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THE Hindu Organ.

The Only Newspaper in Ceylon for the Hindus

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TESAWALAMAI

NEED FOR LEGISLATION

By K. Balasingham

(In the Law Students Annual)

THE Editor has asked me for a note on the recent judgment of the Supreme Court in *Avitche Chettiar v Rasamma*, which has caused considerable stir among persons subject to the Tesawalamai. As I was Counsel in this case in the District Court of Kurunegala I do not feel quite free to comment on this judgment.

But it must be admitted that the judgment has upset what was understood to be a settled principle of the Tesawalamai. It was a well recognised principle under that law that land acquired by a wife out of dowry money is her separate property and not acquired (i.e. joint property of husband and wife).

Supreme Court Decision

In *Nalliah v Ponnammah* 22 N. L. R. 198 it was held that Ordinance 1 of 1911 did not alter the law on this point in *Avitche Chettiar v Rasamma* in the District Court of Kurunegala. I raised an issue which covered this point; but in view of the decision in *Nalliah v Ponnammah* which was binding on the District Judge, no serious argument was admissible. In the Supreme Court Mr. H. V. Perera strenuously contended that the wording of Sec. 21 of Ord. 1 of 1911 did not admit of the interpretation in *Nalliah v Ponnammah*. The case was referred to a Bench of three Judges. The Supreme Court has upheld Mr. Perera's contention. This judgment of three Judges has now to be accepted as the law whether one agrees with it or not.

A Natural Deduction

The judgment even if right on a strict interpretation of sec. 21 has the effect of upsetting title to many lands owned by persons subject to the Tesawalamai. It may be noted that there is no express provision in the Dutch Tesawalamai Code to support the decision in *Nalliah v Ponnammah* and the earlier cases on the point. The principle enunciated in these cases was a natural deduction from the general principle of the Tesawalamai that the dowry never vests in the husband or his heirs. Is it possible to give effect to this principle still? The Ordinance of 1911 does not expressly provide for this case.

Revision not Codification

On the other hand it must be remembered that the object of the Ordinance of 1911 was not merely to codify the law but to amend the law. The Attorney General when moving the second reading of the Bill said:—"It is time the whole law was overhauled.....It is a matter of history that the Members of the Bar, Magistrates, the District Judge and Police Magistrate of

A New Law

Sir. Ambalavanar Kanagasabai said:—"Mr. Conolly was chiefly instrumental in convening a meeting for the purpose of appointing a Committee to draft a Code; at that meeting it was resolved that the Tesawalamai should be amended. The present bill is not merely a de-codification of the existing law, but in fact it is said to be a revision of the law. The alterations are said to be a revision of the law."

were concerned about the draft before the bill was introduced into Council. It is difficult to say authoritatively what portion was intended to be amended. But there is nothing to show that the Tesawalamai was intended to be amended on this point.

Need for Amending Legislation

The decision in *Avitche Chettiar v Rasamma* is causing much uneasiness among Tamils.

In the circumstances it is necessary to approach the Attorney-General to introduce legislation to amend sec 21 of the Tesawalamai Ordinance to make it clear that property acquired with dowry money is separate property. Even if Tesawalamai was "overhauled" "revised" and "amended" to quote the words used in the Legislative Council and even if the words of sec. 21 do not admit of any other interpretation than that given to it in *Avitche Chettiar v Rasamma* some weight might be given to the fact that Sir A. Kanagasabai himself (as Acting District Judge) decided in *Nalliah v Ponnammah* that sec. 21 did not alter the law. The intention of the Legislature may not be of much importance when interpreting the section, but it is of the utmost importance when considering the desirability of amending the section. It is not the duty of the Courts to legislate. If Ord. 1 of 1911 has altered the law, Courts must give effect to it.

Ancient Principle

Other considerations should weigh with the Legislature. The principle of separate property of the spouses is an ancient principle of the Tesawalamai. The idea of joint ownership of property acquired after marriage was introduced by the Dutch. It would be anomalous if when persons who were subject to the Dutch law have got rid of the idea of Community altogether, the Tamils should be forced to extend the principle of Community to property acquired with money belonging to the separate estate of the wife.

Registration of Title To Land

ORDINANCE BEING PREPARED.

Indefeasible Title to Land—the Main Object

The Legal Draftsman is preparing a draft of an Ordinance providing for the registration of title to land.

This is in accordance with the recommendation of Mr. Brayne's Committee, who, in their report, issued in March, stressed that Government should hesitate no longer "but should take courage in both hands and resolve to grapple with the problem at once."

The beginning will be on a comparatively small scale and the best methods will be gradually evolved by working experience.

The main object is to achieve an indefeasible title to land, based solely upon a register, not to be upset upon any ground, except fraud or connivance in fraud by its holder.

The Bill establishes an Insurance Fund, which is a necessary part of the system recommended, but this is not for the benefit of the registered owner. It is for the purpose of compensating any person, who through no fault or negligence of his own is deprived of any of his rights in the working of the system and because the register is conclusive proof of indefeasible title.

For the protection of both innocent persons and of the fund severe penalties for fraud or attempted fraud is provided.

The Bill provides for the appointment of a Registrar of Title, a Deputy, Assistants and Legal Advisers.

There is to be one Registry of Title for the Island, situated in Colombo.

