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The Hindu Organ.

JAFNA, THURSDAY, AUGUST 16, 1928

DOMINION STATUS FOR INDIA.

WE PUBLISH ELSEWHERE THE TELEGRAPHIC summary of the report of the sub-committee appointed by the All-India Parties Conference to draft a new constitution for India. The report is an important public document which demonstrates the capacity of the Indians to rise above party or communal squabbles and to take a broad and liberal view of the constitutional problems that face their country at present. The sub-committee composed of some of the foremost Indian leaders has shown in many respects clear vision and sweet compromise in their recommendations. The unity that is manifested by them foreshadows the united national demand that will be made for the grant of dominion status for India.

The sub-committee does not believe in half-measures. Its report is based on the principle that nothing short of Dominion Status will satisfy India. Unlike the Donoughmore Commission's report, there is nothing novel in the proposed constitution. It is modelled as far as possible on the constitution of self-governing dominions.

Certain proposals in the report have some value for the people of the Island. Communal representation constituted the important feature of the Indian reform schemes of 1909 and 1919. The Mohammedans who are the most influential minority in India have been given not only communal representation but also a certain proportion of seats in the Provincial Councils and the Legislative Assembly larger than their number warrants. Among the Hindus too the non-Brahmins in Madras though they form the vast majority of the population in the Presidency have been given communal representation on the basis of reservation of seats. The smaller minorities, too, had their share of communal representation by separate electorates.

The evils of communalism in India had been traced to communal representation. The sub-committee has done the right thing by reducing it to the narrowest possible limit. Even those communities which once clamoured for it realises its incompatibility with responsible government. They themselves will not feel hurt if it should share the same fate as in Ceylon. It is a matter for great rejoicing that the sub-committee has been practically unanimous on this subject, and that such a prominent Mohammedan leader, as Sir Ali Imam has subscribed to the report. In Ceylon we have a class of politicians who refuse to take stock of the present situation and who pin their faith in catch-words and formulas discredited in other parts of the world. We are sure that they by any attempt on their part to espouse the cause of communalism at this stage of our national progress not only discredit themselves but also do harm to the communities to which they belong.

Another proposal which will have some interest to the people of this Island is the classification of the provinces on the linguistic basis. In the Deccan and South India this principle is conspicuous by its absence in the formation of administrative divisions. For instance, the Madras Presidency is composed of five linguistic areas; and Bombay and Central Provinces are each composed of three distinct areas. Such a jumbling up of distinct areas having no community of language and cultural traditions has been a great obstacle to the development of vernaculars and to the important place they ought to occupy in the transactions of the State. By such classification each linguistic area will become an autonomous province with full freedom for the promotion of its culture and tradition and Hindi will take the place of English as the *lingua franca* of India. Swaraj under such a scheme will give the people of India more than anything else cultural freedom which will help them to attain the high position among the nations of the world they occupied in the past.

The only proposal which meets the report excellent in other respects is the one relating to the enfranchisement of women over twenty-one. The members of the sub-committee have outdone the Donoughmore Commission in their iconoclasm. The subjection to foreign rule has produced a mental twist among certain politicians who regard national ideals with certain amount of contempt. The learned Editor of "Parabuddha Bharata" in the editorial of the July number makes some pertinent observations on the mentality of these people.

"India is a strange country in many respects, but its strangest feature is perhaps a class of nationalists who affect khaddar dresses but think and act in Western ways. To these gentlemen, nothing Indian is good enough and everything Western is perfect. They have a singular contempt for the cherished ideals of the nation and would fain demolish them if they could. Yet their nationalism must be above suspicion, for some of them occupy foremost positions in the extreme nationalist organisations. This is perhaps the worst effect of political subjection—the conquest of mind and undermining of national ideals."

It is the mentality of this type that is responsible for such proposals. We have similar men in our midst. It is against them that the country will have to guard itself.

LOCAL & GENERAL.

WEATHER:—Light drizzles are coming down in the nights.

PERSONAL:—Dr. K. Coomaraswamy of Segamat, Johore, has been transferred to Govt. Hospital, Muar.

LADY STANLEY:—Lady Stanley, wife of His Excellency the Governor and Master Stanley left Ceylon for London by the P & O "Malaja" yesterday afternoon.

WOMEN'S FRANCHISE ASSOCIATION, KANDY:—At a meeting of ladies held in the Kandy Town Hall, presided over by Mrs. P. B. Rambukwela, an association called the Women's Franchise Association was inaugurated with Mrs. C. S. R. Rajaratnam as its president. The association will be helped in its work by an Advisory Board of Men.

CO-OPERATIVE CONFERENCE AT NELLADY:—The following program has been arranged for the Co-operative Conference and Training Classes at Nellady Government School:—**MONDAY, AUGUST 20 Morning Session** Procession, Welcome, Chairman's address, by Mr. J. D. Brown (Govt. Agent); Joint Registrar's Address on "Co-operation"; **Evening Session:** Chairman Mr. W. K. H. Campbell, C.S.; Address on "Supervising Unions" by Mr. R. O. S. Cooke; "Banking Unions" by Mr. W. P. A. Cooke, M. Sc.; "Coastal Banks" by Mr. J. A. Maybin, C.S.; Drama on Co-operation by The Farm School Students; **TUESDAY, AUGUST 21st Training Classes "Special Types of Societies"** by Mr. R. O. S. Cooke; "Associates" by Mr. F. A. Sandrasegaram; **WEDNESDAY, AUGUST 22nd Training Classes (continued)** Lecturer Mr. W. P. A. Cooke, M. Sc., Asst. Registrar, N. D.

AUGUST RACES INTERFERE WITH JAFNA U. D. C.:—The usual monthly meeting of the Jaffna Urban District Council could not be held last Saturday for want of one member to make up the quorum. Messrs. R. S. Vaguranathan (Chairman), T. H. Orssette, R. R. Nalliah, R. S. Ramaniyam, K. Kanagasabai and K. Arulampalam were the only members who were present at the appointed time. They waited for half an hour for at least one member to turn up but none turned up. The Chairman then intimated to those present that the Provincial Surgeon, the Provincial Engineer and three other members had gone to Colombo for the August festivities. The meeting was therefore postponed to the 25th inst.

