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THE Hindu Organ

(The Only Newspaper in Ceylon for the Hindus) PUBLISHED EVERY TUESDAY AND FRIDAY

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VOL. LXII. NO. 90

JAFFNA FRIDAY MARCH 9, 1951

PRICE 10 CENTS

SUPREME COUNCIL OF INDIAN SADHUS

To Evolve A Peace Plan

A lively description of a press conference called by some sadhus and sanyasins to explain the aims and objectives of the proposed union of sadhus is given by the Delhi correspondent of the Nagpur Times.

I attended last week-end an unusual press conference, he writes. So far press conferences were always associated with politicians and public men. But not so now. This one I attended was called by sadhus and sanyasins. You would wonder what have the sadhus to tell the pressmen. They had enough and they did it admirably well. Swami Sivayanda, Swami Mira Babain, Swami Bhaskara, nanda, Sri Prabhudatta Brahmachari of Prayag and many others have collaborated to create a Union of Sadhus of Bharat.

After the last Kumbha Mela of Harwar in April 1950, some afflicted ascetics, bitten by the sense of social responsibility assembled at the feet of the Himalayas in Rishikesh—what they now call the heart centre of the body politic of mankind. These sadhus conferred together for 4 days and founded the "Sarvabhaum Sadhu Mandal" (Parliament of the Spiritual World).

Quest of the West for Mastery

In their deliberations, they discussed the progress of the earthly affairs of human family under the lead and guardianship of the "sharp witted energetic cousins of the West" during the last three centuries. The sadhus examined how "in their quest for mastery in which the Western cousins imagined lay the key to happiness at all, they ravaged the seas, pulverised the earth, lashed the skies and worked miracles with the atom and the gas."

But they failed to give us happiness. "On the contra-

The 'Gandhi' Orchid

A new variety of orchid was named after Mahatma Gandhi at the ceremony that took place at the 35th International Flower Show in New York on March 6.

The Gandhi Orchid was a new rose coloured spray bloom.

try", opine the sadhus, "today the world is cloven into two mighty warring camps and the 'masters' and 'monsters' both terrified, stand shivering on the brink of death and destruction. It is clear that Westerners and their ways cannot secure peace and happiness for mankind."

Search for New Source of Power

With this diagnosis of the disease of mankind, the sadhus surveyed the efforts of the Government of India to solve the problems. "India is the heart of the East and India is certain that she can deliver what the entire world ultimately needs. She had held the hegemony of humanity through ages in the past by dint of her equisite and knowledge. India can guide the world again. Her Government is striving hard to bring home the futility and frivolity of Western prescriptions for peace but she had her own worries and distractions at home. Her own performance at home and abroad was not perfect however ethically high her professions."

Thus observing, the sadhus declared that "a new source of power must be discovered and invoked to intervene if the human race is to be saved from extinction."

Arousing Interest

Power-conscious sadhus have determined to rouse the sadhdom to these responsibilities. They have planned to mobilise millions of mendicants, sanyasins, sadhus—both nude and clad the progressive minds of all the numerous orders whether shut in the caves of the Himalayas or wandering on the planes of Bharat, into a well-knit organisation.

Aims

The Sadhu Mandal, informed the spokesman in the Press Conference, has defined its aims and objects. They have taken upon themselves to organise spiritual and social sanctions to eliminate all such causes of chaos and friction in human society—to evolve a social order based on laws of human nature conducive to peaceful progress and spiritual emancipation of man to help propagate interpret and translate into action benevolent policy of peace and harmony

(Continued on page 2)

Alterations In The Genetic Picture

Man is due to undergo some astonishing changes if our planet survives a few more centuries, writes 'Atticus' in United Nations World. Take the word of an outstanding anthropologist and bio chemist, William C. Boyd, now teaching at Boston University School of Medicine. In Genetics and the Races of Man. Dr. Boyd predicts that the future world state will be largely Asiatic by descent, with the Africans, Americans and Europeans coming in a very bad second indeed. He finds in this no indication of a lowering of the capacities of homo sapiens. "The future man," says Dr. Boyd, "will be brachycephalic (broad-headed), perhaps about as tall as presentday inhabitants of Southern Europe, with dark brown eyes, of brown skin, and straight, or perhaps slightly wavy hair. The population of the world will be fairly uniform in appearance, this expert believes, unless atomic bombs and other instruments of destruction wipe out so many of the racial groups now existing that the genetic picture is radically altered

Crossing The 38th Parallel

Public Opinion in U. S Not in Favour

A Gallup Poll on March 5 revealed that 73 per cent of the American public believes the U. N. forces should stop fighting at the 38th Parallel in Korea, providing the Chinese Communists and North Koreans also agree.

Sixteen per cent thought the U. N. should not stop, while 11 per cent had no opinion. Fifty-six per cent thought the U. N. should try harder to reach agreement with Communist China in Korea, while 34 per cent thought the U. S. should not do so, and 20 per cent had no opinion.

appearance, this expert believes, unless atomic bombs and other instruments of destruction wipe out so many of the racial groups now existing that the genetic picture is radically altered

DEATH-DISGUISED LIFE

Life, death—death, life; the words have led for ages Our thought and consciousness and firmly seemed Two opposites; but now long-hidden pages Are opened, liberating truths undreamed. Life only is, or death is life disguised,— Life a short death, until by life we are surprised.

—Shri Aurobindo.

REAL EFFORTS FOR PEACE

Praise For Commonwealth Delegates

Lord Crook, a Socialist Peer who was recently one of the members of the British delegation at the United Nations, recounting his impressions of Lake Success, said that the U. K. delegation made "real efforts for peace" and stood firm "against aggression from whomsoever it came".