Special penalties are being provided to deter any person from attempting to abuse the system of registration of title to land by any fraudulent practices.

With a view to elasticity, all scales of fees to be charged are to be prescribed by regulations and so not embodied in the Bill.

STATE TOBACCO FACTORY FOR JAFFNA

Central Board of Agriculture to Consider Question

Investigations into the possibility of the State establishing a tobacco factory in Jaffna, is one of the items on the agenda which will be considered at the fourth meeting of the Central Board of Agriculture to be held at Peradeniya today.

ANCIENT HINDU EDUCATION

BRAHMACHARYA

BY P. M. HARI

'KNOW thyself' is a valuable precept which must be translated into practice at the earliest possible opportunity in life. Such a step is a *sine qua non* to a proper and successful life. The present educational system does not afford it. Brahmacharya is the path that takes man to a knowledge of himself and the world. One that will enable man to enter life with courage and wisdom, confidence and self-knowledge, and to pass through it with profit to himself and to the world. That is one of the reasons why it is insisted on as a part of the early life of the Hindu especially a Brahmana.

Best Period

One grave reason for the Hindu prescribing spiritual culture and self-knowledge in the early days of a man is that the best period of life for developing the powers and faculties of man is when constructive metabolism is on the ascendant. Man being a psycho-physical organism there cannot be any kind of mental or spiritual evolution totally independent of the physical conditions. When the destructive processes are gaining supremacy over the organism any endeavour to develop the powers of the system must yield but poor results. The time of adolescence when constructive metabolism is at the highest, furnishes the best physiological conditions for the cultivation of the superior powers; and the striking personality of man. Hence the period of life stretching between 12 and 28 years of age is found to be the most suitable and fruitful time for Brahmacharya.

Another argument for the observance of the spiritual programme quite early in life is that it is natural and easy to cultivate the inner world of man before the outer one begins to loom large before him. It will facilitate the development of the true individuality of man. If the spiritual self is realised before the physical self begins to assert itself, and the senses turn to dictate to man, he recognises that his physical body is only an accident and an instrument in his hands. He will not overvalue the material frame or hunt after worldly wealth and welfare as an end in itself. The body of man which often hampers his progress will also cease to be an impediment to him, and come to subserve the higher ends of life.

The syllabus

But bare spiritual development is not the aim of Brahmacharya. It contains everything necessary for a sound and successful life and worldly career. The syllabus of Brahmacharya is got up with great care and insight. It is based on the fundamental principles of human nature and constitution, and the needs of life and the world. It is cautious, comprehensive, and cultivating to a degree. It can be adopted in any time or clime. While it carries the broad essentials of the development of hu-

IT PAYS TO ADVERTISE IN THE HINDU ORGAN AND INTHUSATHANAM

Regular discipline and exercises for the proper development of the physical, mental, and spiritual aspects of the human organism make the curriculum of Brahmacharya. Simplicity, purity, continence, control and concentration of mind, culture of the will and the mind and, the discovery of the soul of man form the main heads of the programme. It also provides for the cultivation of the intellect and the acquisition of knowledge of the heads of the syllabus mentioned above; the first three may be said to be the head of the conditions of Brahmacharya, and the rest the exercises. The first set prepares the ground while the others form the actual work of cultivation of the real man.

Simplicity

Health is the first requisite of man in any avocation of life. Cleanliness and simplicity of life and habits contribute most to health and vigour. They also prevent the incursions of indolence and idleness. Simplicity is the elementary condition of Brahmacharya. A Brahmachari must lead a free and simple life. He should not be disturbed by deeds and wants, nor dissipated by luxuries and levities. He should be free from the trouble and worries of family life. He is therefore held to be immune from all family and social ties, and made to spend his days in the company of his master at the academy. Even his body, his only burden, shall not demand much of his attention. His time and energy are to be devoted to better purposes than battering the body. His wants must be so few as can be readily met. He should not contract bad habits or allow the mind to wander desultorily through the senses. He must live on pure and simple food and content himself with spare clothing. He must be clean and abstemious in his habits. Rich and highly seasoned dishes tax the digestive system, and awake the sleeping sensual instincts, irritate the nerves, and upset the mind. A Brahmachari must therefore avoid them. The evils of alcoholic narcotic substances are so great, that a Brahmachari shall not approach them. Only such moderate fare as is required for the proper nourishment of the body must be taken by him; and even that should consist only of pure easily digestible and readily assimilable, substances. The Hindu Shastras direct that a Brahmachari should live on rice and mild sauce that he may obtain by way of alms and roots and fruits that he may gather with his own hands. And even these he must share with his master. That be good enough fare for a student. The wise preceptor will check the quality of the food and the resort to alms will kill the student's self-conceit and at the same time make him bold and free from care. No false sense of shame or dignity shall attach itself to him.

As Free As a Bird

A Brahmachari must be as carefree and free as a bird of the wilderness. For this and other reasons he is advised not to incur himself with draperies and furniture. Pure water,

Continued on page 4

Paramesvara College, Jaffna

RAMANATHAN ARTS AND SCIENCE SCHOLARSHIPS

A Competitive Examination open to students eligible for admission to the Inter classes will be held on May 27th and 28th for the award of Ramanathan Scholarships. For particulars apply to the Principal. Students will be prepared for the Inter Arts and Inter Science Examinations and for the Ceylon University College Entrance Scholarship Examinations of 1936. College reopens on the 22nd of May (M.S. 47, 9-35)

Ceylon University College

The next academic year will commence on July 16th, 1935, and end on July 11th, 1935, as previously notified.
R. MARRE,
Principal,
Ceylon University College,
Colombo, 30th April, 1935.
(G.S. 9 & 13.)



