

THE CEYLON PATRIOT.

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All advertisements received without specifying the numbers of insertions will be continued in successive issues until countermanded, and charged for accordingly.

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Notice to Correspondents.

All communications to the Ceylon Patriot must be Post Paid. We also request that all letters to our address as the Editor of the Ceylon Patriot be authenticated as otherwise they may not receive attention.

NOTICE.

ORIENTAL BANK CORPORATION.

AN AGENCY of this Corporation was opened in Jaffna, on Tuesday the 16th ultimo for the transaction of Banking business.

CURRENT DEPOSIT ACCOUNTS may now be opened.

FIXED DEPOSITS may be lodged for periods of One, Two, and Six months, to bear interest at the rates of Three, Four, and Six per cent per annum, respectively, and LOCAL BILLS will be received for Collection.

DRAFTS will be issued and purchased on the Head Office, on all Branches and Agencies of the Corporation on the Cochin Branch of the Bank of Madras, and on all Branches of the National, Provincial, and Commercial Bank of Scotland and on the Provincial Banks of Ireland.

Information as to Rates of Exchange, &c., may be obtained at the Bank.

R. V. DUNLOP, Acting Agent.

A. WILLISFORD, Act. Accountant.

Jaffna, 4th March, 1864.

FOR SALE.

Two Globes; one Terrestrial and one Celestial.

Apply at the Patriot's Office.

June 30th, 1864.

S.

NOTICE.

A young man offers his services to any gentleman who may require a Clerk, Accountant, Canaccapilly and Overseer, &c.

Apply at the Patriot's office.

A. B.

FOR SALE.

French Pot paper, Quills and Pencils.

Apply to S. S. of Batticotta.

FOR SALE.

An American, eight-day, Striking, Alarm Clock of a moderate size, and

A Lady's Writing Table with drawer, &c. of an attractive form and American Mahogany work, and so constructed as to be used at any time necessary as a good and convenient chair.

For particulars

Apply to

L. S. Strong.

Manipay, 12th August, 1864.

NOTICE.

The undersigned is in receipt of a good supply of *Madras Head Kerchiefs* of the finest colour and quality and of the following dimension and price.

3 Cubits £0 11s. 0d.

Orders from any part of the Island will be carefully attended to in case the price and postage are prepaid. Postage for a single kerchief would come to 8d.

Terms Ready cash.

L. S. Strong.

Manipay, 2nd August, 1864.

NOTICE.

On Saturday the 3d September next at 11 o'clock A. M., will be sold by public auction the commodious house and premises situated on the 3d Cross street in the Town of Jaffna, the property of the late T. R. Vandergucht of Chavagacherry deceased and on the 10th September next will be sold the house and garden situated at Chavagacherry also the property of the late T. R. Vandergucht.

H. U. BARTHOLOMAUSZ.

B. E. GRENIER.

Executors.

Jaffna, 13th August, 1864.

NOTICE.

Messrs S. Muttotamby & Co. beg to inform the Public that they have just received the following fresh supply of articles for sale.

Pickles
Jam
Tart fruit.
Sweet oil
Sauce
Mustard
Candles
Looking Glass (of different sorts)
Black Tea (superior)
Wollen-pieces
Rattan Green Umbrella
do. Blue do.
Steel Black do.
Silk do. do.
Flannel
Flannel caps
Children's wollen caps
Scissors
Envelopes of different sizes
Lozengers
Sauce-pans (different sizes)
Corks
Neck-ties
Cotton ball-thread
Soda tumblers
Sugar (white)
Old Brandy
Trowsers cloth, &c.

Pettah, Jaffna, 19th August, 1864.

S. MUTTUTAMBY & Co.

NOTICE.

IN THE MIDST OF DEATH, WE ARE IN LIFE.

New and most valuable medicines for hitherto intractable and incurable diseases.

Unlike the Patent medicines generally imported from the United Kingdom, the following from France, have been severely tested and scrutinized by the most eminent Government and private analytical and operative Chemists and practicing Physicians of Paris, &c. inasmuch that the entire Parisian Medical Faculty, attached to the Government and other Hospitals, &c. in the French dominions can after vigorous trials; with the fullest confidence, recommend them to the favourable notice of all languishing, not any under ordinary diseases; but those who may be "hoping against hope."

No more Cod Liver oil. Syrup of Iodized Horseradish.

Prepared by GRIMAULT & Co. Chemists, 7 rue de

la Feuillade, Paris. According to the certificates of the Physicians of the Paris Hospitals detailed in the Prospectus, and with the approbation of several Academies, this Syrup is employed with the greatest success in place of Cod Liver Oil, to which it is really superior. It cures diseases of the chest, scrofula, lymphatic disorders, green sickness, muscular atony, and loss of appetite, it regenerates the constitution by purifying the blood, and is in a word the most powerful depurative known. It never fatigues the stomach and bowels like the Iodide of potassium and the Iodide of iron, and is administered with the greatest efficacy to young children subject to humours, or obstruction of the glands. Dr. Cazenave of St. Louis Hospital, Paris recommends it particularly in cutaneous diseases conjointly with the pills which bear his name.

No more Consumption.

Diseases of the Chest, Syrup of Hypophosphite of Lime, manufactured by Grimault & Co. Chemists 7 Rue de la Feuillade, Paris. This new medicine which is delicious to the palate, is a sovereign remedy for coughs, colds, irritation of the lungs, and is also an excellent remedy in cases of consumption. Under its influence, the cough abates, nocturnal perspirations cease, and the patient rapidly recovers health and flesh.

No more Indigestion or Dyspepsia

Elixir of Pepsine, prepared by Grimault & Co., Chemists, 7 Rue de la Feuillade, Paris. According to the formula of Dr. Corvisart, Knight of the Legion of Honour, Physician to H. M. the Emperor of the French *Pepsine* is the gastric juice itself, or rather the active principle purified, which digests food in the stomach. When from various causes the supply of the digestive fluid is too small the inevitable consequences are bad digestion, gastritis, gastralgia, inflammation of the mucous coats of the stomach and bowels, heartburn-anæmia, loss of strength, and in females, general derangement. *The Elixir of Pepsine* which is sanctioned by the approbation of the Paris Academy of Medicine, speedily cures all such diseases, and prevents vomiting during pregnancy.