Speaking in the foreign affairs debate in the House of Lords on March 1, Lord Crook said: At Lake Success I saw the real efforts for peace which the United Kingdom made—efforts which produced in the humble delegate like myself nothing but pride. I saw the British delegation unremitting in their attempts to advance the very clear viewpoint of this country. I saw their firm stand against aggression from whomsoever it came, and their efforts for

a negotiated settlement of the outstanding problems of the Far East.

Indian Example

"May I say also how good it was to witness the way in which the commonwealth delegates got together to try to secure on the part of this great Commonwealth of ours a common aim in the prosecution of our affairs in the United Nations. May I select two names from many, and say with that profound respect I watched the efforts of Sir Benegal Rau of India and Mr. Lester Pearson of Canada?"

"I came back with a clear view that, throughout, the poor response of China and the obstruction of the U. S. S. R. were responsible for the lack of success."

NALLUR KANDASAMY TEMPLE

(By E. P. RASIAH)

(Continued from our last issue)

7 Extracts from the Judgment of the late Mr. J. C. W. Rock, C. C. S. in District Court Jaffna Case No 19070

(A) History of Temple

".....The date of its original Foundation is largely a matter of conjecture but the tradition with regard to the name of the founder is firm...

The actual founder was the Prime Minister, Boveneka Bahu, who dedicated it to the worship of the God Suppiramania, more familiarly known as Kandasamy. The temple was destroyed by the Portuguese on their invasion of Ceylon. They were succeeded in 1658 by the Dutch...and under the Dutch the temple was rebuilt on the same spot. The attitude of the Dutch towards what they deemed heathen religions was, at the outset of it any rate, intolerant. This attitude is shown in the Proclamation of 1711, of which the tenor is that any person professing the worship of Gods or ceremonies of devils, would, without mercy with regard to persons, be put in fetters..... Christians detected in idolatry were to undergo severe corporal punishment; priests were to depart out of the limits of the Government and never again appear in these parts' Severe penalties were imposed for disobedience of this proclamation...

This attitude, must however have been relaxed at a later date, for permission was granted to rebuild this temple. The date of its restoration can only be fixed approximately. In a petition to the British Government of Madras—at that time the British possessions in Ceylon were administered from Madras—in 1809, Mappana Mudaliyar an ancestor of the defendants, states that the temple was built 60 years before. This places the date of restoration at about the year 1742...

(B) Division of Spoils

But from that time, the temple began to gain in wealth and importance and there was constant tug-of-war between the Mappanar family on the one hand and the Brahmin Priests on the other. There was no question that the Mappanars had a right to manage or that the priests had a right to officiate. Differences arose with regard to the spoils and this state of things continued from generation to generation....

(C) Navalar's Abortive Action

At that time, there arose one Arumuga Navalar, an ardent saivite, who inaugurated the religious revival and was for a time a close friend of the Mappanars. But certain practices at the temple aroused his religio ire and he convened a public meeting at another temple called the Sivan Temple, with the twofold purpose of reforming the

management and purifying the Priesthood. The meeting elected a committee which appointed a smaller committee of three to take action and Case No. 5090 was brought. But Navalar died and the case came to nothing....

(D) Hereditary Succession

A crisis in fact was precipitated by the passing of the Trust Ordinance No. 9 of 1917. The Mappanars, fearing that the Ordinance would lead to interference from without, began to consolidate their claim to exercise control over the priests and their titled ownership of the fabric of the temple, and with this intent, to execute deeds to regulate succession. But the occasion for interference arose when Arumugam brother of the 1st Defendant built a schooner, presumably out of temple funds, and that was seized for his personal debt and the schooner was inventoried among his assets of his private estate. The said test is now applied to settle the question once and for all as to whether the public have any status or right to a voice in the Management of the temple.

(E) Management of Temple

It is well at this stage to set out how the temple has been managed since its resuscitation; and this cannot be better seen than by setting down the pedigree of the Mappanars and the Brahmins side by side...

The point that calls for observation is that both the titles to management and to the priesthood had passed by hereditary succession. It is also important to know that the partnership has been marred by frequent disputes.

(F) Government Patronage

The first of which we have on record is that of 1809 already referred to. Then there was another dispute in 1851. The documents D 11 to D 14 suggest that at one time the British Government exercised paternal sway over Hindu temples. It is not clear whether the Madras regulation No. 7 of 1817 was proclaimed in Ceylon, but it was in the spirit of that regulation that the Right Honourable Sir Thomas Maitland, Governor of Madras and Ceylon issued the Act of appointment dated 5-1-1808. This was probably the signal for the beginning of the struggle for supremacy between the Mappanars and the Brahmins. For in D 1 to D 14 we find the priests asserting a claim to ascendancy on the strength of certain Acts of appointment. The Government in 1851, however, declined to interfere because there was a case pending in the Courts.

The significance of these two factors—hereditary succession and hereditary quarrels—become apparent when we come to consider the data on which the parties rely

Continued on page 4



Hindu Organ

FRIDAY, MARCH 9, 1951

Treasure These Thoughts

That which is vast and limitless is the source of all Bliss. There is no Bliss in what is limited and small. The Infinite One is alone Bliss, Try to realise That!