Hindu Organ.

THURSDAY, MAY 9, 1935.

HIS MAJESTY THE KING— HIS SILVER JUBILEE

HINDUS IN CEYLON HAVE A special reason to participate with enthusiasm in the rejoicings of the millions of His Majesty's subjects throughout the Empire who celebrate the Silver Jubilee of the accession to the throne of Their Majesties, King George and Queen Mary. For, was it not the advent of the British in Ceylon that assured the Hindus freedom of worship and ended the regime of religious persecution and forcible conversion which sought to crush the very soul of the people during the iron rule of the Feringhi invaders?

Politically subject peoples the world over are prone to regard their political masters in the light of spoilers of their freedom and nurse a grievance against them. But, the British sovereign is a constitutional monarch who, in the theory and practice of the British constitution, is above politics, though his personal influence in shaping the general policy of the Empire is beyond question.

While political and economic vicissitudes on the Continent of Europe have resulted in catastrophic changes in which empires have disintegrated and crowned heads have lost their thrones and fled the country for their personal safety, the King-Emperor alone continues to wield the sceptre in the security of his subjects' affection and loyalty.

In travail and triumph His Majesty King George has been the overt symbol of the mysterious destiny of the British Empire and the aspirations of subject peoples for equality and freedom. To the Hindu loyalty to the King is inborn and this is heightened by the fact that British policy avowedly stands for religious freedom. Thus every Hindu will have good reason to join in the chorus of thanks-giving that will go up to Heaven with a prayer for many more years of health and happiness to King George and Queen Mary.

TESAWALAMAI.

IN A NOTEWORTHY CONTRIBUTION to "The Law Students' Annual" reproduced elsewhere today, Mr. K. BALASINGHAM invites public attention to the need to introduce legislation to amend Sec. 21 of the Tesawalamai Ordinance (1 of 1911) to make it clear that property acquired with dowry money is separate property. The necessity for legislative interference arises as the result of the ruling of the Full Court in *Avitchy Chetty vs. Rasanama* which over-rides the interpretation of Tediattam as laid down in *Nalliah vs. Ponnammah*, and holds that property acquired by a wife out of dowry money falls under the category of acquired property. This decision being opposed to the fundamental principle governing the character of dowry property has caused not a little confusion among persons subject to Tesawalamai. The decision is binding on all persons till the legislature steps in to amend the law as laid down in it.

No principle of Tesawalamai is more well-settled and in accord with the tradition and sentiments of the people than that dowry property, whatever it may be converted into, does not cease to be dowry but continues to retain its character as the separate property of the wife.

The delay in amending the law in respect of Section 21 of Ordinance 1 of 1911 has resulted in grievous loss to many parties whose rights of inheritance have come in for adjudication since the Full Bench decision. Parents who appreciate the implications of the decision cannot but impose terms limiting the right of the dowry-grantee to convert the dowry into any other form of property lest such conversion should bring the dowry property within the mischief of the decision. Many an unoffending widow, since the decision, has had to submit to her deceased husband's heirs slicing off a half share of the property she had purchased out of her dowry money.

One of the effects of the decision in question is to graft into Tesawalamai the principle of the joint ownership of property acquired after marriage which was introduced by the Dutch and which has since been abandoned by those who are subject to the Dutch Law. Nothing was further from the mind of the framers of Ordinance 1 of 1911. Even if the present Tesawalamai Ordinance was intended to amend the Law in certain respects, it is not clear in what particular points amendments were introduced. It is clear, however, that no drastic change in the law relating to the character of dowry property was intended by section 21 of the Ordinance. For, Sir Ambafaner Kanagasabai, when called upon to construe the section did not find it had introduced any alteration in the law and the Supreme Court endorsed his view of the Law in *Nalliah vs. Ponnammah*.

The Tesawalamai Commission which was appointed on a motion by Mr. K. BALASINGHAM in the Legislative Council on January 29, 1925 after exhaustive study and consultations go so far as to recommend that there should be no community in Tediattam as defined in Section 21. At the time the report was drafted the commissioners did not anticipate that the definition of Tediattam in the said section was susceptible of the literal interpretation put upon it by the Full Bench decision.

It is inconceivable that while the commissioners by their recommendations intended to enlarge the proprietary rights of married women, they curtailed the rights of married women with regard to their dowry or separate property.

We understand the subject is having the attention of the Attorney-General and a bill will be shortly introduced to remove the doubts which have arisen with regard to the definition of Tediattam. We trust the Tamil Members will see to it that the amending bill is introduced without much delay.

A DIVORCE

Storer Vs. Storer

The trial of the action for divorce filed in the District Court of Jaffna by Mrs. Dewaki Storer against her husband Mr. Selvadurai Storer, Proctor, on the ground of cruelty stands postponed.

