he is in favour of Paramaguru and the subsequent suit for rent and ejectment P 22 were all created to lend colour to the title asserted by Nagammah and her successors in title. On the other hand Vanniar Arumugam himself and the other witnesses have spoken to the fact that Vanniar Arumugam was the lessor under 4th & 6th defendants—Respondents and that clearly establishes that the 4th & 6th defendants had acquired prescriptive title to a half share of the said lands.

(d) Deed P 10 N. 441 of 8-9-26 was entitled to prevail over Deed No 440 of the same date (p5) by virtue of prior Registration, this benefit would not accrue to the plaintiffs—Respondents as that title had been lost by prescription as it is common ground between the parties that Velauthpillai and his successors in title had possession of the half share conveyed on P5

(f) It is clear from the execution of P 15 so soon after the execution of Deeds P8 and P18 in favour of the 8th Defendant Appellant that the Plaintiffs Respondents themselves were aware of the execution of these deeds and having failed with their negotiations with the 1st and 2nd Defendants on the one hand, the 4th and 6th Defendants Respondents on the other to buy their respective shares the Plaintiffs bought the life interest of Arunasalam on P15 and immediately afterwards launched on this action to harass the Appellants.

(g) The Admissions of the 2nd Plaintiff-Respondent that before the filing of this action I was not prepared to pay the 4th and 6th Defendants Respondents or the 1st Defendant, dis-entitles The Plaintiffs Respondents to pre-empt even if it is held that the Plaintiffs are entitled to a half share of the lands in dispute

Wherefore these Defendants-Appellants pray:— (a) that the judgment and decree appealed from be set aside (b) that the Plaintiffs' action be dismissed and it be declared that the 8th Defendant-appellant is entitled to the entirety of the lands which form the subject matter of this action (c) For costs of this appeal and of the Court below and for such other and further relief as to your Lordships' Court shall seem meet.

Sgd S Ambalavanar Proctor for 7th & 8th Defendants Appellants

ORD'R NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 1257

In the matter of the estate of the late Velauthapillai Sivalingam, of Nainativue. Deceased

Velauthapillai Sunderampillai of No. 426 Kankesanthurai Road, Jaffna

Petitioner.

1. Annammah widow of Velauthapillai Sivalingam

2. Sivalingam Navaneetha Krishnan

3. Puvaneswari daughter of V. Sivalingam all of Nainativue.

Respondents

The 2nd and 3rd respondents are minors by their mother and guardian-ad-litem the 1st respondent

This matter of the petition of the petitioner praying that the 1st respondent be appointed guardian-ad-litem over the 2nd 3rd respondents, and that the petitioner as brother of the deceased be declared entitled to administer the estate and that letters of administration be issued to him, coming on for disposal before S. S. Goonesekera Esq., District Judge Jaffna on the 14th day of December 1950 in the presence of Mr S. Kanagaratnam proctor on the part of the petitioner and the affidavit and petitioner having been read

It is ordered that the 1st respondent abovenamed be and she is hereby appointed guardian-ad-litem over the 2nd & 3rd respondents that the petitioner be declared entitled to administer the estate of the and letters of administration issued to the petitioner unless the respondents or any others shall show sufficient cause to the contrary on or before the 14 day of March, 1951 at 10 a. m. The 1st respondent do produce the minors the

6th. February, 1951. (M 207 S)

NOTICE

Jaffna Municipal Council

Tender for the Supply of Electricity Materials

Sealed tenders will be received by the Municipal Commissioner, Jaffna up to 11 a. m. on Tuesday 20th February 1951, for the supply of Electrical materials during the year 1951.

Tenders should be forwarded in duplicate under Registered cover marked "Tenders for Electrical Materials" on the top left hand corner of the envelope.

The successful tenderer may be required to enter into an agreement with the Council.

The tenderers are invited to be present when the tenders are opened in the Municipal Commissioner's room, Town Hall, Jaffna on Tuesday 20th February 1951.

Tender forms and further particulars can be obtained from the Electrical Engineer, Jaffna Municipal Council.

K. SHANMUGAM Municipal Commissioner.

Municipal Office, Jaffna. 3rd Februdry 1951.

(M 206 6 & 9)

2nd and 3rd respondents in court on the said date,

This 23rd day of January, 1951.

District Judge.

Drawn by, S. Kanagaratnam Proctor for Petr. (O 113 6 & 9)

PEARL ASSURANCE COMPANY Ltd. For Life Assurance With Absolute Security (Incorporated in England 1864) LIFE ASSURANCE FUNDS EXCEED Rs. 9000 Lacs BONUS FOR 1949 Rs. 13 PER Rs. 1000 PROVIDE FOR YOUR DEPENDANTS AND FOR YOUR RETIREMENT BY TAKING OUT A LIFE ASSURANCE POLICY QUOTATIONS GLADLY SUPPLIED ON RECEIPT OF COMPLETED ENQUIRY FORM GIVEN BELOW Life Branch Managers:— Harrison & Crossfield Ltd., Prince Building, Prince Street, FORT, COLOMBO. Inspector For Jaffna:— C. Mahadevan Rawang House, SITTANKERNEY. To:— Pearl Assurance Co. Ltd. Please send me a quotation for Life Assurance. DATE OF BIRTH..... NAME..... ADDRESS..... I can afford Rs. per annum. Printed and Published by S. P. KANDIAH, P. I. S. A. (Lond) residing at 245, Navalar Road, Jaffna, for and on behalf of the Proprietors the Saiva Paripalana Sabha, Jaffna, at their Press, the Saiva Prakasa Press: Vannarponnai, Jaffna on Friday, February 9, 1951. EDITOR-IN-CHIEF: T. Muttusampillai.