—BHAGAWAN SANAT KUMARA

THE DEMOCRATIC RIGHT OF FREE SPEECH

THE SUBTLE QUESTION whether a local government institution could be allowed to frame a by-law making provision for penalising a member of that institution for criticism of that body regarding its administration made outside in public is reported to have been solved by the Minister for Local Government by giving the ruling that such a step would not be accepted by him as it would tend to defeat the very fundamental conception of democracy. The trend of affairs at present seems to be assuming a difficult turn as can be seen from the various controversies on every question of public interest and the appeal for hard and fast legislative measures to meet such circumstances. We have had occasion to remark that freedom should not be construed as something that allows of indiscriminate, indiscreet and unbalanced acts in its name of hallowed glory.

Legislation cannot be conceived of for all democratic conceptions to be translated into practice. It is here that the all-embracing term 'conventions' is used to supplement the legislative provisions. A member of a local government institution enjoys that privilege by reason of a popular vote and therefore has to perform certain duties in keeping with the accepted practice of the democratic world. He sits in the local council both as representative of a particular ward and as a general guardian of the rights and privileges of the Council and the electors. A code of conduct to govern the deliberations of these Councils cannot be compiled with precision and perfection even by the highest constitutional authority. The representatives of the citizens have to conduct themselves in such a manner as to be deemed worthy of being entrusted with civic responsibilities.

The expression of an opinion on the affairs of a local body is a right belonging to not only members of that institution but electors as well. Any attempt to stifle public opinion cannot be but a deliberate negation of the very elementary principles of de-

Sivan Temple In South Africa

Nandi Painting On Walls

A theory that the famed Zimbabwe ruins in Southern Rhodesia are a Shiva temple has been advanced by Mr. Anandriya, founder and principal of Arya Kanya College, Baroda, who is visiting Rhodesia with a party from his College.

He suggests that the buildings may have been the workmanship of South Indians of Dravidian stock, who migrated to Africa centuries ago. They probably built the temples and the outer walls of what is known as the Fort, he thinks. Mr. Anandriya explained his theory by saying that "near the entrance to the ruins, we saw a tree which is known in India as the Kadam tree. It is a common feature in Indian temples especially those of Lord Shiva."

Garuda And Serpent

The shape of Zimbabwe is also like the temples of the worshippers of Shiva he added.

"The Zimbabwe bird appears to be the same as Garuda the auspicious bird of heaven according to Hindu mythology. In its claws is a serpent. This bird is on Rhodesian coins.

"In broken pieces of the Nandi the bull is Shiva's favourite method of transport.

"Zimbabwe must be the ancient Shivlaya of the South Indians, built by South Indians of Dravidian stock who came to these parts as traders or labourers. It is also significant that no human remains have been found in the ruin. The Hindus ancient and modern burn their dead."

democracy. A member is the one person who should not be gagged. He will have to bring to the notice of the Council whatever defects that have to be removed, and to mobilise public opinion if such a step seems necessary. If in the course of these duties a member, whether in a fit of fury and frenzy or in a moment of unguardedness, gives expression to his feelings in such a manner as to bring himself within the arms of the law of defamation or libel it is a situation for which he has to answer in a Court of Law.

Mr. S. W. R. D. Bandaranaike has correctly ruled out any infringement on the inherent right of freedom of speech of members of local bodies. We would suggest to the Minister that the matter might be taken up at the forthcoming sessions of the All Ceylon Conference of Village Committees as a question of academic and public interest not for discussion but for clarification with a view to impressing on all village fathers the need for the sitting up of conventional practice in local administration.

WAYSIDE

WHISPER

Perilous Plight of Politicians

The Persian Premier paid the full penalty for having been the Chief Minister. Politico-religious fanaticism chose the courtyard of a Mosque for the foul act. The bravado could gather courage just enough to shoot from behind. Political chivalry!

In France Cabinets disappear in quick succession. In Persia Cabinet Ministers disappear for all times. Assassinationism has come to stay as a political ideology.

Theoretical Military Stalemate

Battle lines in Korea cannot fail in time to reach a point of theoretical military stalemate — General Mac Arthur. Where checkmating was feared, this lesser punishment is certainly a saving grace. The stalemate will then continue until the powers that be are perfectly poised for attack.

The group that triumphs at the end can then set up a military tribunal to try the vanquished on a charge of sustaining a 'stalemate and prolonging the agony of indecision'

Tholpuram

Attempted Murder

18 Months R. I.

A plea of guilty to the lesser charge of attempted culpable homicide not amounting to murder tendered by the accused in the case in which one Velan Palani of Tholpuram stood his trial at the Assize Court for the attempted murder of Raman Siththan of Tholpuram was accepted by the Crown.

His Lordship sentenced the accused to 18 months rigorous imprisonment.

Mr. V. Joseph instructed by Mr. S. C. Cathiravelu appeared for the accused.

Maha Sivarathiri At Magaragama

Speaking at the Sivarathiri Celebrations at the Government Training College, Magaragama, Sir Kandiah Vaithianathan said that self-realisation was the aim of religion and that a religious life would be helpful to achieve it.

Mr. K. S. Arulnandhy quoting from Jaffna Poets stressed the importance of the study of the Mother Tongue.

The celebrations were organised by the Hindu Society of the College.

Supreme Council of Indian Sadhus

(Continued from page 1)

enunciated by Government of India, and to offer co-operation to Government in the fields of education and diplomacy.

Primary tasks before the organisers are: (a) Purification and consolidation of the sadhu ranks; (b) Establishing goodwill and understanding with circles in power; (c) Comforting, encouraging and guiding the bewildered masses.

It is gathered that the organisers have already secured the allegiance of all centres of sadhus. The President and some members of the Central and State Governments have welcomed this move without reserve.