SANKANAI V. C. ELECTION SEQUEL

Kovias Retaliate

A correspondent informs us that consequent on the election of a tapper to the Committee to spite the Kovias who stood for election, the Kovias downed tools at the funeral in a prominent Vellala family and refused to perform the customary services. Copy, however, eased the situation by despatching an auxiliary gang of Kovias.

STATE-AIDED BANK

Qualifications Of Directors

Qualifications of those who are eligible to be appointed to the Board of Directors of the State-aided Bank are a residence of five years in Ceylon, maximum age limit of 63 years, and shares in the Bank to the extent of at least Rs. 5,000.

Members of the State Council who may happen to be appointed to the Board of Directors of the Bank will be required to resign their seats in Council within one month.

Each Director will be paid a salary of Rs. 500 per month.

NORTH CEYLON WORKMEN'S UNION

Message of Loyalty to the King Emperor

At a general meeting of the above Union held on the 1st instant presided over by Mr. A. P. Tambyah a letter from the Minister of Communications and Works stating that with the resumption of Sunday Mail service facilities for the sale of postage stamps to the public on Sundays and holidays were automatically re-instituted.

Loyalty Message

The following resolutions were adopted.

(1) "That the labour and depressed classes in the North request His Excellency the Governor to convey to their gracious Majesties the King and Queen, on the auspicious occasion of their Silver Jubilee, the deep sense of loyalty of the North Ceylon labour.

Remission of Rates

(2) That in view of the failure of the Kalapokam crop in the Mannar and Mullativu Districts and the consequent famine, this Union requests the Ministry of Agriculture to cause the water rates to be waived in these Districts for this year.

Bodh Gaya and Katragama

Indian Hindu Opinion

Commenting on the Bodh Gaya Temple Bill, the "Vedanta Kesari" says:—

THE Bodh Gaya Temple Bill which will come before the Legislative Assembly in the next session is one of the most remarkable measures that the Indian Legislature has been called upon to consider in recent times. From the account of the temple and the object of the Bill that we have given elsewhere in this issue it will be readily seen by our readers that freed from all camouflage the measure aims at the virtual confiscation of a temple, sacred both to the Hindus and the Buddhists alike, from the hands of the Hindu Mahant who has been in possession of it for several centuries, and the vesting of its management in the hands of a committee consisting almost entirely of Buddhists. We are tempted to a k—Has Bolshevism become the law of the land in India also?

The Buddhists' case has been very well stated in the article we have published elsewhere. They claim the temple for the following reasons: (1) Bodh Gaya being the place where Lord Buddha attained Enlightenment, it is the holiest spot on earth of the Buddhists. (2) The Temple was originally constructed by some Buddhist King of India and was later repaired by the King of Benares.

The Temple of Buddha is a positive claim, and if it is true, they also allege that the Hindu Mahants got possession of the temple only recently after the Burmese war and that the Mahants are *Saivites* who do not hold Lord Buddha in reverence.

Are these facts, as the Buddhists put it, all true, and if so do they justify the confiscation of the Temple from its present Hindu management? If Bodh Gaya is holy to the Buddhist, it is even so to the Hindus. From time immemorial they have been offering Pinda there, as they do at Vishnupad at Gaya. Just as the Buddhists reverence Lord Buddha as the founder of their religion, the Hindus look upon him as an incarnation of God. The insinuation that the Vaishnavas alone look upon Buddha as an incarnation, and that the Mahant being a *Saivite* does not reverence him is nothing but a piece of sophistry. The assumption here is that there is no common Hindu consciousness as such, apart from the sectarian divisions into Saivas and Vaishnavas. Although there are sectarian Hindus for whom the hatred of Siva is a part of their devotion to Vishnu and vice versa, we can state with assurance that the majority of Hindus worship God conceived both as Vishnu and Siva. Especially the followers of Sankaracharya, among whom the Bodh Gaya Mahants are included, cannot be designated exclusively as *Saivite* or *Vaishnavite*. They reverence equally all forms of the Deity and worship all incarnations. Those who say otherwise only display their ignorance of the religious mentality of the Hindus.

The fact that the Temple was built by Indian followers of Buddha in the past does not debar the modern Hindu from possessing it; for the Hindu claims to be as much a follower of Buddha as the professed Buddhist does. If the Buddhists have been in possession of the Temple for more than 1500 years in the past, it is pertinent to ask why they left it when the country was overrun by the Muslim invaders. When the spot sacred to the memory of Lord Buddha was abandoned by the professed followers of the Great Teacher, it required some Hindu Sannyasins to come forward and look after this most sacred spot of the Buddhists and offer daily worship unto the Lord for

several centuries past. And yet the Buddhists find it now convenient to call these Sannyasins 'Saivites' and point out to this wrongly attributed sectarian demarcation as a disqualification for them to manage the Temple of the Lord Buddha. The Burmese king might have repaired the Temple; but the person who repairs a religious edifice does not get possession of it. Many a Temple is now a-days repaired by private bodies, but their ownership is not thereby transferred to them. The contention that the Hindu Mahants got control over the Temple only after the Burmese war is utterly unfounded. If the Hindu Mahants had not been there and had not looked after the Temple and conducted the worship there for the past several centuries, the very spot where the Lord Buddha attained Enlightenment would have been forgotten long ago.

The contention that the temple may be confiscated from the Hindu Mahants because the Buddhists were in possession of it some centuries ago, implies indeed a very dangerous principle. Especially the Muslim members who are asked to consider the Bill must be aware of the fact that if this principle is granted, the Hindus can very well introduce bills for the confiscation of several mosques in Benares, Ayodhya and other places.