NON PAYMENT OF TAX IN GALLE:—23 villagers of Akkumana refused to pay a tax of Re 1 levied by the Akkumana Village Committee, since they considered it to be illegal. They, therefore, gladly suffered imprisonment for 3 days. When they came out of the prison, they were given an enthusiastic reception by the people and were entertained to a breakfast by the members of the Galle Mahajana Sabha. The agitation against the tax seems to be widespread; it was mentioned at a public meeting held to honour them that about 600 other villagers also were prepared to undergo imprisonment and not to pay the tax.

Nallur Kandaswamy Kovil.

DECLARED A PUBLIC TRUST

Judgment was delivered on Monday last by Mr. J. C. W. Rook, District Judge, Jaffna, in the well known Nallur Kandaswamy Temple case instituted by Mr. O. K. Swaminathan of Nallur and six others to have the Temple declared a charitable trust under the Trusts Ordinance. The defendants are the present Manager, Mr. Ragunatha Mappana Mudaliyar and his mother, Ponnapillai, widow of the late Mr. Sangarapillai.

The following are excerpts from the interesting judgment which runs into several closely type written pages:—

After referring to some objections raised to some of defendants' documents and giving reasons for the rejection of some and the admissibility of others, the Judge says "There is however sufficient material in spite of the rejection for deciding the substantial issues as to who built the temple and had control of the fabric."

"On this point there cannot be the slightest hesitation in coming to the conclusion that Don Juan Iruganatha Mappana Mudaliyar was the builder. This is to be gathered from the plaint filed by the plaintiffs Nakesa Kurukkal Aiyer (sic) and Venkadasa Aiyer, grandsons of Kartthikesa Iyer, son of the original priest Subbaya Iyer in 1852 (D 1). In this the plaintiffs claim some credit for their ancestor but it is clear that Don Juan Iruganatha Mappana was the moving spirit and partly. Supplied the necessary funds:—

HAD TO BE A CHRISTIAN TO RETAIN POSITION.

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, possibly 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 D 1 they have the report of the Collector (D 16) which states as an uncontroverted fact that Don Juan built on his own land. It will be noted also that from an early date the Brahmins claimed title on acts of appointment by the British Governor and not as builders or founders.....

A small controversy has been raised over the question of ownership of the site on which the temple was rebuilt. But this is largely a matter of speculation. Plaintiffs produce a *Thombu* extract of 1795 for two parcels of land bearing the name Kurukkal Valayal and registered in the name of Sikkamparanathar Arumugam. There is no *Thombu* extract registered in the name of the temple. Plaintiffs suggest that the name Ambalavanar Suppiramaniam in the *Thombu* is the name of the God. It is admitted Kandaswamy is also known as Suppiramaniam. 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 were sold to private parties and the temple portions left unsold, or perhaps Don Juan bought it and reserved it for the God. When it came to be registered he registered it in the name of the God. At that time two Moors were squatting on a portion, and perhaps Subbaya Iyer had his hut on another portion. This is an attractive theory, but theory nevertheless.

FOR WHAT PURPOSE WAS THE TEMPLE FOUNDED

It is sufficient for our purpose that the Crown whose property it became after the reversion the temple recognised the right of Don Juan in 1810 (D 16) and informed G. A. in 1851 that that the crown "had no rights 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 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 the use of the public? The plaintiffs say it was a charitable trust, the 1st and 2nd defendants that the temple was their private property.

THE WORD ATHENAKARTHAR.

This word has been the subject of much discussion because it is the terms which the Mappanars have used in describing themselves in numerous documents. My *Mudir* has prepared a list of deeds executed by them showing how they described themselves. Apart from the list we find that in 1803 the Mappanar calls himself "Head and owner (owner)" of the temple. In the list we find the description varying from time to time.

In 1851 Mappanar is *Mandam*, Manager. In 1864 (D 26) and 73 (D 53) there are "Tharmakarthar" and "Parapattippankar," that is recipients of the offerings and overseers or superintendents. The term *Parapattippankar* occurs fairly often but seldom by itself. Sometimes it is qualified by the word *Thama*, as in *Tharmapattippankar*, meaning as 1st defendant tells us the "Man who controls offerings given by the public"; more often it is coupled with the

word *Athenakarthar*, a word which was first used in 1833 and became the most prominent as it is in the most impressive title. This word has been the subject of disproportionate discussion because the Translator gave to plaintiffs a version translating it as proprietors. It is a word compounded of *Athina* and *Karthar*. The meanings given in various dictionaries are as follows:—

(1) By Rev. Whistlow—Proprietorship, hereditary inheritance.

(2) By Visuvanathapillai—my dictionary—relation of property to owner, right of possession.

(3) Dictionary of Madras University (p 35) gives two meanings (a) ownership, possession (b) Siva Monastery or religious foundation. But the use of the term as meaning a monastery is peculiar to India; which has not developed this meaning in Ceylon.

Karthar about which there is no dispute, means agent, doer and implies control. *Athina* *Karthar* means Proprietor and may mean hereditary Proprietor. *Athenakarthar* described the title or status, the other descriptions, the functions and duties of the Mappanar. There is also the term "Esagamu" which means "head or principal."

DEEDS TO ESCAPE THE CLAWS OF THE TRUSTS ORDINANCE.

The question, however, is granting that the Mappanars were founders, proprietors of the temple what was the condition, express or implied, upon which they administered the charities given by the public. 1st defendant claims the temple to be private charity property and recently in 1916 an attempt was made to define the position of the Mappanar. Arumugam, 1st defendant's elder brother, is there appointed by his mother the 2nd defendant, as manager to possess and control the temple and its temporalities and the method of succession is regulated and all contingencies provided for. The appointment was made, as 1st defendant contended, in order to meet the threat of the Trusts Ordinance. But the Mappanars were not satisfied with this demonstration.