Spiritual Cum Social

The second session of this parliament of the spiritual world will be something more than a modernised Kumbha Mela. We shall see the sadhudom marshalled in a well-knit organisation — engaged in devising all sorts of things — political, cultural, ethical, temporal and touching such activities as cow protection and breeding, communications, education and youth discipline, social service, scientific planning and health.

Assembly of Ascetics

The saints of the Himalayas have descended to the plains. In New Delhi, a group of red-robed yogis announced that next month they will hold a "spiritual parliament" in the capital. It was time, they declared, they extended their divine help to this distracted world, writes 'Pertinax' in *National Herald*

The forthcoming spiritual parliament, it is stated, is the second session of the World Assembly of Ascetics. The first was held at the foot of the Himalayas at Rishikesh last May when the sadhus formed the assembly called "Sarvabhaum Sadhu Mandal". Among the founder-members of this body are the heads of various spiritual organizations like Sivananda, of the Divine Life Society, Rishikesh, and Miss Mita Behn, who has her ashram at "Pashu-lok" in the Himalayas.

The Government estimate of the number of sadhus in India is 50 to 60 lakhs, but Bhaskaranand says that there are only 10,000 who can claim to be real sadhus. One of the aims of the spiritual parliament is to find an insignia and to frame credentials for the identification of bona-fide sadhus and to found a supreme council comprising the foremost sadhus in the country. The parliament is to open on April 15 and will last for a week.

IN THE SENATE

FLAG DECISION APPROVED

'Compromise—Political Opportunism'

—Senator Nadesan

SIR Oliver Goonetilleke's return to the Senate was well-timed. He was there to pilot the Bill and that successfully. The Leader of the Senate expressed satisfaction that the Government were able to honour a pledge to abide by the Flag Committee's recommendation.

The 'Dissentient'

The only dissentient to the Committee decision, Senator Nadesan said that if a flag-commission had been aroused in this Island it had been made possible by Sir Oliver.

Senator Nadesan had suggested that the two stripes be brought closer and the yellow dividing line be done away with. On the question of having an integrated flag there was fundamental disagreement.

What is the difference, he asked if that offending yellow stripe was removed. If as the Leader of the Senate had stated, it was a matter of detail, then why could he not agree to remove the stripe? The compromise was one of political opportunism, he said.

However, he said, they should not cause embitterment by continuing to agitate against the flag but they should wait in the hope that the Government will at some point consider the desirability of introducing a motion to remove that part of the flag which was the subject of objection.

Senator Dr. Rajapakse said that he was amazed to hear the Honourable Senator reveal the happenings at a Sub-Committee on the floor of that House. That in itself was a wrong and it would not serve to right another wrong.

The Lion Flag was the flag used by the last King of Lanka, who was a full blooded Tamil. And the Prime Minister's intention was only to put that flag back in its place. In the proposed Flag the Lion Flag took within its embrace the stripes of the minorities by virtue of the fact that there was continuous yellow stripe running right round the whole flag.

He agreed with the Senator that they should not create embitterment. Let there be no

thought of division no thought of left or right, he said. "A flag is after all a symbol—it should create national harmony."

Senator Sri Oliver Goonetilleke replying to criticisms said that he endorsed the view of Senator Nadesan that the disagreement should not be carried on.

16 voted for the Bill 4 voted against while one abstained from voting.

Araly Salt Water Enclosure Scheme

Speaking at a public meeting held at Naval Mr. V. Mahesan, Chairman, V. C. Manipay, explained the Araly Salt Water Enclosure Scheme sanctioned by Government at a cost of Rs. 105,000 and announced that the work under the scheme would be commenced during the month.

On completion of this scheme, paddy fields in the area covering, Naval, Anai-cottai, Araly, Sangarathai, Thunnavy, Changanai and other adjoining villages will have plenty of fresh water supply.

Mr. Mahesan in conclusion said that it would be uncharitable to allege that the U.N.P. Government is neglecting the North as such schemes sanctioned recently by the Government give the lie direct to the Federalists who make wild allegations against the U. N. P.

NOTICE

An application has been made by Rasammah widow of Sithamparapillai Ponnampalam of Vannarponnai, Jaffna for duplicate certificates as she has lost the Share Certificates Nos. 109 and 110 held by the late Sithamparapillai Ponnampalam, her husband, in this Company. Unless objection is received within 14 days from now a duplicate will be issued.

S. Coomaraswamy, Secretary, The Jaffna Co-operative Stores Ltd., Jaffna. (M 227 9 & 13)

THE
JAFFNA HINDU COLLEGE
will have its
DIAMOND JUBILEE CARNIVAL
during
2nd—13th May, 1951

All interested please write to the undersigned.

S. Nadarajah,
K. V. Mylvaganam,
Secretaries,
(Carnival Committee)

Jaffna.
12—2—51.

Our Astrological Feature

WEEKLY FORECASTS

"SRIPATY"

FROM 11-3-51 TO 17-3-51

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

Changeover in working routine may be necessary this week. Some unexpected gains and favours from superiors also promised week end.

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

Definitely a period of easy money. Go ahead with your plans. You will get the better of your rivals week end. Some good news from overseas also promised.

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

Second half of the week looks more promising than the first half. Financial gain, mental harmony and ruin to enemies promised. Relationship with friend of the opposite sex will be harmonious after Friday.

CANCER Punarpusam 4, Poosa, Ayilya [Kataka Rasi]

The first 3 days will be unsettled. Mental worries and ill health shown. Things will improve after Wednesday. Financial gain and fame promised.