No more poverty of the blood and pale complexion.

Phosphate of Iron. DR. LERAS Apothecary, Dr. of Science, 7 Rue de la Feuillade, Paris—This new ferruginous medicine contains the elements of the bones and blood, and iron, in a liquid state. From observations made in the Paris hospitals, and detailed in the Prospectus, it is superior to ferruginous pills, lactate of iron, iron reduced by hydrogen, pills and syrup of the iodide of iron, and cures rapidly stomach complaints, painful digestion, poverty of the blood, loss of strength and appetite, and the diseases incident to females. It is the best adjunct to Cod liver oil, and the best preserver of health in tropical climates.

No more Copaiba; or Cubebs.

CAPSULES OF MATCO VEGETALIS.

Also, liquid extract of Matrico.

These elegant preparations effect rapid and extraordinary cures of recent and old and severe cases of disease. They are used in all the hospitals of Paris by the celebrated Dr. RICORD, and are found greatly superior to all the preparations of Copaiba, Cubebs, &c. and Mineral remedies. The Liquid Extract is used in recent cases, and the Capsules in the more chronic; and where all other Medicine have failed, these preparations will always effect a cure.

General Depot.

In Paris, at M. M. GRIMAULT & Co, Chemists 7, Rue de la Feuillade.

In London, at NEWBERRY & Sons, 45, St. Paul's Churchyard.

In Madras, at BARRIE & Co., and at every good Druggists of India.

CASH RECEIPT FOR 1864.

s. d.		s. d.	
Jaffna Town.		Batticotta.	
P. Joseph, Esq.	4 0	Rev. W. W. Howland	12 0
H. Modder, Esq.	4 0	Wannarponne.	
Rev. J. C. Arndt	4 0	M. Winslow, Esq.	4 0
J. Olegasagarm, Esq.	8 0	Nelloor.	
Manipay.		V. Modr. Sampanthar	8 0
N. Strong, Esq.	16 0	Chavagachery.	
Mr. L. Ripley,	16 0	J. H. DeSaram, Esq.	18 2

DOMESTIC OCCURRENCES.

DEATH. At Jaffna on Thursday night the 11th inst. after a few days illness CHARLOTTE ADELAIDE wife of Mr. H. U. BARTHOLOMEUSZ, aged 39 years.

The Ceylon Patriot.

PARIS.

From our own Correspondent.

Paris 18th July, 1864.

Events have not failed us during the last fortnight, serious, terrible, and reassuring, they have succeeded each other with the rapidity of lightning. Whilst at London, Lord Palmerston resented as best he could the aggression of the Tories and elung energetically to power, a piece of news was circulated, which created an emotion throughout Europe, the 2nd of July, the *Morning Post* published two diplomatic dispatches revealing the existence of an alliance between Russia, Austria and Prussia. Great was the excitement. The Holy alliance resuscitated M De Bismarck, 40 hours only after this serious revelation decided in giving to the Post, a denial; but strange fact; public opinion believed the Journal and remained incredulous to the words of the Ministers! the truth is that the alliance between the three Northern nations, between the 3 dispoilers of Poland is so natural and logical so very likely that it surprised no one, whilst a lie more or less from the mouth of a minister, is nothing either new or unknown. Then, we must remember Prussia proclaiming a stage of siege in the Duchy of Sosen to please Russia, Austria delivering up the Polish patriots to their executioners, the first gages of a reconciliation. All doubt was now at an end, and the three sovereigns had nothing more to do at Carlsbad and Kijongen than ratify a pre-existing coalition.

Far from being disturbed by the denial of Binnarek, the Post, published 12 other letters in which might be seen the preparation, the negotiation and the conclusion of the coalition repudiated by the Prussian Minister. What was to be said to this unexpected revelation? Deny it? was the easiest way; and neither Rechberg or Gortschakoff failed. To convince that was a different matter altogether. The evidence was there 14 documents with signatures and addresses complete, could not be the work of an impudent forger. The documents were and remain authentic and consequently the West was threatened by the coalition.

Such indeed was the unique end of the Holy alliance, to impose a barrier to the popular wave, to crush revolution even at the risk of wounding the firmest representatives of absolutism. The programme is not new, it is the tradition of the first Holy alliance, and the following remark very pertinent to the situation, is attributed to Gortschakoff. "There is no longer a Polish question, there is only a Napoleonic question."

Whence came these revelations of the Post? What mysterious hand had penetrated into the most secret archives of diplomacy, to draw one and bring to light these mysterious dispatches? There are no loggers, but there is an unfaithful clerk. This secret, must have cost very dear, and if he who profited by it paid for it, Lord Palmerston must have emptied his purse that day.

We must first of all remark that the *Morning Post* is the acknowledged organ of the old Lord Palm, wanted to save the cabinet and obtained a majority in the commons; and the news true or false of a coalition, noised abroad in the midst of a debate could but give strength to a ministry. The coalition would bring about the Anglo-French alliance, and it is one of the elements regarded as necessary to the maintenance of peace by the merchants of the city of London. Of these two subjects, one only succeeded; the Russell Palmerston Cabinet escaped shipwreck. It was however fiercely attacked in the House of Lords, the chief of the opposition, confined to his bed by an attack of gout, found an eloquent and clever substitute in Lord Malmesbury for the Commons. D'Israeli commanded in person, and proposed a vote of censure, against the Policy pursued by the cabinet in the Danish question. The debate, lasted five days and the severe motives proposed by D'Israeli was rejected by 313 Votes to 295.

It is true, this victory was lessened by the check in the House of Lords, where a majority of 9 pronounced against the Cabinet; but in England, the House of Lords is but of secondary importance. The Commons approved the ministry, the ministry was saved.