The question as it stands can be settled only by the legal merits of the claims of both parties. It is not a subject fit for legislation.

The Temper of The Buddhists

It would be interesting to know in this connection what the Buddhists in Buddhist lands think of the claim of the Hindus to get control over such Hindu shrines as are at present under Buddhist management. Last month the Ceylon State Council passed a motion requesting the Governor of Ceylon to take such measures as are required to get the support of the Indian Government for the Bodh Gaya Temple Bill. A Hindu member, while supporting the motion, expressed the desirability of a reciprocal act on the part of the Buddhists and appealed to them that the Hindu Shrine at Katragama in Ceylon, which is at present under Buddhist management, might be given over to the Hindus. A Buddhist member immediately got up and declared that there was no question of any reciprocity, because there was no parallel between Bodh Gaya Temple and the shrine at Katragama. His only argument in support of this was that the question of reciprocity would arise only in the case of Temples, if any, which had been founded, established and endowed by Hindu sovereigns, and which now had passed into other hands.

He further said that there were several temples in Ceylon where Hindus and Buddhists worshipped together. They had done so for centuries and he was perfectly sure that they would do so for many centuries to come with perfect amity and concord.

An obvious question comes to our mind: Why not Buddhists also be satisfied with mere liberty to worship in a common shrine like that of Bodh Gaya which happens to be under the management of a Hindu Mahant. But unfortunately the Buddhists want to grab in place of practising that spirit of "perfect amity and concord."

In reply to the contention that the Hindus can claim a temple only in case it was built and endowed by Hindu Kings, it is pertinent to point out that our kings in India were never exclusively Hindu or Buddhist as the modern communally and politically minded Buddhists suppose. A Hindu King, when he became a Buddhist, never ceased to be a Hindu, just as a modern Vaishnava does not cease to be a Hindu if he develops some leanings towards Saivism. So even if the builder of the temple was a Buddhist, that does not affect the Hindus' claim to the temple. But the political and communal bias of the modern Buddhist, we fear, would

Continued on page 3

Jubilee Celebrations In Jaffna

TOWN GAILY DECORATED
AND ILLUMINATED

Large Crowds In Festive Mood

The Silver Jubilee of the Accession to the throne of His Majesty King George V was celebrated in Jaffna with great eclat on Monday the 6th instant. The town put on a gay appearance and the public buildings and important streets were decorated. Arches bearing the words "Greetings to Their Majesties" spanned important junctions.

For the first time in its history the Jaffna Clock Tower, was illuminated on Monday with electric light. Important Junctions about the Esplanade and many public and private buildings were illuminated with multi-coloured bulbs.

The celebrations commenced in the morning and continued till late in the night. School children mustered strong in the afternoon when sports were held and prizes distributed.

Alms were given to the poor at the District Court buildings.

At 8.30 p.m. the Esplanade was a sea of heads and thousands turned up to witness the fire-works.

JAFFNA SEAT

Mr. H. A. P.
Sandrasegra K. C.

Mr. H. A. P. Sandrasegra K. C. authorises us to state that he has decided to stand for the Jaffna Seat at the forthcoming State Council elections.

Order Nisi

IN THE DISTRICT COURT OF
JAFFNA.

Testamentary Jurisdiction No. 8609.
In the Matter of the Estate of the late Thewanaipillai wife of Arumugam Sivasampoo of Thondamanar

Deceased.

Arumugam Sivasampoo of do
Vs.
Petitioner.

1. Sivasampoo Nadesu and
 2. Chinniah Doraiswamy of do
- The 1st Respondent is a minor appearing by his guardian-ad-litem the 2nd Respondent

Respondents

This matter of the petition of the abovenamed Petitioner praying for Letters of Administration to the estate of the abovenamed deceased coming on for disposal before C. Coomaraswamy Esquire, District Judge, on the 15th day of February 1935 in the presence of Mr. C. Muttu Rajah, Proctor on the part of the Petitioner and the affidavit of the Petitioner dated the 12th day of September 1934 having been read, it is declared that the Petitioner is the 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 the 12th day of April 1935 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 19th day of March 1935.
Sgd. C. Coomaraswamy,
District Judge.
Extended to 16 5-35.

(O, 16 9 & 13-5-35.)

LETTER TO THE EDITOR

THE PADDY TAX

Sir,—Your editorial on the above subject is timely. As everybody knows, the paddy bill has not yet become law. So there is time for the Councilors to reconsider the matter. The paddy tax is proposed to be doubled with the idea of helping paddy cultivators of the Eastern Province. As one who knows conditions in the Eastern Province, especially Batticaloa, I can say that the tax is not going to serve its purpose. For other difficulties stand in the way. These difficulties centre round credit and marketing.

The farmer in Batticaloa earns a precarious living. His yearly income is just sufficient for his maintenance. He has no savings. On the approach of the sowing season, he borrows money on the strength of the future harvest. He promises to repay his creditor in kind at the time of the harvest without regard to the market price of paddy.