LEO Maha, Poora, Uttira 1 part—[Singha Rasi]

Official troubles and troubles through secret enemies shown this week. Mental restlessness also indicated. Take care of health specially eye-troubles.

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

The first 3 days of the week may cause you much trouble. Unavoidable expenditure, mental restlessness and loss of money also indicated. Second half looks promising.

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

This week will cause you much mental agony. There will be no domestic harmony. Last day of the week may bring you some unexpected gains.

SCORPIO Visaka 4, Anusha, Kettai [Vrischika Rasi]

Health must be given particular care this week. Mental worries and official troubles not ruled out. The last two days worst out of the lot.

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

Some problems linked up with old people in the family shown this week. Don't begin anything new. Avoid arguments with relatives.

CAPRICORNUS Uttiradam 2, 3, 4, Thiruvanam, Uttiram 1, 2. [Makara Rasi]

You will find it difficult to make any clear cut plans this week. Some old friends will come to your help week end. Financial luck and domestic harmony also promised.

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

Ill health and mental worries shown. Some improvements promised after Wednesday. Anyhow don't begin anything new.

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

You will have to overwork yourself this week. There will be no mental peace. Health also must be given particular care.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA
Testamentary Jurisdiction
No. 1261

In the matter of the intestate estate of the late Karthigesu Thambirajah of Velanai West, Deceased

Nagalingam Kunaratnam of Naranthani, Petitioner.
Vs.

1. Thambirajah Gnananathampillai of Velanai West presently of Colombo Street Kandy.
2. Thambirajah Sivasubramanian
3. Thambirajah Sivalingham
4. Thambirajah Sanmugalingam
5. Thambirajah Mahalingam
6. Thambirajah Kanagasundaram
7. Thavamany daughter of Thambirajah
8. Annammah widow of Thambirajah all of Velanai West.

Respondents.

This matter coming on for disposal before T. Muttusamypillai, Esquire, Acting District Judge, Jaffna, on the 19th day of December 1950, in the presence of Mr. K. V. Rasiah, Proctor for the petitioner, and the affidavit of the petitioner having been read:

It is ordered that the above named 8th respondent be appointed guardian ad litem over the minors the 3rd to 7th respondents abovenamed for the purpose of protecting their interests and representing them in this action and that letters of administration of the estate of the said deceased be granted to the petitioner as the creditor of the deceased unless the respondents or any other person appear before this Court on the 14th day of March, 1951, and state objections to the contrary.

It is further ordered that the minor respondents do appear in court on the said date of the 14th March, 1951.

The 19th day of December, 1950.
Sgd. S. S. J. GOONASEKERA,
District Judge.
(O. 131. 9 & 13.)

NOTICE

The Public is hereby informed that the power of attorney granted by me, SORNAM, widow of R. A. Naganathar, of Vaddukoddi West and presently of 15 Penang Road, Singapore, to SABAPATHIPILLAY son of Ampalavanar, of Vaddukoddi West is hereby revoked this First Day of March 1951.
SORNAM NAGANATHAR,
(M. 230. 9-3-51).

SUMMONS TO DEFENDANT

IN THE DISTRICT COURT OF JAFFNA
No. 664/D
Maheswary wife of Ponnampalam Vinayagamoorthy of Moolai
Vs.
Ponnampalam Vinayagamoorthy of Moolai.

To the above-named—Defendant
Whereas the above-named Plaintiff has instituted an action against you in this Court for divorce a vinculo matrimonii and for the custody of the child and to recover costs of suit.

You are hereby summoned to appear in this Court either in person or by proctor on the 20th day of March 1951 at 10 o'clock of the forenoon to answer the above-named Plaintiff: And you are hereby required to take notice that in default of your so appearing the action will be proceeded with and heard and determined in your absence: And you will bring with you or send by your Proctor any documents on which you intend to rely in support of your defence.

This 28 day of January 1951
Sgd. C. ARUMUGAM,
Chief Clerk.

Note 1.—Should you apprehend that your witnesses will not attend of their own accord you can have summons from this Court to compel the attendance of any witness and the production of any document you have a right to call on any witness to produce by applying to the Court at any reasonable time before trial and depositing the necessary subsistence money.

Note 2.—If you admit the demand, you should pay the money in to Court with the costs of the action to avoid the summary execution of the decree which may be made against your person or property, or both if necessary.
(O. 132. 9 & 13)

ORDER NISI

IN THE DISTRICT COURT OF POINT PEDRO
Testamentary Jurisdiction
No. 444.

In the matter of the Intestate Estate of Joseph Kellappah Gnanamuttu of Point Pedro, Deceased

Emily Ratnam Gnanamuttu of Thaddatheru, Point Pedro
Vs. Petitioner

- 1 George Gnanamuttu Sathanathan
- 2 SanthiraRani daughter of Gnanamuttu,
- 3 Santhioranjitham daughter of Gnanamuttu,
- 4 Sarojini Devi daughter of Gnanamuttu,
- 5 Gnanamuttu Sathiganan
- 6 Sathiapopathy daughter of Gnanamuttu,
- 7 Joseph Valliappan Ramalingam all of do

Respondents

This matter coming on for disposal before P. Sri Skanda Rajah Esquire, District Judge of Point Pedro on the 16th day of February 1951 in the presence of Mr. N. A. Rajaratnam Proctor on the part of the Petitioner abovenamed and the Affidavit of the Petitioner abovenamed dated 10th day of October 1950 having been read:

It is ordered that the 7th Respondent abovenamed be and he is hereby declared appointed the Guardian-ad-litem over the 1st, 2nd, 3rd, 4th, 5th & 6th Respondents abovenamed and the petitioner abovenamed be and she is hereby declared entitled as the widow of the deceased abovenamed to have Letters of Administration to the estate of the deceased abovenamed issued to her accordingly unless the Respondents abovenamed or any other person or persons interested shall on or before the 16th day of March 1951 show sufficient cause to the satisfaction of this Court to the contrary.