As to the object sought by the revelations of the Post, viz, the resurrection of the Anglo-French alliance to hold the coalition in check, is still far from being attained, and it is not very certain that such was Palmerston plan, perhaps, he simply desired to cause a belief in the possibility of this alliance, without much caring for its realization. In any case, the French Govt. replied very reservedly to the advances of England; she remained cool even under the menaces of the coalition; she is not even convinced that England did not assist in the formation of the alliance of the Northern powers, a simple circumstance has even drawn nearer the Cabinets of Paris and Berlin.

Denmark worn out and abandoned, could no longer resist. Christian IX. understanding very well that heroic obstinacy, might compromise even the existence of his dynasty, resolved on opening pacific negotiations. To whom to address himself? She thought of Napoleon III, asking him, not for an official arbitral which the Danish Cabinet had refused in the last sitting of the conference, but an officious mediation, which

would render an arrangement less difficult. Napoleon III referred him to England, from whom he could not expect the slightest help, and thereupon he addressed himself directly to Prussia; and the Prince Yean brother of the King, is actually at Carlsbad with the King of Prussia.

What propositions has he made to William? There are a great number of different versions on this subject and it is difficult to pass an opinion. Some say that Christian to preserve his crown, wishes to form part of the Germanic Confederation. The king of Denmark, would thus find a double advantage that of remaining sovereign of all his possessions, Danish and German and find a support against the revolutionary attempts of the Scandavian and liberal party. But the Danish annexation, would find but little sympathy in Germany at the same time that it would give rise to an energetic resistance in the national party. Indeed the question of nationalities, still remains threatening Danes and Germans will no more mix than oil and water, and at a certain time the actual war, the war of races, will recommence.

The *Times* which for some time past has undertaken the task of publishing sensation news. The *Times* declares that it knows that Prussia consents to a peace on the condition that Denmark will abandon *Holstein, Lauenberg* and *Schleswig*, give up its navy and pay a war indemnity of 11 millions sterling. The *City Journal* adds, that if France consents to these conditions it is because Prussia has promised her the Rhenish frontiers. On the other hand the *Post* says that Prussia has refused all negotiations.

Which of all these reports is the true one? We must first observe several undoubted points, first of all peaceful propositions have been made by the King Christian then that these overtures have not been rejected. The proofs of it are numerous; the prolonged stay of Prince Yean of Glucksbourg in Prussia, the cessation of hostilities, the war seems stopped the Austrian Prussian troops penetrate no further into Jutland, the expedition against the Baltic isles is adjourned, and at Copenhagen, the warlike and liberal cabinet of M De Mourad, has been replaced by a pacific and re-actionary Cabinet, presided over by M De Moltke, it is an important concession exacted by M De Bismarck; it is true that in its programme, the new Cabinet declared that its only object was, *the honour and independence of Denmark*, and that it would remain attached to the constitution; but these are simple, vague and banal phrases, behind which a *Coup d'Etat*, may be sheltered. These shameful concessions to the absolutist policy of M De Bismarck, have greatly excited public opinion. The programme of the ministry was not even framed with the intention of appeasing this irritation, which is not the less lively. But the king Christian, is said to conceive the project of desiring the occupation of Copenhagen by Russian troops to protect him against a revolution to throw oil on the fire is not the best means of extinguishing the flames. It results from the foregoing that an early peace will issue.

A Telegram from Vienna announces that on the request of Denmark, the great German powers have consented to a suspension of arms, until the end of the month. It is in the capital of Austria, that the negotiations for fixing the basis of a peace and the conclusion of a long armistice will take place. With this intention, the Danish Government will send a plenipotentiary, who will discuss the conditions of a definitive peace with the Cabinets of Vienna and Berlin. It is more than probable that the French Government will interpose its good offices to obtain less hard terms for Denmark. The Duchies will be detached from Denmark, probably as high as Assensrade. Denmark will be reduced to Jutland and the Isles will not return to Scandinavia; Sweden dare not lend a hand to the Scandinavian party. She is afraid of Russia, who is watching her and whose fleet is cruising in the Baltic.

To whose lot will fall the territory taken from Denmark? To whom the Ducal Crown of *Schleswig, Holstein*? Prussia is sulking with Augustenbourg who was too liberal, and had the strange idea of being the master of his own house? Did he not in two speeches talk of promulgating the democratic constitution of 1848? And therefore it was that the King William, king by the grace of God, he ordered to turn his back on this *liberal*, on this *revolutionist*, and makes advances to the Duke of Oldembourg a trice feudal Duke who is preparing to refuse all liberty to his subjects and even to put into vigour the holy institution of the *Schlague*, so flourishing in the states of his Cousin and Neighbour, the Duke of Mecklenbourg. Unfortunately for the noble *protege* of Russia, the population do not see at all in this light; they desire the Duke of Augustenbourg, which receives ovations everywhere; at Fiaderleben the citizens proclaimed him Duke without awaiting the decision of the Frankfort Diet, whose entire sympathies are with the Duke of Augustenbourg.

Prussia cannot surely have the pretention to conquer all the obstacles which oppose themselves to the accession of the Duke of Oldembourg, and if she pretends to protest him it is to obtain more easily from Frederic of Augustenbourg the condition she requires. Prussia is a glutton, she thinks to place the Duchies in the hands of an independent Duke in the conviction that she will command his armies and be mistress of his Ports. What glorious independent Russia in the meanwhile is putting the last touch to his work—she takes away educational books published in the Polish language—she takes away the land, and peace of mind from the unfortunate nations—she rains and bruises. In Circassia she drives 200,000 inhabitants from their

country; and women children and old men, miserable exiles die of hunger and wounds. An exodus without hope and without end; Turkey has received many partly through fear partly by compassion; the French Government has decided on sending 25,000 into Algeria.

Belgium gives us the example of two opposite parties in the Chamber being exactly balanced. The ministry rozier allied to a motion of M. Ortiz tending to augment by 6 the number of Deputies. To this term of the Belgian constitution the Catholics saw in this project an expedient which diminished their chances and at a meeting held at the house of M. De Merode, they resolved not to assist any more at the sittings of the Chamber. Four times the Chamber could not succeed in getting together the proper number, and the death of a liberal has taken away all hope of completing the number, so that the Chamber of Deputies is on a strike. The action of the constitutional machine is suspended.