In 1921 the deed of 1916 was revoked and a fresh deed executed by Ponnapillai, 2nd defendant, appointing both her sons as proprietors and managers in equal shares. According to the 1st defendant the Mappanars are "proprietors of the temple but trustees of the temporalities." The public has no right to interfere in the management, but it is intended only the particular donor or his descendants can take action for any actual or supposed breach of contract. This they say is not a public trust.

It may be said here that even if the Mappanars are founders and proprietors, this position is compatible with the administration of the temple for public worship and in the service of the public. They can regulate the succession among the members of their family and yet dedicate the temple to the public religious worship. But has this temple been so dedicated?

NATURE OF A PUBLIC TRUST.

A public charitable trust, or as it is described in Section 99 of the Ordinance, a charitable trust means and includes a trust created for the benefit of the public with a view to the advancement of religion or maintenance of religious rights and practices. Such a trust may be created by one of two methods: one by notarial deed according to Section 5 of the Ordinance or (2) alternatively, if there is no deed, by satisfying the court, that from the circumstances of the case that a trust in fact exists; or ought to be deemed to exist, Section 107."

Mr. Hayley has in a very powerful argument contended that in the absence of a deed the only test is that the temple should have been regarded as a public trust from time immemorial. Test, he says is the common law of Ceylon as laid down in XXV NLR p 139. If there were no other test he would be right in his argument. But the same decision supplies a third test and section 107 of the Trusts Ordinance permits proof of dedication to be gathered from all the attendant circumstances. An analogous case appears from the decision in 21 NLR 15, (P 173). But we must see whether the circumstances of this case justify a declaration that this temple is a de facto public charitable trust.

In the first place this temple was not an absolutely new one but a resurrection of an old one and in the same spot.

A PUBLIC SPIRITED ACT TO GLORIFY THE FAMILY

I was originally a temple built by the King's prime minister, a temple of fame. The tradition is preserved in various documents P. S. P. 33. In the invocation of the priests of Karttham P. G. in which after the name of the deity the name of the prime minister, *Butanaka Bahu*, is invoked and after his name that of Don Juan Mappanar himself. The founder who was a man of Manipay rebuilt this temple at Nallur 7 miles away. The choice of site implies that his purpose was patriotic and his object was to revive his national religion at a time when it was at a low ebb; the choice of site would also have made a ready appeal to public sentiment and reveals an attempt by the founder to glorify his family not by raising a private temple, but by performing a public spirited act; and that is why his name is invoked at festivals not as head of the family but as a benefactor.

It is not unusual among the Tamils for the members of the family to invoke the head of it or apothecise him in this way. The *Kattiam* is an expression of public thanksgiving. Scarcely there are the numerous donations to the temple. From D 1 we gather that the public contributed to the restoration of the original building and there is evidence that it has contributed liberally to subsequent improvements. D 9 tells us that the founder added to the temple by "acquisitions and extensions" but 1st defendant admits that all the lands of the temple were donated by members of the public. He cannot mention a single land by one member of his own family. We are indebted to Manjagar Muttakumar who comes into the Mappanar family by marriage for the production of some of the title deeds of the temple lands.

PUBLIC DONATIONS AND THEIR PURPOSES

Pursual of these deeds D 9 ra P 23, P 25, P 28, to P 30 reveals the extent of the donations and the purposes for which they are given. A few may be briefly touched on: P 9 (1892) provides a fixed fund for midnight pujas. P 10 a deed of 1811 gives a land of which the income is to be used for the annual festival. It refers to an earlier donation of 1836. P 11 a deed of 1809 provides 350 six dollars and the manner in which the money is to be spent. P 18 makes provision for a particular festival. P 21 gives the interest of 6 bonds to be utilized for pujas. P 28 is a liberal donation of 203 tashams of land by Subbasha in 1807. P 22 shows how the road for the car was acquired and the courtyard extended. As I said we are indebted to Manjagar Muttakumar for these deeds. He married Dr. Kandiah's daughter. Dr. Kandiah was himself son-in-law of Kandiah Mappanar. Muttakumar who figured in the early cases to 1851, and at Kandiah Mappanar's death Dr. Kandiah became administrator of the estate and at the same time got hold of many but apparently not all the deeds.

However that may be, the deeds throw valuable light on the case and make it clear that the temple and the Mappanar themselves, lived entirely on public contributions. It is almost true to say that they possess nothing of their own and the deeds of transfer or donation or dowry in respect of any of these lands are highly significant. It shows that a kept faith with the public and until recently cannot be said to have misappropriated any of the temple funds for their own selfish purposes.

PUBLIC GENEROSITY FROM LOVE OF RELIGION.

Thirdly, the immense volume of the contributions is such that one cannot imagine the public being so generous except from love of their religion. It cannot have been through sheer love of the Mappanars; collections are admitted by 1st defendant to amount to Rs. 1200 00 a month. It is worthwhile also to note how the festivals are conducted. A day during the festival is allotted to a particular person, necessarily a Saivite and a member of the congregation and that person has to provide the wherewithal for conducting the festival that day.

Fourthly, the temple was open to all members of the public of Saivite religion excepting the depressed classes—whose privileges are limited in every walk of life, not even they have a place in the courtyard. Next the fame of which the Rev. W. S. Row speaks in D. 33 and Mappanar in D. 15 is more to be attributed to the munificence and devotion of the public than to the enterprise of the Mappanars. Mappanars sowed the seed—the public nourished and tended it.

AN ENTHUSIASTIC AND PERSEVERING LEADER.