This 16th day of February 1951
Sgd. P. Sri Skanda Rajah
District Judge

Drawn by
N. A. Rajaratnam
Proctor for Petitioner
(O. 129. 9 & 13)

ORDER NISI

IN THE DISTRICT COURT OF POINT PEDRO
Testamentary Jurisdiction No. 446

In the matter of the Intestate Estate of Mankaiyathkarasi wife of Mailvaganam Tharmaratnam of Alvai North, Deceased

Mailvaganam Tharmaratnam of Alvai North, Vs. Petitioner.

1. Thaya Nithi daughter of M. Tharmaratnam,
2. Thaya Rathi daughter of M. Tharmaratnam,
3. Thasa Jokhi daughter of M. Tharmaratnam, all minors all of do appearing by their Guardian-ad-litem.
4. Meenachippillai widow of Arumugam of Alvai North Respondents.

This matter coming on for disposal before P. Sri Skanda Rajah Esquire, District Judge of Point Pedro on the 28th day of February 1951 in the presence of Mr. N. A. Rajaratnam Proctor on the part of the petitioner abovenamed and the affidavit of the petitioner abovenamed dated the 22nd day of November 1950 having been read.

It is ordered that the 4th Respondent abovenamed be and he is hereby declared appointed the Guardian-ad-litem over the 1st, 2nd and 3rd Respondents abovenamed and the Petitioner abovenamed be and he is hereby declared entitled as the widow of the deceased abovenamed to have Letters of Administration to the Estate of the deceased issued to him accordingly unless the Respondents abovenamed or any other person or persons interested shall on or before 21st day of March 1951 show sufficient cause to the satisfaction of this Court to the contrary.

This 28th day of February 1951
Sgd. P. Sri Skanda Rajah
District Judge.

Drawn by
N. A. Rajaratnam
Proctor for Petitioner
(O. 128. 9 & 13)

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA
Testamentary Jurisdiction
No. 1260/T

In the matter of the intestate estate of the late Annam wife of Mutiah Ratnagopal of Saravanai Deceased

Mutiah Ratnagopal of Saravanai Petitioner
Vs.

1. Rohini daughter of Ratnagopal and
2. Kumaru Kulandaivelu both of Saravanai Respondents.

This matter coming on for disposal before T. Muttusamypillai Esquire Acting District Judge, Jaffna on the 19th day of December 1950 in the presence of Mr. K. V. Rasiah Proctor for the Petitioner and the affidavit of the Petitioner having been read:

It is ordered that the 2nd Respondent be appointed Guardian-ad-litem over the minor 1st Respondent for the purpose of protecting her interests and representing her in this action and that Letters of Administration to the estate of the said deceased be granted to the Petitioner as her lawful husband unless the Respondents or any other person appear before this Court on the 14th day of March 1951 and state objections to the contrary.

It is further ordered that the minor do appear in Court on the said date

The 19th day of December 1950.

Sgd. T. MUTTUSAMPILLAI,
Acting District Judge.

Drawn by
K. V. Rasiah
Proctor for Petitioner.
(O. 130. 9 & 13.)

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction
No. 1259

In the matter of the intestate estate of the late Thambiah Muthuvelusamiar of Chulipuram, Deceased.

Sinnachchippillai widow of S. Vaithialingam of Chulipuram, Vs. Petitioner.

1. Somanathar Selvanayagam of Chulipuram,
2. Muthupillai widow of Eliyathamby of Kantherodai,
3. Sapathayepillai Kaithiresappillai wife
4. Theivanaipillai.
5. Maheswari daughter of Muthukumaru aged 18 years,
6. Muthachchippillai widow of Muthukumaru, and
7. Gnanamuthu Thambipillai all of Chulipuram. Respondents.

This matter coming on for disposal before T. Muttusamypillai Esquire Acting District Judge, Jaffna on the day of December 1950 in the presence of Mr. S. V. Somasundaram Proctor on the part of the petitioner and the affidavit and petition of the petitioner having been read;

It is ordered that the 6th respondent be and she is hereby appointed guardian ad-litem over the 5th respondent for the purpose of representing her in his proceedings and Letters of Administration to the estate of the abovenamed deceased be granted to the petitioner as a lawful heir to the estate of the deceased unless the respondents or any other person interested in the above estate shall appear before this Court on or before the 14th day of March 1951 and show sufficient cause to the contrary.

This 18th day of December 1950.

Sgd. S. S. J. GOONASEKERA,
District Judge.

(O. 126. 6 & 9.)

WANTED

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ORDER NISI

IN THE DISTRICT COURT OF JAFFNA
Testamentary Jurisdiction No. 1258

In the matter of the estate and effects of Muthuthamby Nadarajasingham of Nallur late of Ratanapura, Deceased.

Kanageswary widow of M. Nadarajasingam of Koddady, Jaffna. Vs. Petitioner.

1. Piramakumari daughter of Nadarajasingam
2. Nadarajasingam Jee Kantha Kumar both of do
3. Elnathamby Muthuthamby of Nallur Jaffna Respondents.

This matter coming on for disposal before T. Muttusamypillai Esquire District Judge, Jaffna on the 6th day of January 1951 in the presence of Mr. S. Visuvalingam Proctor on the part of the petitioner and on reading the affidavit and petition of the petitioner.