By a decree of the 15th July the Chamber was dissolved and it now remains for the electors to punish the guilty.

Of internal politics there is nothing more; rumours circulate here and there of ministerial modification. it is said M Rowland has given in his resignation that M. Waleski becomes a minister of state and Power minister of the interior that M. Vietry replaces Fould, these changes are probable, but Fould has been persuaded to keep his port-folio.

We have only a few details to add to these rumours—the liberty of the theatres has been inaugurated in Paris and Paris did not jump for joy and hardly — she had in more liberty—the serious illness of the Emperor has much ameliorated since his stay at Vietry. The prowess of Blondis at the Hippodrain. The mischance of one of the Emperors' servants accused of having stolen the diamonds of the Empress Charlotte during her stay at the quilleries—is all we have to relate in the shape of scandal.

In the new world the war continues with the same ardour. Grant supported by the James river seeks to cut off the communications with Richmond and if he has not quite succeeded up to the present time he has at least been able to destroy the greatest part of the Railways which unite the capital to the south.

The debut of the Federals was brilliant. On the 16th of June at 2 in the morning the General Smith attacked the first line of the Petersburg fortifications and carried it taking 13 cannons and 400 prisoners—two colored regiments distinguished themselves so much that they were thanked by the General. On that day there was only the army of Beauregard to defend the town, but the next day Lee had sent his divisions to the south to defend the borders of the Appomato and the second line of the fortifications of Petersburg. Grant having concentrated his forces attacked again on the 17th. The combat lasted the whole day. The Confederates were posted in a semi-circle, the extremities of which rested on the Appomato. The Federa's made very energetic efforts on several points to break this line, but by the aid of entrenchments it resisted these repeated charges—this day was bloody, the 18th still more so. Three times in the morning at noon and at 1 o'clock, Grant threw his columns against the entrenchments, three times their intrepidity failed before the fire of musketry and artillery. The loss of these two days was considerable—1000 men killed or wounded. Hancock's division alone lost 400 men. The immense determinations shown by the Confederates for the defence of Petersburg shows the importance of this place for the safety of Richmond. If they lose it they lose possessions of the railways of the south and west which assures their subsistence. Richmond and Lee's army will become a prey to famine when the communications are cut off. Grant finding by the failure of his two murderous attacks that he had no chance of carrying the fortifications, modified his plan, he has gone further south with the intention of cutting off the rail-roads which unite Petersburg to Richmond his Generals are acting, on his eight and less, but such is the vigilance and sagacity of Lee that his divisions are always to be found on the points threatened.

On the 21st and 22d a Federal Corps was surprised by the Confederate General Hill on the Weldon Railway; a panic was the result but the soldiers rallied of the voices of their officers and altho' the combat was sharp the loss was not considerable.

The heat is excessive and the soldiers suffer much from the dust and want of water; operations are languid and besides the army of the Potomac is about to lose several regiments of old soldiers whose terms of service has expired. The marching of forces are much to be feared under the burning sun. In spite of all these anxious subjects of pre-occupation. General Grant conserves his energy and is confident of final success. He is preparing new combinations of attack and pursues with perseverance the work confided to him. Lee preserves a defensive attitude and has not advanced.

The Confederate General Eurl with 30,000 men has penetrated the Shenodoch valley and occupied Harpers Ferry. His bold stroke and has created a certain agitation in Pennsylvania. Under the impression of this news President Lincoln has called into active service 30,000 of the Militia. Hunter has gone to encounter the invaders.

Another serious event has been the retirement of the financial secretary M. Chase; the failure of his law upon gold is the real cause of his departure. The discussions which has since arisen between him and Lincoln relative to the prerogative for the nomination of employers of the finance department are but childish details.

limon is reestablished the country will owe him a part of her triumph

His successor is a Senator named Feasenden when financial fabrics are acknowledged by every one

THE SUPREME COURT.

We are very glad to learn from the Examiner of the 10th Inst. that His Grace the Secretary of State has directed His Honor administering the Government, to appoint Mr. Charles Stewart, the Deputy Queen's Advocate for the Island, to the vacant seat in the Supreme Court Bench, on the departure of Mr. Justice Thompson on leave of absence.

THE LEGISLATIVE COUNCIL.

The sittings of this Council for the current year, commenced we believe on Wednesday last, as was announced—of course allowing the Tamil seat still to continue unoccupied.

We hear, however, that our M. L. C. Mr. Coomarasamy is shortly expected from England to take his post in the Legislative Council. It is said that he will leave England either by the first or second Mail Steamer of next month so that he may be very fairly expected in Colombo early in October.

Webster's Dictionary.—Pictorial Edition.

We have received several letters from distant friends inquiring the price of Webster's Dictionary. We would say once for all, that they sell at £1 18s. per copy bound in sheep, and £2 5s. per copy bound in Russian Calf.

THE SESSIONS AT JAFFNA.

Mr Justice Temple closed the second Criminal Sessions for the present year, on Monday last. All the nine cases that were committed for trial, have been disposed of.

A BRIDGE IN PROSPECT.

We understand that preparations are being made on great scale, to complete the road from Jaffna to Caradive by putting up a bridge over that part of the lake lying between the above two places. We hear that our Government Agent had this in contemplation a long time since but owing to some reason or other, the work was not carried into effect. The road from Jaffna to Batticotta was extended up to the very shore of the lake about three years ago, we believe, and so on the other side of the lake at Karadive. The constructing of the bridge was delayed until now, for some good reasons, we have no doubt. As the width of the lake where the bridge is to be constructed, is nearly two miles, or, perhaps, even more, it must necessarily be sometime before the bridge is completed and when completed it will afford very great convenience both to passengers and traders.

KAITS.