Another factor also keeps down the price of paddy at the time of the harvest. The irrigation rates have to be paid at the time of harvest. So the farmers who have no other way than sell their paddy. As many cultivators want to sell, the price goes down and the Jaffna traders who roam about the place exploit the situation with much profit. They buy the paddy and export it to Jaffna. Last year the price of paddy at the time of the harvest was Re 1 per bushel. Now it has gone up to Rs 2. What actually happens is that the moneyed people buy the paddy when the cultivators are in need and sell at a higher price when the market is glutted.

The cultivators are in a position to work co-operative institutions. Unless the Government is in a position to supply cheap credit and provide marketing facilities the lot of the Batticaloa farmer will be the same as ever. The paddy tax will benefit only the middle-man.

Again it is not possible to grow the required quantity of paddy in a year. The Minister of Agriculture must be having Aladdin's magic lamp if he thinks he can do so. The Eastern Province cannot meet the demand for paddy. Last year was a year of good harvest. The Jaffna traders bought more than the usual quantity of paddy. And with what results? There is a shortage of rice and the people of Batticaloa are using imported samba rice. This happened in a year of good harvest. This year not even half the cultivable lands have been cultivated owing to the draught. So this year's harvest will just meet the local demand. The only way out of the difficulty is for the State to cultivate paddy. Is our Ministry prepared to do so?

Lastly, the procedure adopted by the Council was quite unsound. Taxing the poor man's food is against all canons of modern public finance. When a step is taken against accepted standards the whole question should be threshed out properly. The Indian Government has a Tariff Board to advise it on such questions. When an industry asks for protection, the question is referred to the Board. The Board goes into the question and submits a report. The Government then takes action on the report. One would like to know what the local Tariff Committee thinks of the proposal to tax paddy as a measure of protection.

Yours etc.

S. Ampikaipakan.

Chunnakam,

2 5-35.

The Late Master K. Sivasithamparam

The anthiveddy ceremony of the late Master K. Sivasithamparam, son of Mr. K. V. Kanagasabapathy of the P. W. D. Bandarawela took place on Thursday 25th April 1935, at Bandarawela in the presence of a large gathering of friends and relatives. Sri Y. Yogeswara Iyer and Sri Y. Poornanandeswara Iyer officiated at the ceremony.

A TENTH CENTURY HINDU CHARM

An Inscription Discovered near Anuradhapura

Among the acquisitions to the Colombo Museum in 1934 was an inscribed copper plaque of the 10th century found buried at Pugalgama, Anuradhapura District. This is the first time that a charm of a Hindu character has been discovered in Ceylon.

The copper plaque of 9th-10th century was found buried at Pugalgama, about four miles from Kala-wewa Railway Station, Anuradhapura District. The Acting Archaeological Commissioner, to whom this plaque was referred, reports as follows:—

This copper plate which measures 7 1/2 in. x 1 1/2 in. has been inscribed on one side only. There are three lines of writing each 6 1/2 in. in length, in addition to the auspicious word *Svasti* written in the margin on the left hand side. The letters are incised fairly deep and the preservation of the record is quite good, not a single letter being illegible.

The script is Sinhalese of the 10th century. The document being a Sanskrit one, there are a number of conjunct letters which have not been found in the numerous Sinhalese stone inscriptions of the period. It is therefore of considerable paleographical interest. The inscription of the copper plate is a charm and the plate itself seems to have been buried under the pillar which was first set up at the auspicious hour in starting to build a house in order to bring prosperity to the inmates. Similar practices are still observed among the Sinhalese people and this proof of its prevalence in the 10th century is of ethnological value. The Hindu gods Ganapati, Brahma, and Siva are invoked in the charm, a fact which indicates that so early as the 10th century these deities had invaded the popular religion of the Sinhalese. The language is ungrammatical Sanskrit. Charms of the Mahayana Buddhists, written in Sanskrit and dating from about the 9th century, have been found in a *stupa* at Viharama near Anuradhapura, but so far as my knowledge goes, this is the first time that a charm of a Hindu character, dating from the 10th century has been discovered in Ceylon. The text and translation are given below.

Text

- In Margin: *Svasti*
Line 1 : Klam — adbhage
nidhapana mantram.
Om Gana.
Line 2 : Pati ajna Svayambhu
Ajna Mahesvarajna
dhana.
Line 3 : Dhanya — Vrddhi a
surya—candra—pra
varttanam kuru Om
Khagah.

The symbol O is used as a punctuation mark after mantram in line 1

Translation.—Hail! The charm to be deposited in the bottom part of (or under) the pillar. Om! the command of Ganapati, the command of the self-existent one (Brahma), the command of Ma Heswara. Cause the increase of money and grain till the sun and moon continue (to exist) Om! Khaga (1. Om is a mystic syllable used in charms and invocations both by the Hindus and Buddhists. 2. The Sanskrit word *Khaga* (literally "moving" in the sky) may mean bird possibly Garuda; the vehicle of Visnu, "the sun," "a planet" or "deity."

Any of these might have been invoked in the charm.)

Personal

Dr. C. Gurusamy has assumed duties as District Medical Officer, Tangalla.

Mr. S. Thyagarajah of Havelock Town, Colombo, left for Bombay yesterday to undergo training in Banking at the Central Bank of India Ltd.

NEWS IN BRIEF

Simon Pura.—It is reported that Simon Pura, a recent arrival from South Ceylon was arrested and detained by the Police last week for kidnapping a young girl, Nagamma, of Kookuvil.