Agd there is a clear proof that wherever any improvements, any "acquisitions or extensions" were contemplated, the Mappanars invited the congregation to attend and called on them for assistance. This was done in 1873 (P 1), in 1890 (P 4) and 1892 (P 7) and in 1902 (P 8) when Saugurappilai was appointed as assistant manager. Not only the temporalities, but the very foundations of the temple seem to have been laid on the basis of public charity. It is true that an attempt to control the management in 1870 (P 2) came to nothing but it is notoriously difficult for the public to make their voice heard in such a case as this, an enthusiastic and persevering leader is required; one was found in Navalur whose principal object was a religious rather than secular reform but he died and his successor Kulasappilai who is responsible for the documents (D 3 and D 4) did not command the influence of Navalur.

DIVIDED THEY FALL

Further the house of Mappanar was united and strong, and the public on the whole satisfied. Now it is divided against itself and its position is weaker because it appears to have given cause for offence. There is no doubt now as to the public determination to overhaul the management and the present plaintiffs are men of substance and repute in the Hindu community. The upshot is that there are circumstances from which a *de facto* trust can reasonably be inferred. It is even possible that there is a deed of endowment which is not brought to light, for D 9 speaks of "the terms of endowment laid down by the original founder and regulates the succession in a manner familiar to those acquainted with this type of cases."

AN IRREVERSIBLE CONCLUSION FROM CIRCUMSTANCES. The practice is described in Sir Bertram's judgment in 27 N. L. R. p. 176, but in the absence of such deed we must judge from the circumstances and they indicate that this temple was founded as a public charitable trust. P. 8 in an invitation to the public to attend, and speaks of, a dedication ceremony by the original founder and having regard to the manner in which the affairs of the temple were conducted. The conclusion that it was founded for the maintenance of public worship is irresistible, the facts proved satisfy the test laid down in Gour's Code, where it is found that the temple, from the beginning had been opened to the public for worship and the festivals had been conducted in a public manner. It was held that the trust in question was a public one—*Lakshmi V. Murali* 2 A. L. J. 594 P. C. and the decision in *Privy Council* 41 (All India Digest Reporter 1924) is exactly to the point.

The results of our inquiry may be summarised in answering the issues which are most conveniently set out in position of appeal.

Answers to Issues.

(1) The land probably belonged to the crown originally; but (2) afterwards became the property of Don Juan Iranganatha Mappanar Mudaliyar. There is no deed, but it may have been lost or stolen, as defendants assert, by Dr. Kandiah. (3) The temple was not built by Subbasha. He may have had a hot there but, (4) the substantial edifice of the temple today is the work of Don Juan Iranganatha Mappanar, added no doubt, by public contributions. Issue 5 must be answered in the affirmative; a number of things were made no, by contractors as stated by 1st defendant but by donors.

THE STRANGEST GIFT OF ALL.

The creation of the madam referred to in P. 30 is a striking proof of this. It refers to a gift of 1873 (D. 69), a descendant of the donor since Mappanar. But this does not preclude a suit by the public. Other gifts are the Sinner Madam, gifts by Parialamb, Kathirgamer Saugurappilai, the gift of a door by the Madam—strangest gift of all—and many others. Such donations (issue 5) do not necessarily render a temple a public trust. It depends upon the circumstance, and as we found, the Mappanars from the beginning depended upon public support (issue 6), and in fact gave up other occupations and devoted themselves exclusively to this public service, and as a *quid pro quo* the worshippers made contributions responding to repeated calls and (7) regarded such contributions as given in trust. The deeds expressly say that the gifts were to the temple and not to the Mappanar family who thus became mere trustees.

PUBLIC—NOT QUIXOTIC FOOLS.

D. 9 is a belated attempt to create a private trust. Before 1916 there is nothing to show that the Mappanars regarded the public as Quixotic fools contributing to their private enrichment. There are indeed cases in which the head of a family in order to keep property in a family, founds a temple and binds his successors to use the temporalities in trust. An occasional gift from an outsider may be welcome but could not make such a trust public. But in this case all the valuable interests are public. The absence of a deed implying a private trust is almost as significant as the absence of a deed of dedication. But here there was nothing they could deal with as private property. The evidence of 1st defendant shows that they Mappanars acquired nothing or little with their own money (issue 8). It follows that the answer to issue 9 is "No" and the answer to issue 10 "Yes".

A SELF-APPOINTED MANAGER.

I have found that Don Juan Iranganatha was self-appointed Manager. He may have got an appointment from the British Governor as Subbasha did. But if so his descendants are not anxious to disavow it. But the position here seems to be similar to the other case where a founder executes a deed of appointing himself manager and trustee and associates a priest with him as co-trustee or merely as priest to look after spiritual matters. In this case the priest Subbasha and Kamasappa Aiyer were probably associated with Don Juan in the same way (issue 11.)

THE DEFENDANTS—LAWFUL MANAGERS.

The method of appointment of managers has been by hereditary succession, leaving to the reigning constitutional manager power to appoint his successors but D. 9 indicated the area of selection. The 1st and 2nd defendants are in my opinion the present lawful managers (issue 12) and to say that no succession and devolved by a hereditary process is not to say that they cannot be called on to give account of their stewardship.

There are none the less stewards of the temple in which the public have vested interest and this action is well founded.

A FALSE CLAIM AS PRIVATE PROPERTY.

The case of Navalur from 11628 up to date with us paid by 1st and 2nd defendants. Although defendants have succeeded on certain subsidiary issues and proved their right as hereditary managers, yet they have failed to claim the temple to be private and the plaintiffs have succeeded on the vital and substantial issues as to the nature of the trust. I award no costs to added defendants as I have not yet looked at their aspect of the case and it has yet to be stated full and met by defendants.

FURTHER INQUIRY INTO DEFENDANTS' CONDUCT.

I propose next to deal with the question of the defendants and to inquire whether the conduct of the defendants or rather 1st defendant and his co-trustee has been such as to justify the court in laying down a scheme of management. This comprises the area covered by issues 21, 21a, 22, 23, 26 and 28.

J. C. W. Rock,
District Judge.

Swaraj Constitution for India

FULL DOMINION STATUS.

REPORT OF THE ALL PARTIES' COMMITTEE.