A correspondent writing from Kaits, on the 13th Inst., says, "The Steamer Jaffna" is anchored at *speaking distance* from the shore and it is a splendid little vessel, most richly and beautifully fitted up, the business of cleaning her bottom and painting has been all completed and she steams away to day for Nagapattam which the Captain says is only 8 hours run from this. You are aware of the sum of money which our Government lavishes upon the "Pearl" when her bottom is required to be cleaned and you will be astonished to hear the cost for doing the same thing to "Jaffna," ranges between £45 and 50. The Captain thinks that he could not meet with a safer harbour for this purpose than that of Kaits and he thinks and in fact has no doubt that the Pearl could safely come in here and get herself cleaned the same way and with a great saving too to the Government.

The port here was an imposing sight with vessels (about 11) of large tonnage riding at anchor close to the beach. The only fault I have to find is with the pier or landing place which is in a most pitiable condition. If that is put in proper order the "Jaffna" could be brought so near as to touch it. Mr. Vane in passing here took notice of it and it is hoped he would do something towards putting it in order.

THE REGISTRAR GENERAL.

Mr. McCarthy is now in Jaffna. He attended our Registrar's Office on Tuesday last.

MR. VANE.

We understand that this gentleman inspected the several Customs in Jaffna. He left by the "Pearl" for Trincomalee on Wednesday last.

F. H. CAMPBELL Esq.

We are glad that the Government has taken notice of the claim of Mr. Campbell for promotion. It is said that he will go to Batticaloa to act as District Judge during the absence of Mr. J. W. Birch who proceeds to England on leave of absence.

CORRESPONDENCE.

COLOMBO

(From our own Correspondent.)

Rumour has it that Mr. Charles Stewart, the Deputy Queen's Advocate for the Island, will wear the 2nd Puisne Justice's robe in the Supreme Court, during the forthcoming absence of Mr. Thompson from the Island for 18 months. In common with many men I am glad to notice that so deserving a gentleman will occupy this important post; and the public and the members of the Bar as well, will feel ample satisfaction in such an appointment. His knowledge of Law, long experience and practice in the Bar together with his affability, are all sterling traits deserving a public recognition of his merits.

The long absent Mr. Coomarasamy, the Tamil M. L. C. is expected by his relations to return home by the 1st or 2nd Mail of September next and to join his brother members in the arduous and important task of the ensuing session. We are indeed quite sick of expecting for him, but, however hope to forger all "disagreeables" in consequence of his absence, on his return to Ceylon and hope further that he will bring the experience gained by his long stay in England, to bear upon his service to his constituents, in the Council and moreover will have the nous to plead their cause in a manner most creditable to himself and his countrymen. Let him not forget the duty he owes to his race by resuming the post he has had in the Council, but remember that he is looked upon by the governor and the governed as the exponent of the whole Tamil race.

The great shipping disaster which startled the people of Colombo, last week, is the wreck of the fine "Oliva," a ship of 1154 tons, valued at between £10 and 12,000. This unfortunate event took place on the 2nd inst. which, whatever may be the observations of nautical men, was, to all common appearance, a clear fine day. I, for one, am at a loss now to account for the wreck on a day when there was neither storm nor any apparent nautical difficulty. The wreck is now lying near Mutwal about three miles distant from the inner harbour and a view taken from the vicinity of the Queen's Advocate's house, through a telescope discovers the wretched condition which it is now under. She is now estimated at about £500 i.e. one twenty-fourth of what she was worth a few minutes before she ran aground and would remind a grave observer of the sudden mutability of fortune. The captain is said to have been sick and hence he is clear of any charge. It was the second-mate who had the management of her on her last day and is to blame. She arrived here from Calcutta, consigned to the firm of Messrs. Wilson Riche and Co. with a full cargo of rice and as she was starting on her return voyage she met with this deplorable fate. She being insured, the right to the premium of insurance, will, it is feared, be under discussion under the circumstances.

The Jaffna Tamils residing now at Colombo have organized a Society named "The Tamil Native Improvement Society" which has at its head Mr. Mills, the Supreme Court Interpreter, as president. Two young men, viz. Messrs. Tapan and Supramaniam are on the *qui vive* to turn it to account.

Cholera prevails in Colombo. Thus much for the present. Colombo, 12th August 1864.

LAW INTELLIGENCE.

(From our Legal Correspondent.)

SUPREME COURT, JAFFNA.

Jaffna 15th Aug. 1864.

The Second Criminal Sessions of the Supreme Court for the Northern circuit was opened at Jaffna on the 9th inst. by Honorable Christopher Temple, the Senior Puisne Justice; and in all likelihood it will be closed to-morrow morning after a hard work of eight days. The English Jury must be really glad of this; for they are now free from the hard task of repeating their oaths after the words of the Registrar.

The Calendar contained 9 cases, and Mr. D. Q. A. Nell conducted the prosecution for the Crown. I will here give you a short report of cases tried in the order they were taken up—9th August, 1864

No. 9 Jaffna Committed by H. Pole, Esq. J. P. Queen. V. Kanavaddiar Valen *alias* Vellian chitty of Point Pedro

Charge—Burglary and possessing stolen property with guilty knowledge. An English Jury was empanelled. The indictment being read out and explained to the prisoner, he pleaded guilty to both counts in

it, and the Jury accordingly returned a verdict of guilty. The public prosecutor Mr. Nell wishing to put in some previous convictions against the prisoner, called Mr. John Abraham Heysberg the Gaoler of Jaffna who being duly sworn produced two District Court and several Police Court convictions. Vellian chitty seems to have been a very notorious character and he has for a series of years made the gaol his home. According to evidence he was

Fined £ 3	in the year 1854
Imprisoned for 6 weeks	" 1855
Fined £ 3	" 1856
Imprisoned for 3 months	" 1858
Fined £ 3 and imprisoned for 3 months	" 1859
Fined £ 3 and imprisoned for 3 months	" 1863
Flogged 50 lashes and imprisoned for 6 do	" 1859
Imprisoned for 1 year	1864

And now before the expiration of his last term of imprisonment he is again found guilty of Burglary &c. committed on the 17th day of June last breaking open at midnight into the house of Joshua Bailey Osgood the store-keeper of the Jaffna Friend-in-Need Society Hospital. His Lordship in passing sentence pointed out the previous convictions, and sentenced him to be imprisoned at hard labor for 3 years.