Irate Host.—We understand that a carpenter of Siruvilan who refused to eat in a caste man's house was severely assaulted for his impertinence by some vellalla. The injured man is in hospital.

Oriental Music.—The North Ceylon Oriental Music Society will render a programme of Oriental Music today at 6.30 p.m. at the Jaffna United Club Pavilion. A Silver collection will be made in aid of the Summer School of Music.

Sri Ramana Maharishi.—A portrait of Sree Ramana Maharishi of Tiruvanamalai will be unveiled at the Kala Nilayam today at 4 p.m. A select musical programme has been arranged to enliven the function. Swami Rudrakrishnawara will speak on the Life of the Saint.

Jubilee Honours.—On the occasion of the Silver Jubilee of His Majesty the King's accession to the throne the following Tamil gentlemen have been awarded Honours: Mr. J. V. Chelliah, Justice of the Peace for the Northern Province; Messrs. Sinnatambiy Candiah, Candiah Muttu kumar, Nicholas Muttiah and Murgappara Rasiah have been appointed Mahandirams.

Bodh Gaya And Katragama

(Continued from page 2)

never permit him to see the intimate relation between Hinduism and Buddhism in ancient India.

The Hindu Opinion on the Question

Unfortunately the Hindu opinion has not yet expressed itself in sufficient volume and force on this question. In the article we have published elsewhere, there occurs a passage from a report of a Congress Enquiry Committee appointed to consider this question. The extract seems to favour the idea of confiscating the temple from Hindu hands and handing it over to the Buddhists. We do not know whether the Congress as a political party is going to support a measure of this kind. If it does, no true Hindu can repose any trust in such a political party.

It is however reassuring to note that under the auspices of the Hindu Mission a meeting was held to express the opposition of the Hindus to the proposed measure, and that a Committee was formed to organise the Hindu opinion on the question.

Order Nisi

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 31.

In the matter of the estate of the late Kasi-nathar Mootappa of Udavil—Deceased.
Mootappa Thambipillai of Chunnagam
Vs.
Petitioner.
Eliathanby Kanagasabai of Chunnagam
Respondent.

This matter coming on for disposal before C. Coomaraswamy Esquire, District Judge on the 5th day of February 1935 in the presence of Mr. T. S. Kanagasabai Proctor on the part of the petitioner and on reading the affidavit and petition of the petitioner.

It is ordered that the abovenamed petitioner be declared entitled to Letters of administration to the estate of the abovenamed deceased and that Letters be issued to him accordingly unless the abovenamed respondent or any other person shall appear before this court on or before the 29th day of March 1935 and show sufficient cause to the satisfaction of this court to the contrary.

This 16th day of February 1935.

Sgd. C. Coomaraswamy,
District Judge.

Extended to 24th May 1935.

Sgd. C. Coomaraswamy,
District Judge.

(O, 13 9 & 13.)

KATARAGAMA AND HINDUS

Saiva Paripalana Sabha's Resolution

At a meeting of the Executive Committee of the Saiva Paripalana Sabha, Jaffna, held on Saturday, it was resolved to secure Governor's assistance for the representation of Hindus in the managing body of the Kataragama Temple. A sub-committee was appointed for this purpose.

It was also resolved to approach Government with a request to respect the sentiments and habits of Hindu prisoners who are vegetarians by providing in prison-houses to serve them vegetarian meals.

The Annual General Meeting of the Saiva Paripalana Sabha was fixed for 5th May 1935.

Order Nisi

IN THE DISTRICT COURT OF
JAFFNA

Testamentary Jurisdiction No. 8630.
In the matter of the Estate of the late Velauther Sanmugam of Moolai

Deceased.

Sithamparanachebippillai widow of Velauther Sanmugam of Moolai
Vs.
Petitioner.

1. S. U. Somasegaram
2. and wife Valliammaipillai of do

This matter of the petition of the abovenamed petitioner praying for Letters of Administration to the estate of the abovenamed deceased coming on for disposal before C. Coomaraswamy Esquire, District Judge, on the 1st day of November 1934 in the presence of Mr. V. Nagalingam Proctor on the part of the Petitioner and the affidavit of the Petitioner dated the day of October 1934 having been read, it is declared that the Petitioner is the widow of the said intestate and is entitled to have Letters of Administration to the estate of the said intestate issued to her unless the Respondents or any other person shall, on or before the 19th day of December 1934 show sufficient cause to the satisfaction of this Court to the contrary.
Signed this 1st day of December 1934
Sgd. N. Sinnathamby
District Judge.

Extended to 15 5-35.
(O, 15 9 & 13-5-35.)

Order Nisi

IN THE DISTRICT COURT OF
JAFFNA

Testamentary Jurisdiction No. 16.

In the Matter of the Estate of the late Muttupillai wife of Veluppillai Visuvalingam of Thaiyiddi in Jaffna, who died at Kuala Lumpur in the F. M. S.

Deceased.

Veluppillai Visuvalingam of Thaiyiddi
Vs.
Petitioner.

1. Pakkiam daughter of Visuvalingam of do
2. Visuvalingam Tharmarajah of do
3. Theivanayagi daughter of Visuvalingam of do
4. Kanapathiar Vaitilingam of Moolai

(The 1-3 respondents are minors appearing by their guardian-ad-litem the 4th respondent) —Respondents.