Allahabad, Aug. 14th.—The Committee appointed by the conference of all political parties to determine the principles of a Constitution for India have produced a comprehensive report, embodying a Constitution based on the most advanced Commonwealth type.

The report is practically unanimous and is signed by Pandit Motilal Nehru, leader of the Congress Party in the Legislative Assembly, Sir All India and Sir Tej Bahadur Sapru, both ex-members of the Governor General's Council, Mr. Aney, a member of the Legislative Assembly from Barar, Mr. Sardar Mangal Singh, leader of the Sikhs, Mr. Subash Chandra Bose, the well-known Bengal politician, Mr. G. R. Pradhas of Bombay, and Mr. Shuib Qureshi, Secretary of the Congress.

LUCKNOW CONFERENCE.

The report will be discussed at a conference at Lucknow at the end of this month.

The Committee recommend a Constitution providing for Dominion status, modelled on the lines of the Constitutions of the self-governing Dominions, Canada, Australia, New Zealand, South Africa and the Irish Free State.

The Committee are agreed that nothing short of Dominion status will satisfy India.

It is pointed out that this does not mean that any individual Congressman has given up or toned down the demand for complete independence. The real problem consists of the transference of political power and responsibility from the people of England to the people of India.

The first step in this direction, the Committee suggest, should be the abolition of the Secretary of State and his Council, "because rule by this cabinet in recent years has been disastrous to the best interests of India and is opposed to the freedom of the Government of India itself."

EUROPEAN COMMERCE.

Alluding to the arguments that European commerce in India is nervous of a change of Government, the Committee point out that it is inconceivable that there can be discriminating legislation against any community doing business lawfully in India.

If there are any special interests of European commerce which require special treatment in the future, the Europeans should formulate proposals and they will receive proper consideration from those anxious for a peaceful solution of the political problems of India.

The Committee recommend that the legislative power of the Commonwealth of India should be vested in a Parliament consisting of the King Emperor, a Senate and a House of Representatives; the Senate to consist of 200 members elected by the Provincial Councils, a specific number being allotted to each Province on the basis of population; the House of Representatives to consist of 500 members elected direct by the constituencies, every person of both sexes aged 21 and above being entitled to vote.

The term of the Senate should be seven years and that of the House of Representatives five years.

CONTROL OF FOREIGN AFFAIRS.

The legislative authority of Parliament should extend to matters relating to defence and foreign affairs, but in regard to the latter, under such rules of procedure and discretion as are observed by the Legislatures of the self-governing Dominions.

It is proposed that the executive powers of the Commonwealth should be exercised by the Governor General, as the King Emperor's representative, acting on the advice of a Council to consist of a Prime Minister and six Ministers, who should be responsible to the Legislature.

Legislative power in each Province should be vested in the Governor as the King Emperor's representative, and in a local Legislative Council, which should have one member for every lakh of population, being on the basis of wide adult suffrage, as in the case of the House of Representatives.

The Executive Council of each Province should consist of five Ministers, including the Chief Minister.

The Constitution provides for the establishment of a Judiciary, consisting of a Supreme Court and High Courts.

The Supreme Court should consist of a Lord President and other Judges appointed by the Governor General in Council.

DISTRIBUTION OF REVENUE.

The report recommends that immediately after the establishment of the Commonwealth,

a commission should be appointed to enquire into the sources of revenue to be assigned to the Commonwealth and the Provinces and the financial relations between the Central and the Provincial Governments.

It is also suggested that this Commission should appoint a Committee to examine the question of training officers for land, naval and air forces, and the establishment of schools and colleges to give this training.

Another Committee should report on educational facilities, especially for the backward classes.

DEFENCE.

Regarding defence, the report suggests the appointment of an Advisory Committee of Defence, to consist of the Prime Minister (Chairman), the Minister of Defence, the Minister of Foreign Affairs, the Commander-in-Chief, the Commander of the Air Forces, the Commander of the Naval Forces, the Chief of the General Staff, and two other experts. This Committee should advise as to the means of effecting rearmament in the expenditure on defence, compatible with the safety of India; expenditure on defence to be submitted to the vote of the House of Representatives.

The report does not accept the constitutional position that without an Indian or a Dominion Army, India cannot attain Dominion status, on the ground that the Colonies were in a position to assume the responsibility of defence when self-governing status was granted to them.

The report states that representation of the Army in the Legislature by a responsible Minister, who would, in actual administration, be guided by expert advice would be bound to lead to the establishment of more intimate relations between the Army and the Legislature, and would thus secure a continuous supply of funds for the Army.

THE SERVICES.

Regarding the Services, the Committee provide a statutory guarantee in respect of emoluments, allowances and pensions, and further recommend that, on the establishment of the Commonwealth, a permanent Public Service Commission should be appointed to effect the reorganization and readjustment of the Services.

The Committee recommend that officers of the Services should be given the option of retiring within three years on the present terms and conditions. Similar provision is made for all officers serving in the Army, Navy, Royal Indian Marine and Air Force.

REDISTRIBUTION OF PROVINCES.

The report suggests the redistribution of the Provinces on a linguistic basis, and constitutes Sind a separate Province; the North-Western Frontier Province and all newly-formed Provinces to have the same form of Government as the other Provinces.

The Committee recommend joint mixed electorates throughout India for the House of Representatives and the Provincial Legislatures.

RESERVATION OF SEATS.

There should be no reservation of seats for the House of Representatives, except for the Muslims in Provinces where they are in a minority, and for non-Muslims in the Frontier Provinces, such reservation to be in strict proportion to the Muslim population of every Province where they are in a minority, and in proportion to the non-Muslim population in the Frontier Province Muslim or non-Muslims, in Provinces where reservation is allowed, should have the right to contest additional seats.

There should be no reservation of seats for any community in the Punjab and Bengal, but in other Provincial Councils reservation of seats for Muslim minorities should be given on a population basis, with the right to contest additional seats, and in the Frontier Province a similar reservation should be given for non-Muslims, with the right to contest other seats.

This reservation of seats should be fixed for a decade.