It is ordered that the above-named 3rd respondent be appointed guardian-ad-litem over the minors the abovenamed 1st and 2nd respondents that Letters of Administration to the estate of the abovenamed deceased be issued to the petitioner as the lawful widow of the abovenamed deceased, unless the abovenamed 3rd respondent appear before this court on 14th day of March 1951 and show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said minors the 1st and 2nd respondents should be produced in court on the said date.

This 25th day of January 1951.

Sgd. S. S. J. GOONASEKERA
District Judge.

(O. 127. 6 & 9)

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Continued from page 1

and the admissibility of certain documents.

The strength of a case is not necessarily measured by the multiplicity of documents. Quality must be the prevailing factor.

(G) Doubtful Document

The most important document that lends itself to objections is the document D. 25. This is an Ola document, which purports to grant a permit in the year 1768 to Subbaiya Aiyar and Nagamuttu Aiyar, two Brahmin priests, ancestors of the added defendants, to rebuild the Kandasamy Temple for religious worship. I was inclined to accept this because Mr. Rheimers, the Government Archivist had certified that it "appears to have been issued by the Dutch Government". But I am bound after hearing his evidence to reject it for the following reasons:-

(1) It purports to be signed by D. Rakat, whose correct name is Bartholomew Jacobus Raket; well it is not satisfactorily explained how Raket came to stamp his name as Rakat.

(2) There are suspicious erasures on the ola. Some name seem to have been scratched out; and seen under a magnifying glass, the name Rakat seems to have been stamped over another name. It is idle to conjecture the reason for this.

However that may be, it must be rejected.

(H) Builder And founder

On this point, there cannot be the slightest hesitation in coming to the conclusion that Don Juan Raganatha Mappana Mudaliyar was the builder. This is to be gathered from the plaint filed by the priests Nakesha Kurukkal and Venkadasiva Aiyer grandson of Karthigesaa Aiyer, son of the original priest, Subbaiya Aiyer in 1852. In this, the plaintiffs claim some credit for their ancestor, but it is clear that Don Juan Raganatha Mappanar was the moving spirit and partly supplied the necessary funds.

There is some foundation for the belief that he was nominally a christian under the Dutch Government—he had to be, in order to retain his position as shroff—but it was probably through his influence of a secret nature, that the restoration of the temple was permitted; or possibly the Dutch Government may have relaxed its severity and the building allowed to rise again, in pursuance of a more conciliatory policy. Besides this, they have the report of the Collector, which states as an uncontroverted fact, that Don Juan built on his own land. It will be noted also that from an early date he Brahmins claimed title on Acts of appointment by the British Governor and not as builders or founders.

(I) Ownership of Temple Land

A small controversy has been raised over the question of ownership of the site (about 6½ lachams in extent) on which the temple was rebuilt. Plaintiffs suggest that the name AMBALAVANAR SUPPRAMANIAN in the Thombu is the name of the God. It is submitted, Kandasamy is also known as Suppramaniam. The theory may be stated thus. The land was originally temple land—for it is agreed that the temple was rebuilt on the old spot. It became Crown by right of conquest under the Portuguese and again under the Dutch. Certain

portions (of the land called Kurukalavalavu) were sold to private parties and the temple portion left unsold or perhaps Don Juan bought and reserved it for the God. When it came to be registered, he registered it in the name of the God.

It is sufficient for our purpose that the Crown whose property it became after the razing of the temple, recognised the right of Don Juan in 1810 and informed the Government Agent in 1851 that the Crown "had no right of its own to protect". This decision leaves Don Juan and descendants in possession of the field as founders or restorers and possessors of the temple and the site on which it stood. The substantial edifice of the temple of today is the work of Don Juan Raganatha Mappanar, aided no doubt, by public contributions.

(J) Is the Temple Private or a Public Trust

The next question is the main question; for what purpose was it founded? Was it for private or public worship? These questions involve the subsidiary but vitally important question as to how the Mappanars regarded the temple. Was it as their own private property or as a charitable trust, duly dedicated to use of the public? The plaintiffs say it was a charitable trust.

(K) Finding

It follows that the answer to issue 9 is "NO" (It is not a private property) and the answer to issue "10" is YES (a Public Charitable Trust). I have found that Don Juan Raganatha was self-appointed Manager.

The method of appointment of Managers has been by hereditary succession leaving the reigning constitutional Manager, power to appoint his successor. The 1st and 2nd Defendants are in my opinion the present lawful Managers; but to say that the succession had devolved by a hereditary process is not to say that they cannot be called on to give an account of their stewardship.

(L) Improvements

...This is an expensive enlargement by 1st Defendant of the sacred tank...It is a luxury no doubt but when money can be spared, such luxuries may be indulged in for the extension or improvement of places of worship. As regards the bell, ...one cannot always object to such items, if they are intended to help in popularising the temple...

The electricity and the water service are improvements and are to be commended.

(M) Questionable Religious Practice

...Just as I do not feel it my duty to reform the household of 1st Defendant, so I do not think I am called on to reform the religious practises of this temple. The poojas - it has been said are satisfactorily performed; but Plaintiffs object to 2 ancient customs—blood sacrifices and nautch dances, Devadasis—as corrupt. Both however appear to be integral parts of certain ceremonies. The God in the car demands blood and the dancing like phallic worship, is a symbol of creative and other natural powers.

(N) Who Should Reform

...To abolish these, the combined action of Manager, priests and public opinion is necessary. It is not a matter in which I can intervene. The Court must not

be the medium of religious intolerance or religious reform.