This matter of the petition of the abovenamed petitioner praying for Letters of Administration to the estate of the abovenamed deceased coming on for disposal before C. Coomaraswamy Esquire, District Judge, on the 25th day of March 1935 in the presence of Mr. V. Nagalingam Proctor on the part of the Petitioner and the affidavit of the Petitioner dated the 22nd day of March 1935 having been read, it is declared that the Petitioner is the 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 the 15th day of May, 1935 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 2nd day of April 1935.
Sgd. C. Coomaraswamy,
District Judge.

(O, 14 9 & 13.)

ANCIENT HINDU EDUCATION

(Continued from page 1)

fresh air, and clear sunlight are the best of body builders. A Brahmachari must expose himself as much as possible to air and light; take plenty of physical exercise; and wash himself at least twice a day. He has moreover to study self-help even by attending to his own washing and other needs. A Brahmachari's life must be untainted by vanity or desire for creature comforts. For fear of dividing his attention he is disburdened of all belongings. He should be unknown to care and fear that he may be trained to walk through life as easily and nonchalantly as a school boy. He must be satisfied by only a

bare, rough and ready loin cloth to cover his modesty and should sit and sleep on a mat of kusa grass or other kind of grass or rushes that may afford him average protection from extremes of temperature.

Man can grow into a human being only if he kills his animality. Out of the deceased lower self of man is born his higher self. Man is born an animal, his energies are ordinarily distributed among his senses and the gross nervous system behind them. The energy pervading these parts must be withdrawn and directed to the development of the finer senses and the finer nervous constitution in man. Much attention to the body only attenuates the mind and its capacity. Simplicity of life and habits helps one to subjugate the brute in man, and to appropriate its powers for the making of man.

A Brahmachari must be free from importunities of flesh and blood. He must simply ignore his senses except for the purpose of making the body grow. He must keep his body and mind clean and healthy, strong and agile, pliable and innured to strenuous work. They must be ever ready and efficient engines in his hands. They must be so modelled as to yield the maximum output of work at a minimum cost. The Brahmachari must therefore develop a simple and hardy life. (The Hindu Mind.)

(To be Continued.)

NOTICE

Applications will be received by me upto 12 noon on Monday the 20th May, 1935 for the post of Inspector of Works, Mannar District.

2. The salary of the post will be Rs. 100/- per month with a motor cycle allowance of Rs. 20/- per month. The appointment will be on 6 months' probation.

3. Applicants must be under 30 years of age and must have a thorough knowledge of road-making, construction of small bridges, culverts and buildings, plan work and preparation of specification and estimates. The successful applicant must maintain his own motor cycle. He will be expected to ride it all over the District in supervising work.

4. Applicants must state full name, age, address, present occupation if any, whether married or single, educational qualifications and experience. Applications must be accompanied by certified copies of testimonials and certificates.

5. The selected candidate will be required to produce a medical certificate as to his physical fitness to serve in any part of the District and to ride a motor cycle, and be prepared to assume duties within a few days of his selection.

R. S. V. POULIER,
Chairman D. R. C. & S. B.,
Mannar, 2nd May, 1935.
(G. 7. 9-5-35.)

Order Nisi

IN THE DISTRICT COURT OF JAFFNA.
Testamentary Jurisdiction No. 33.
In the matter of the estate of the late Theivanaipillai wife of Mootappah of Udul.
Deceased.
Mootappah Thambiappillai of Chunnagaram
Vs.
Petitioner.
Kandiah Thambirajah of Puttur
Respondent.

This matter coming on for disposal before C. Coomaraswamy Esquire District Judge on the 5th day of February 1935 in the presence of Mr. T. S. Kanagaretnam Proctor on the part of the petitioner and on reading the affidavit and petition of the petitioner.

It is ordered that the abovenamed petitioner be declared entitled to letters of administration to the estate of the abovenamed deceased and that letters be issued to him accordingly unless the abovenamed respondent or any other person shall appear before this court on or before the 29th day of March 1935 and show sufficient cause to the satisfaction of this court to the contrary.

This 16th day of February 1935.

Sgd. C. Coomaraswamy,
District Judge.

Extended for 24th May 1935.
Sgd. C. Coomaraswamy,
District Judge.
(O. 12. 9 & 13.)

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Order Nisi

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 40.

In the Matter of the Estate of the late Sinnappu Kallayar of Chuliparam
Deceased.

Karthikesar Asaippillai of Chuliparam
Vs.
Petitioner.

1. Kathirasippillai widow of Sinnappu Kallayar

2. Thangamuthu wife of Karthikesar Asaippillai both of Chuliparam
Respondents.

This matter of the petition of the abovenamed petitioner praying for Letters of Administration to the estate of the abovenamed deceased Sinnappu Kallayar coming on for disposal before C. Coomaraswamy Esquire, District Judge.

Judge, on the 14th day of February 1935 in the presence of Mr. R. Candiah, Proctor on the part of the Petitioner and the affidavit of the Petitioner dated the 14th day of February 1935 having been read, it is declared that the Petitioner is the brother-in-law 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 the 27th day of March 1935 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 26th day of March 1935.

Sgd. C. Coomaraswamy,
District Judge.

Extended for 15-5-35.

(O. 11. 9 & 13.)

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