The Committee remark that the reservation of seats for a majority community is incompatible with responsible Government and there is no foundation for the fears of Bengal and Punjab Muslims and non-Muslims, who are all majority communities. The Muslim demand for the reservation of one third of the number of seats in the Central Legislature is rejected, Mr. Qureshi dissenting.

INDIAN STATES.

The scheme contemplates that the Commonwealth Government should exercise some rights in relation to the Indian States, as in the case of the present Government of India. The Committee remark that the Butler Committee will probably attempt to convert the Indian States into "an Indian Uster," by pressing constitutional theories into service.

ENOUGHMORE REPORT.

"The Ceylon Commission has created a novel form of Government which has no parallel in the Constitutions of the world," says the report. "Whatever else it may be, it is not responsible Government in any sense." —*Times of Ceylon*

Mahatma's Autobiography.

WORK IN CHAMPARAN.

The following is a further instalment of Gandhiji's autobiography as appearing in *Young India*—

Bejankishorebabu and Rajendrababu were a matchless pair. Their devotion made it impossible for me to take a single step without their help. Their disciples, or their companions—Shambhubabu, Anugrahbabu, Dharamdhar, Ramnambabu and other "killa"—were always with us. Vinaydhabu and Jankishorebabu also came and helped us now and then. All these were Biharis. Their principal work was to take down the raiyats' statements.

Professor Kripalani could not but cast in his lot with us. Though a Sindhi he was more Bihar than a born Bihar. I have seen a few workers capable of merging themselves in the province of their adoption. Kripalani is one of those few. He made it impossible for any one to feel that he belonged to a different province. He was my gatekeeper in chief. For the time being he made it the end and aim of his life to save me from darshan seekers. He warned off people, calling to his aid now his unfailing humour, now his non-violent threats. At nightfall he would take up his occupation of a teacher, and regale his companions with his historical studies and observations and quicken any timid visitor into bravery.

Maulana Muzaffar Hussain had registered his name on the standing list of helpers whom I might count upon whenever necessary, and he made a point of looking in once or twice a month. The pomp and splendour in which he then lived was a sharp contrast to his simple life of today. The way in which he associated with us made us feel that he was one of us, though his fashionable habit gave a stranger a different impression.

As I gained more experience of Bihar, I became convinced that work of a permanent nature was impossible without proper village education. The raiyats' ignorance was pathetic. They either allowed their children to roam about, or made them toil on indigo plantations from morning to night for a couple of coppers a day. In those days a male labourer's wage did not exceed ten pice, a female's did not exceed six and a child's three. He who succeeded in earning four annas a day was considered most fortunate.

In consultation with my companions I decided to open primary schools in six villages. One of our conditions with the villagers was that they should provide the teachers with board and lodging while we would see to the other expenses. The village folk had hardly any cash in their hands, but they could well afford to provide food-stuff. Indeed they had already expressed their readiness to contribute grain and other raw materials.

From where to get the teachers was a great problem. It was difficult to find local teachers who would work for a bare allowance or without remuneration. My idea was never to entrust children to commonplace teachers. Their literary qualification was not so essential as their moral fibre.

So I issued a public appeal for voluntary teachers. It received a ready response. E. B. Gangadhar Dasgupta sent Babu Sahab Bomen and Pundarik. Mrs. Avantika Gokhale came from Bombay and Mrs. Anandibai Vaidhampayan from Poona. I sent to the Ashram for Chhotelal, Sorendranatha and my son Devdas. About this time Mahadev Desai and Narahari Parikh with their wives came in their lot with me. Kasturba was also summoned for the work. This was a fairly strong contingent. Shrimathi Avantika and Shrimathi Anandibai were educated enough, but Mrs. Durga Desai and Mrs. Manibehn Parikh had nothing more than a bare knowledge of Gujarati, and Kasturba not even that. How were these ladies to instruct the children in Hindi?

I explained to them that they were expected to teach the children not grammar and the three R's so much as cleanliness and good manners. I further explained that even as regards letters there was not so great a difference between Gujarati, Hindi and Marathi as they imagined, and in the primary classes, at any rate, the teaching of the rudiments of the alphabet and numerals was not a difficult matter. The result was that the classes taken by these ladies were found to be most successful. The experience inspired them with confidence and interest in their work. Avantika's became a model school. She threw herself heart and soul into her work. She brought her exceptional gifts to bear on it. Through these ladies we could to some extent reach the village women.

But I did not want to stop at providing for primary education. The villages were insanitary, the lanes full of filth, the wells surrounded by mud and stink and the court yards unbearably unclean. The elder people badly needed education in cleanliness. They were all suffering from various skin diseases. So it was decided to do as much sanitary work as possible and to penetrate every department of their lives.

Doctors were needed for this work. I requested the Servants of India Society to lend us the services of the late Dr. Dev. We had been great friends and he readily offered his services for six months. The teachers—men and women—had all to work under him.

All of them had express instructions not to concern themselves with grievances against planters or with politics. People who had any complaints to make were to be referred to me. No one was to venture out of his beat. The friends carried out these instructions with wonderful fidelity. I do not remember a single occasion of indiscipline.

NOTICE.

THE NALLUR KANDARWAMY TEMPLE ANNUAL FESTIVAL.

August 20th to September 14, 1928.
Permission having been granted to move processions and conduct religious assemblies according to custom round this temple and along the adjoining sections of the Point Pedro and Old Store Roads during the period of this festival.

Notice is hereby given to the public that traffic will be diverted from the sections of the point Pedro and Old Store Roads adjoining the temple along Waimons Road, the Navalur road and the Nallur Cross Road No. 1 during the time that such processions and religious assemblies are moving round the temple.

J. R. G. BANTOCK,
Asst. Supdt. of Police N. P.

Police Office,
Jaffna, 11th August, 1928.

G. 952.

The Empire Marketing Board.

REPORT ON 2nd YEAR'S PROGRESS.