No. 3. Mallagam committed by F. H. Campbell, Esq. J. P. Queen. V. Muroger Valoe of Tillipally.

The Prisoner being certified a pauper Mr. Advocate Cathiravattupulle was assigned by His Lordship to watch the case for the prisoner. Charge. Perjury—Prisoner pleaded not guilty. He was indicted for having sworn a false affidavit before the Justice of the Peace of Mallagam charging Casnather Soopayah his wife, Mooroger Cathiramer, Cathiran adopted son of Canagarayer and Cathiramer Moorogaser with assault and robbery alleged to have been committed upon him near the public road opposite to the American Mission Church at Tillipalle. Among other witnesses Mr. Aromoga ayer a Proctor and the prisoner's own statement before the Justice of the Peace proved a confession made by the prisoner that the affidavit above alluded to was false in every respect except as to the robbery of a pair of slippers taken by one of the abovenamed 5 persons. The evidence in this case most conclusively proved the charge; and the Judge carefully summed up the case to the Jury, who having retired to consider their verdict found the prisoner guilty. He was sentenced to 3 years imprisonment at hard labor.

10th August, 1864.

No. 1. Jaffna—Committed by H. Pole, Esq. J. P. Queen. V. Valasipulle widow of Arroomogan.

Mr. Advocate Gould appeared for the prisoner. Charge—Perjury. The Prisoner pleaded not guilty. The prisoner was one of the 5 Defendants in the Civil case No. 13,058 District Court Jaffna, and as such she filed a joint answer with all the other co-Defendants and signed it by mark. But afterwards being prevailed upon by the Plaintiff in the said case falsely swore an affidavit on the 14th of August 1863 against the co-Defendants charging them with forgery, and alleged that she never put her signature or mark to the answer in the Civil case, but her name was forged by the co-Defendants and they filed the answer without her consent or knowledge. The evidence relative to the manner in which and the place where the prisoner signed her answer in this Civil case was very contradictory and insufficient. The Judge thought that there was sufficient evidence for conviction and in summing up the case. His Lordship charged the Jury to that effect. But a considerate Jury having given their careful consideration to the whole case thought otherwise and returned a verdict of not guilty; and the prisoner was discharged.

No. 6. Jaffna—Committed by F. H. Campbell, Esq. J. P. Queen. V. Gabriel Vity or Gasper Vity of Trincomalee.

Mr. Advocate Gould appeared for the prisoner charge—Horse Stealing. Prisoner pleaded not guilty. Stephanus alias brother Gasper a witness for the Crown being not able to speak English or Tamil, Rev. Mr. Bonjean was sworn as an interpreter pro tem to speak to the witness in the French language. The prosecutor in his case, Mr. Sooperaya emty Sinnesamy chitty is a native of Trincomalee and having had occasion to proceed to Jaffna on business engaged the prisoner as his horse-keeper. On his arrival at Jaffna he left the animal in the prisoner's charge to be fed by him; but the prisoner without the consent and knowledge of the master sold the horse to brother Gasper on the 20th January 1864. The Jury after a short deliberation brought in a verdict of guilty. The prisoner was sentenced to be imprisoned at hard labor for 2 years.

No. 2. Chavagacherry. Committed by J. H. De Sa-ram, Esq., J. P. Queen V. Vyramoottu Eliatamby.

Mr. Advocate Gould appeared for the prisoner. Charge—Aggravated Assault and Robbery. Prisoner pleaded not guilty. On the 3rd February last, a little after sun-set the prosecutor Vallipulle was returning from Pally to Chavagacherry along the public Road and met the prisoner between the 11th and 12th mile stones. It appeared on evidence that the prisoner is a habitual drunkard and that he was much intoxicated on the day in question. In his drunken state the prisoner had an altercation with the prosecutor and walked away with some boxes, arrecanut cutter and other trifles belonging to her. Verdict guilty; sentence, 18 months imprisonment at hard labor.

11th August 1864.

No. 4th, Jaffna—Committed by L. Nell Esq., J. P. Queen, v. 1st, Swan Pedro and 2nd Abram Joseph.

See the Supplement.

Mr. Advocate Gould appeared for the prisoners Charge, Murder. Prisoners severally pleaded not guilty.

The evidence in this case, though circumstantial, was of a significant character against the 1st accused gravely pointing to him as the actual murderer. The 1st prisoner had quarrel on the evening of the 5th July last with an old man, Neeklan, when the deceased Valan Gabriel, (the god-father of the 1st prisoner) went up to the spot and dealt a blow on his cheek reprehending him for ill-treating the old man. The 1st prisoner being much offended at this procured the aid of the 2nd went to the deceased's gate and abused him to take him out from the protection of a home. The deceased who by the way was not very popular among his class of people ran out in fury and attempted to stop their foul mouth, the prisoners very artfully retired to a short distance and there knocked down their adversary dead, and one of them the 1st, ran up to the Police Vedahn of the village with a complaint against the deceased charging him with assault and pulling the roof of his house. The Vedahn immediately repaired to the spot with the 1st prisoner and in the way he was met by certain Vity Swampulle who brought the intelligence of Gabriel alias Kolikaran's murder. Upon this information being given to the Vedahn the 1st prisoner who was apparently struck with terror made his escape and absconded himself in a distant village called Oodoville where he was apprehended by the Odear Mr. Carpenter. The prisoners' counsel in an able address commented upon the testimony of the witnesses called for prosecution and in a lucid and clear manner pointed out to the Jury the importance of their duty this day. His Lordship in summing up the case to the Jury explained the Law that it will be perfectly competent for a Jury to return a verdict of manslaughter against a prisoner charged with murder and further remarked to the effect that legally speaking there was sufficient evidence whatever to bring home the charge to the 2nd prisoner. The Jury having retired to consider their verdict acquitted the 2nd prisoner and found the 1st guilty of manslaughter who was sentenced to 15 years' transportation.

(To be Continued.)

LAW INTELLIGENCE.

SUPREME COURT IN APPEAL.

No. 463. D. C. Jaffna.—*The Queen Santia Adia* and others.