...The requisites of purity and devoutness in a Manager, would be necessary in a priest-Manager, but not, I think, in a layman....

He is not the man that I should select if the choice were open between several candidates, but since by accident of birth he happens to be a Manager, I do not see sufficient reason to remove him.

It is true that his religious beliefs are at the level of very primitive superstitions, but so are those of the majority of his constituents. Even the nautch-dancers have their following!

8 Extracts from Judgment of Supreme Court in Appeal

I Temple a Public Charitable Trust

...I agree with the learned District Judge...that all the valuable interests are public interests and that the temple is substantially a public charitable trust.

II Manager to Maintain Proper Accounts

...The conclusion which we have arrived is that there has undoubtedly been a certain amount of carelessness in regard to the management of the temple but that it is not shown that there has been any dishonesty, or that the temple was managed in a way which does not commend itself to the majority of the worshippers. At the same time, one must recognise that the time has passed when the Manager of a public charitable Trust can deal with the funds entrusted to him without accounting to anyone and entirely at his own will and pleasure.

It will, I think, be sufficient in the first place to lay upon the Defendant the duty of depositing in Court at stated intervals, say once a year, an account of the receipts and expenditure connected with the temple and the lands belonging to it. A full list of all temple properties should also be deposited in Court.

III. Rights of the Public

These lists should be open to the scrutiny of the congregation. I think that the mere fact that the Manager has to furnish these figures will afford a guarantee against the waste or mis-application of temple funds

7. Decree of Supreme Court

D. C. F. 214 L

In the Supreme Court of the Island of Ceylon.

1. K. Somasundaram
2. K. Swaminathan
3. A. Muthuthambay and others Plaintiff Respondent.

1. Sangarapillai Raganatha Mappana Mudaliyar.
 2. Ponnupillai widow Defendant-Appellant.
1. S. Sanmuganatha Kurukkal
 2. and wife Soundaralechumamma and others Added-Defendant Respondent. Action No. 19070.

District Court of Jaffna

This cause coming on for hearing and determination on the 30th June to 4th day of July 1930 and on this day, upon an appeal preferred by the 1st and 2nd Defendants before the Honourable Mr. Thomas F. Garvin, K. C., C. J. and Honourable Mr. R. W. Lyall-Grant, Puisne Justice of this Court, in the presence of the counsel for the appellants and respondents,

It is considered and adjudged

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NEWS

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that the order made in the action by the District Court of Jaffna and dated the 6th August 1928 declaring the temple to be a public charitable trust be and the same is hereby affirmed, and this part of the appeal is dismissed.

It is further ordered and directed that the decree of the District Court of Jaffna dated 10th June 1929 be and the same is hereby varied by substituting for the scheme proposed by the District Judge the following Scheme to wit:-

1. That the Manager shall prepare and keep an inventory.

- (a) of all gold and silver offerings of jewels etc;
- (b) temple fixtures such as cars, mandapams etc.,
- (c) a list of live stock belonging to the temple.

2. That the Manager shall keep a register of temple lands.

3. That the Manager shall on or before the 1st December 1950 file a full and true balance sheet of the affairs of the temple as ascertained up to 30th September together with copies of the inventories, list and register herein after provided for.

4 That the Manager shall open a ledger, Journal and such other books as may be necessary to carry on the accounts relating to the affairs of the temple as ascertained on the 30th day of September and continue regularly to keep and record in such books the accounts of the temple.

5. That the Manager shall thereafter on or before the 1st December of each year deposit in Court a full balance sheet of the accounts relating to the temple and its property and list referred to above brought up to date.

6. That such balance sheet and the copies of the inventory, register and lists shall be open to the inspection of members of the congregation. And it is further ordered that each party do bear his own costs of the trial on the Court below and of this appeal and that the award of costs made by the District Court on the 6th August 1928 do stand affirmed. Witness the Honourable Mr. Thomas Garvin K. C. Acgt. C. J. at Colombo the 2nd day of September in the year of our Lord 1930 and of our Reign the 21st.

Sgd. Edward W. Gunaratan Deputy Registrar Supreme Court (To be Continued)

ORDER ABSOLUTE IN THE FIRST INSTANCE

IN THE DISTRICT COURT OF JAFFNA Testamentary Jurisdiction No. 1267 In the matter of the Last Will and Testament of the late Lucy Jaya Hensman of Chundikuly.

Deceased. William Rajaratnam Cumarasamy of Chundikuly Petitioner

This matter coming on for disposal before S. S. J. Goonesekera Esquire District Judge Jaffna on the 17th day of January 1951 in the presence of Mr. D. Rajadurai Proctor on the part of the Petitioner & abovenamed and the affidavit of the Petitioner abovenamed dated 5th January 1951 and the affidavit of the attesting Notary and the sub-

scribing witnesses dated 10th January 1951 having been read.

It is ordered that the Last will and Testament No. 1561 made by the deceased abovenamed and attested by Mr. D. Rajadurai Notary Public on the 2nd day of November 1950 the original of which has been produced and now deposited in this Court be and the same is hereby declared proved and that the petitioner abovenamed is the executor named there in and he is hereby declared entitled to have the probate thereof issued to him accordingly.

This 17th day of January 1951

Sgd T. Muttusamipillai District Judge

Drawn by Sgd D. Rajadurai Proctor for Petitioner.

(O 125 6 & 9)

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Printed and Published by S. P. KANDIAR, 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 Prakash Press, Vannarponnai, Jaffna on Friday, March 9, 1951.

EDITOR-IN-CHIEF: T. Muttusamipillai.