The following is a summary of the Report issued by the Empire Marketing Board, London, for the second year ending May, 1927 to May 1928:—

In its second Annual Report (published by H. M. Stationery Office, London, 1/-) not with coloured frontispiece) the Empire Marketing Board which is an official body, established by Parliament to further the marketing in the United Kingdom of Empire Produce from home and overseas, states that it has received much evidence that its work has materially strengthened the demand for Empire produce in the United Kingdom and has definitely increased the sale of particular Empire commodities.

"While it would not claim that the increased importation of Empire products during the last few years has been even mainly due to its own efforts, it is of interest to record that upon the basis of the price levels of 1924, the value of imports from Empire countries to the United Kingdom rose from £388,000,000 in 1924 to £420,000,000 in 1927—an increase of nearly 8 per cent in a period during which the population is estimated to have increased by 1½ per cent.

"It is of interest also to record, as showing the growing dependence of employment in the United Kingdom upon the development of the overseas parts of the British Empire, that the value of the exports of British produce and manufactures from the United Kingdom to Empire countries, calculated on the same basis, rose from £384,000,000 in 1924 to nearly £380,000,000 in 1927—an increase of 18 per cent.

RISE IN EXPORTS.

"In 1924 the Empire overseas absorbed 41.7 per cent of the United Kingdom's export of manufactured goods. In 1927 the percentage had risen to 46.1."

The Board, has worked along three main lines, Scientific Research, Economic Investigation and Publicity. Progress in each of these divisions is described in the Report, while a full list of the grants made from the Fund is given in an appendix.

All "that large part of the Empire Marketing Board's work which lies behind its coloured posters and its press advertisements, the exhibitions, the lectures and the window dressing competitions which contribute to its publicity campaign" is included under the general head of Research.

THE PARASITE ZOO.

A salient passage in this section of the Report is that dealing with "The Parasite Zoo".

"Insects have been described as the greatest toll takers of human production. They carry disease amongst men, animals and vegetation."

In last year's Report an indication was given of the support which the Empire Marketing Board had promised, to promote the attack upon insect pests and, through parasites, upon the kindred plague of weeds. During the last twelve months their proposals have taken shape which has come to be by the establishment of the "Parasite Zoo". Here are bred parasites that have proved their capacities to destroy certain types of insects, and here experiments are being planned for the testing of parasites of yet unproved capacity.

IDEAS ON COMMERCIAL BASIS.

"Last year's Report mentioned the grant made to the Ministry of Agriculture for the extension of work already started on a modest scale for the improvement of marketing methods in England and Wales. This work has been steadily extended during the last twelve months."

"The most convincing way of testing the value of new ideas is," states the Report, "of course, to try them out on a commercial basis."

Grants have been made or offered out of the Board's grant to various Boards and Societies.

MARKETS REGAINED.

"The Board's grant has also been used to assist two new Federations of cheese making farmers, whose object is to raise and standardize the quality of Cheshire and Cheddar cheese respectively. The first progress report by the Cheshire Cheese Federation makes hopeful reading.

FRUIT WASTAGE IN TRANSIT.

"Last year's report mentioned the modest beginning made with the examination of incoming cargoes of Empire fruit. During the year under review, this scheme had notably advanced. British officers of the Board are stationed at the ports of London and Liverpool. Observations are taken in the ship's hold. Cases are examined at the port on arrival, and samples of the fruit are followed to the retail shops for further examination there. This scheme has now been applied in turn to the Canadian, Australian, and New Zealand fruit shipments."

EXPORT OF FRIEDER CATTLE.

"Early this April a quarantine station, built and managed by the Royal Agricultural Society of England in close consultation with the Ministry of Agriculture upon the strength of a grant made from the Empire Marketing Fund, was opened by Mr. Amery. The first consignment of animals, destined for export to Southern Rhodesia, entered the station on the 24th April.

"Those stations are designed to enable the export of pedigree cattle from the United Kingdom to take place at times when export would otherwise be rendered impossible owing to the sporadic outbreaks of foot and mouth disease in the country."

"The new scheme has been welcomed by the breeders of pedigree stock in the United Kingdom, and has excited much interest both at home and overseas."

PUBLICITY.

"The Board, at the outset of its work, decided that its main public appeal should be directed less to advertise particular commodities than to interest the public in the Empire and its development, and so create a favourable setting for the activities of those concerned with the sale of individual Empire products. This policy has been confirmed in the light of experience during the last year. "The overseas parts of the Empire have been quick to take advantage of this opportunity of seeing the background of publicity created by the Board."

Continued on p.

NOTICE.

Government timber lying at the following depots will be sold by public auction on the spot by the Divisional Forest Officer, Northern Division, Jaffna on the following dates:—

Point Pedro Depot, on Monday, August 27, 1928 at 9.30 a.m.
Jaffna Depot, 103 lots on Tuesday, August 28, 1928 at 9.15 a.m.
Jaffna Depot, 8 lots on Monday, September 3, 1928 at 9.15 a.m.
Kankesanthurai Depot, on Monday, September 10, 1928 at 9 a.m.

For full particulars vide notice in Government Gazette, No. 7,668 of August 10, 1928.

J. D. SARGENT,
Conservator of Forests.

Office of the Conservator of Forests,
Kandy, 7th August, 1928,
G. 950.

AUCTION SALE.

A DESIRABLE INVESTMENT FOR SMALL CAPITALISTS.

Valuable premises consisting of a well-built house and three boutiques attached in extent 3 Lms. V. C. situated at Chetty Street, Vannarponnai East on the Jaffna—Kankesanthurai Road, the property of Mr. S. T. M. Murugappa Chetty.

Under instructions received I shall sell by PUBLIC AUCTION, on WEDNESDAY, SEPTEMBER 12, 1928, at 4.30 p.m., on the spot, the above premises.

Offers by private treaty will be received by me one week before the date of sale.

For further particulars please apply to me.

M. A. RAJENDRAM,
Auctioneer & Broker.

Vannarponnai East,
Jaffna.