This case was called on for hearing on the first day of the Sessions, but stood over owing to the non-appearance of counsel for the defence, the Chief Justice directing the Registrar to notify to the parties that the case would be taken up 2 weeks afterwards. No counsel having appeared at the expiration of the fortnight, the case was further directed to stand over for another week.

The Queen's Advocate regretted that in a case of such importance, defendants were not represented by Counsel, but they could not complain that they had no opportunity given them to do so. He appeared against the judgment and would submit 1st, that the District Judge was wrong in holding that there was no evidence to shew that the accused employed coolies to deposit the husk; and 2ndly, that such deposit at the place and in the manner where and how it was deposited amounted to a nuisance.

With regard to the 1st point, there were no accessories in a misdemeanour, and the person who being present caused a wrong to be done was guilty as principal. It is clear that there was rather a disinclination on the part of the Headmen to come forward against the parties, but, notwithstanding this, the evidence showed abundantly that on the occasion in question, the defendants stood by and caused the coolies to deposit husk and assisted them in doing so. The Judge placed stress on some of the sections using the words *suffering* or *causing* a thing to be done, which words did not occur here; but there was a wide difference between suffering or permitting a thing to be done, and causing or procuring it to be done. The persons causing a misdemeanour to be committed were guilty as principals at Common Law, whereas special provision was necessary to meet the case of a person suffering a thing to be done which he might have prevented.

As for the 2nd ground, the Ordinance made the deposit of coir husk a nuisance if made at or near such place or in such a manner as to be a nuisance to or injurious to the health of any person, and the word "such" was clearly referable to the "as" which followed it and not to any words in another section. It was sufficient that the substance was offensive to the senses, but here the medical evidence, even that adduced for the defence showed that it could not but be injurious to the health of the neighbourhood.

The other grounds relied upon did not arise under the Ordinance.

But with respect to the plea of prescription no length of time can legalise a nuisance, and it is clear from the evidence that the practice was very much increased and extended of late, particularly after the Ordinance. The inhabitants being in the neighbourhood had a right to pure and fresh air, and here it was shown abundantly that not only was the enjoyment of life rendered uncomfortable, but that they were exposed to danger from the poisonous gas which was generated by the deposit.

The Queen's Advocate quoted *R. v. Neil*, 2 C. and P.; *R. v. White*, 1 Burrows; *R. v. Williams*, 1 Russell; *R. v. Russell*, 6 B. and C.; *R. v. Ward*, 4 A. and E.; *R. v. Cross*, 3 Camp; *R. v. Nawelle*. Peake & *R. v. Medley*, 6 C. and P.

Per CREASY C. J. The proceedings in this case having been read, it is considered and adjudged that the Judgment acquittal of the 15th day of March, 1864 be set aside, and a Judgment of guilty be entered against all the defendants, except the one with reference to whom the prosecution was waived. Fine one shilling.

This is an information brought by the Queen's Advocate against the defendants under the Nuisance Ordinance No. 15, 1862, clause 1, section II, for keeping and depositing Coconut husks and Coir near public thoroughfares and dwelling houses, and in such a manner as to be a nuisance to, and as to be injurious to, the health of persons residing in the said houses.

After hearing much evidence on both sides, the District Judge has acquitted the defendants; and the first reason for the acquittal given in the judgment is, that the defendants have not been proved either to have themselves deposited or placed the Coconut husks in the spots in question, or to have employed the coolies, who were seen placing the substances there. The District Judge seems to have thought it necessary that the coolies should have been made witnesses, in order to prove their employment by defendants; and he expresses a doubt whether even this would have been sufficient. But it is perfectly clear from the evidence that the defendants were present when the husks were being buried. One witness says that they employed the coolies; and we have found it impossible to read through the evidence without clearly seeing that the defendants were present, taking part in the depositing of the objectionable substances, by directing those who did so; even if they, the defendants, did not join in the work with their own hands. To insist on the coolies being called to give evidence of employment would be practically to make the Ordinance inoperative. There is quite as much evidence on the face of these proceedings as is usually obtainable in such cases; and we are perfectly satisfied that the defendants are legally responsible, under the Ordinance, for the acts complained of, supposing such acts to amount to an offence under the Ordinance.

This is the real point in the case: whether such burying of coir husks, as took place here is punishable under this Ordinance: and the District Judge has with very audible care proceeded in his Judgment to deal fully with this question; but we differ from him as to the conclusion in favor of the defendants, at which he has arrived.

The error into which, as it seems to us, the District Judge has been drawn, has been caused mainly by not keeping steadily before the mind the true nature of this proceeding. This is a prosecution under a particular Ordinance. The simple question is whether an offence under that Ordinance has been committed. But the case has been dealt with in the Court below as if it had been a common law indictment for a Nuisance, or a common-law action to recover compensation for damage caused to an individual by a nuisance. In such proceedings, very difficult questions on the law of Nuisance may, and often do, arise, as to the tests for determining the reasonable use of old trades in proper places, though they annoy other people:—as to what is to be done when the complainant has come to the nuisance, and the nuisance has not been brought to the complainant:—as to the effect of the balance of public benefit and the like. See *Hole v. Barlow* 27 L. J. C. P. 207, which was supposed to be overruled by *Bamford v. Trowley* 31 L. J. Q. B. 286, but declared in *Wamstead Local Board of Health v. Hill* 32 L. J. M. C. 135 to have only been overruled in a limited sense. In the last mentioned case, Mr. Justice Willes speaks of the questions as to the law of Nuisance, as "difficulties about which judicial minds have gone astray in one direction or another."

But none of these difficulties arise in considering the present case under the ordinance. The words of the ordinance are perfectly clear, and their proper application to any given state of facts is easy. The Ordinance forbids (inter alia) the depositing of coconut husks in such a place or manner as to be a nuisance to any person, or as to be injurious to the health of any person. The word "such" in the phrases "such places and manner" is connected with the words "as to be" in the next line. We should not pause to notice this, had it not been for the idea expressed in the judgment of the District Court, that the Apodosis to "such" must be sought for in the 3rd and 10th sections.