N. B.—Purchases and sales of godowns, houses, properties, estates, etc. negotiated on advantageous terms.

Mis. 1276.

Continued.

POSTERS.

"The Board has continued and extended the campaign of poster publicity of which the first steps were recounted in its earlier report. Her Majesty the Queen has been much interested in the posters issued by the Board and has expressed a wish to see each new set as it is issued."

"The Board is now arranging for the erection and posting of a few examples of their frames on prominent sites in the Empire overseas."

POSTERS IN SCHOOLS.

"Some of these frame sets have been reproduced in smaller size and issued free to schools in the United Kingdom, of which over 17,000 are now on Board's list for their receipt. With each set of reproductions so issued, the Board sends out a specially printed leaflet, dealing with the subject which the posters illustrate. It has been fortunate in the writers who have contributed to this series. Thus Mr. John Buchan, M.P. wrote the leaflet on Empire Builders, and Captain David Bone that on the Suez Canal, whilst other contributors have included Mr. Ivor Brown, Mr. Ian Colvin, and Mr. Robert Lynd. Free issue of these posters has been extended to overseas schools whose head teachers make individual application to the Board. "The posters are now in the hands of the Educational Authorities in all five Dominions, in every Colony and throughout the Indian Empire."

NEWSPAPER ADVERTISEMENT.

"The Board has continued through the greater part of the year to insert advertisements in the principal daily papers of the United Kingdom."

EMPIRE KITCHENS.

"The Board has continued its policy of erecting at important exhibitions a pavilion in which spaces are allotted to the home Ministries of Agriculture and to the Dominion and Colonial Governments to display the different sorts of produce to which they are interested. A popular feature of all these exhibitions, other than the British Industries Fair which is a Trade Fair, was "an Empire Kitchen, in which demonstrations were given to crowd audiences of the preparation of dishes of solely Empire constituents."

"The home producer, Australia, New Zealand, South Africa, the Irish Free State, India, Northern Ireland, the West Indies, the East African Dependencies, the Gold Coast and Cyprus have all been represented in the Board's pavilion at most of the exhibitions."

EMPIRE SHOPPING WEEKS AND WINDOW DRESSING.
"The Board has continued its policy of assisting Empire Shopping Weeks in the United Kingdom, when they are duly representative of the district in which they are held. It has arranged special lectures, and lent films of Empire interest. It has given prizes for children's essay competitions. It has supplied posters and shop window bills; it has lent decorative material and has inserted special advertisements in local newspapers."

"BUYING BRITISH" OVERSEAS.

"It may here fittingly be recorded that Empire Shopping Weeks have been held overseas during the year in Jaffna in Melbourne and throughout Canada. While it is outside the Board's scope to organise shopping weeks overseas, it was able to give some moral assistance in the shape of a supply of posters and window bills to these three undertakings."

LECTURES.

"The scheme of lectures mentioned in the Board's first Report has now been in operation for a year, during which time 3613 lectures and addresses have been given under the Board's auspices."

NOTICE.

The Jaffna Co-Operative Stores Ltd.

That the Tenth Annual General Meeting of the Shareholders of this Company will be held at the registered office, "Maha Mandapam", Grand Bazaar Road, Jaffna, on Monday, the 20th August, 1928, commencing at 4 p.m. to receive the report of the Directors and the statements of accounts for the year ending 30th June, 1928, and for the transaction of such other business as may be brought before the meeting.

Jaffna,
9.8.28.
Mis. 1271.
Secretary.

The Continental Provident Insurance Society Limited.

Head Office. Madura (S. India)

Incorporated under Indian Co.'s

Act VII of 1918 and regis-

tered under Provident

Insurance Societies,

Act V of 1912.

The Society has paid numerous claims in Ceylon and India. Numerous unsolicited testimonials will show our prompt settlement of claims. Monthly premium Rs. 2/- or yearly Rs. 25/- claim in 10 years Rs. 500/- "CONTINENTAL" is a friend of the poor and saviour of millions. Apply to the following agencies for particulars:—

T. Ramalingam Esq., Chavakacheri,

V. T. Moses Esq., 1st Cross Street, Jaffna,

S. Kandiah Esq., Wyman's Road, Nallur, Jaffna,

G. K. Selva Durai Esq., Chunnakam,

S. Subbarayana Chettiar Esq., Pandaterruppu,

R. V. Ramanathan Esq., Karainagar.

MANAGING DIRECTOR.

Q. 107.

Order Nisi.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary Jurisdiction No. 6740.

In the Matter of the Estate of the late Achchikuddy wife of Sappar Ponnampalam of Chuthumalai

Deceased.

Suppar Ponnampalam of Chuthumalai

Vs. Petitioner.

Minors: (1. Ponnampalam Mayilvagam
(2. Kannakuppillai daughter of Ponnampalam and
(3. Periyatamp Appapillai all of Chuthumalai. The 1st and 2nd Respondents are minors and appear by their guardian ad litem the 3rd Respondent

Respondents.

This matter of the Petition of Suppar Ponnampalam of Chuthumalai the abovesaid Petitioner praying for Letters of Administration to the estate of the abovesaid deceased Achchikuddy wife of Sappar Ponnampalam coming on for disposal before James Joseph Esquire, Addl. District Judge, on June 21, 1928, in the presence of Mr. F. K. Somasundaram, Proctor on the part of the Petitioner and the affidavit of the Petitioner dated April 4, 1928, having been read, it is declared that the Petitioner is the lawful husband of the said intestate and is entitled to have Letters of Administration to the estate of the said intestate issued to him unless the Respondents or any other person shall, on or before July 10, 1928, show sufficient cause to the satisfaction of this Court to the contrary.

July 1928,
Time to show cause extended till the 23rd August 1928.

O. 1603.

James Joseph,
District Judge,
J. Joseph,
D. J.

Printed and published by M. S. Rasaratnam, for and on behalf of the Proprietors, the Jaffna Salva Paripalana Sabai, at their Press, the Salva Prakasa Press, Vannarponnai.