It may be well to remark that the words of the Ordinance, which forbid certain substance, to be deposited so as to be a nuisance to any person, or so as to be injurious to the health of any person, are not tautological. There may be a nuisance without injury to health (see *R. v. Neile*, 2 C. P. 485.)

The first part of the clause has therefore its own appropriate meaning; and the last part, by an absolute independent prohibition of the deposit of noxious substances so as to be injurious to health has prevented the possibility of a prosecution for injury to health being defeated by subtle objection that might be taken, if the clause had only contained the words "so as to be a nuisance." It might then have been plausibly urged that "nuisance" must mean "that which the law holds to be a nuisance;" and so all the difficulties about the law of nuisance, to which we have already adverted, would have been introduced into proceedings under this Ordinance. We say nothing about the validity of such an argument. It cannot arise at all here, if the case be treated (as it seems to us it may be treated) in this simple manner. "Did the Defendants deposit coconut husks in such a place, and in such a manner, as to be injurious to any person's health."

One branch of this question we have already dealt with, and have decided that, under the circumstances of this case, the burying of the husks by the defendant's coolies is to be construed as the act of the Defendants. Now, it remains to be seen whether the burying of the husks in these pits has been injurious to any body's health.

Two householders Mr. Dunlop and Mr. Folkard, who live near the pits where the husks were and are habitually deposited and where they were deposited by the Defs. appear as witnesses to this. They give full and clear evidence that this stench from the coir pits is felt strongly in their houses that it is a very offensive and sickening smell, producing feelings of nausea, prejudicially affecting sleep,

and sometimes causing vomiting. They state positively that the deposit of the coir and husks in these pits, produces the above mentioned effects on themselves and their families; and that this annoyance is not temporary and occasional only, but that it is continuous for long periods, though worse at sometimes of the year than at other. If this evidence is correct the case is proved. It seems a waste of time to demonstrate that a stench in a man's dwelling-house, which affects him so far as to produce nausea, and to prevent him from obtaining the natural full amount of refreshing sleep, must be injurious to his health. But this evidence may be incorrect. The witnesses may not deserve credit, or they may be under an erroneous impression as to the course of the evils under which they suffer. If the District Judge did not believe Mr. Dunlop and Mr. Folkard, he should have said so. He does not do this; but he expresses an opinion that the annoyance caused to them cannot have been of such an amount as to be punishable under the Ordinance, because it has not been of such an amount as to drive them out of their houses. Such a test is quite erroneous. It is enough if the matter complained of has been injurious to health, and if the evidence of these witnesses is believed the stench, caused by the deposits in these coir pits, has decidedly been so.

The usual and proper scientific evidence, in cases of this description, was adduced by the prosecution, to confirm the testimony of Mr. Folkard and Mr. Dunlop. Dr. Wambeek proved that sulphuretted hydrogen gas is produced on these coir pits, so that, even when largely mixed with common atmospheric air, its effects must be injurious to persons residing in the neighbourhood; that it might produce such symptoms as those complained of by Mr. Folkard and Mr. Dunlop; though its effects on different people would be various, and would depend to a considerable extent on the peculiar constitution and physical condition of each person; and that some individuals might exhibit no ill effects from being exposed to it.

The evidence for the defence amounted to this: two or three persons who passed along the road near these pits, thought the smell from the pits no nuisance; though at times it was a little disagreeable. That two or three persons who had lived in that neighbourhood (some for short periods of time) had not had their health injured by the stench, and did not mind it; though one of these witnesses admitted that his family complained of it. One witness pointed out that the noxious gas might be prevented from coming into the house by the doors and windows being shut up; But we do not think that a man has a right to create such a stench near his neighbour's house, that his neighbours in order to escape its effects, must debar himself of light and air. It was proved that the people working in the pits experience no visible immediate ill effects from the noxious air. This however does not disprove the evidence for the prosecution. No fact is better known than that the occasional exposure of a human being a short time, to an atmosphere much vitiated, but not to such an extent as at once to stop the vital actions of the body, is injurious, as is permanent exposure to an atmosphere vitiated in a much less degree. It is, above all, the being obliged to sleep in a stench that injures health; not always and not often by bringing on sudden and violent illness, but by slowly and insidiously weakening the system, and depriving a man of his natural healthy vigour and vitality though no specific disease included in the medical writers' list of maladies may be produced. One medical witness who was called for the defence, stated at first that sulphuretted hydrogen gas was not produced in these pits: but it appeared that he did not know of his own knowledge whether the water on which he experimented had been taken from the pits, and after giving his evidence he experimented on water which did come from them; and, with creditable candour, he came back to court and stated that the water in the pits did contain sulphuretted Hydrogen: thus corroborating the evidence for the prosecution. The District Judge, in his Judgment speaks of poisonous gases existing in theory; the evidence shew that sulphuretted hydrogen exists in fact, and we can discern no proof of the co-existence of any thing, by which its natural ill-effects are neutralized.

There is much statistical evidence which shews that cholera has not been more prevalent in this neighbourhood than in others. But the District Judge truly says in his Judgment that it is more rife in one place than in another; and this evidence is therefore valueless.

But the portion of the evidence for the defence, which has clearly weighed most in determining the Judgment of the District Court, is the evidence of numerous witnesses who were called to prove the antiquity, the extent and the value of the coir manufacture and traffic, in the course of which these husks are deposited to rot in the pits. For reasons already given, we think that this evidence is irrelevant in a prosecution under this part of the Ordinance.

All these matters as to the Coir trade and the population employed in it, were matters for the Legislation to consider before they pass the Ordinance. We have no doubt that they were considered; and that this part of the Ordinance was expressly designed to stop the further burying of coir in the very pits in this neighbourhood. But be this as it may, the duty of the Judicature is to administer laws, not to make them, and not to annul them by refusing to convict under them when cases are clearly proved. We think that this case was clearly proved, and we shall reverse the Judgment of the District Court accordingly. There is no need on this occasion to pass more than a nominal sentence, so as to be a judicial warning that the practice of depositing coir in these pits must be discontinued.

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