The Hindu Organ

(THE CHEAPEST WEEKLY IN CEYLON)

PUBLISHED EVERY WEDNESDAY.

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TO THE PUBLIC.

"THE HINDU ORGAN"

THE CHEAPEST WEEKLY NEWSPAPER IN CEYLON.

We have now the pleasure of presenting to our subscribers and to the public in general, an English Weekly Newspaper whose sole aim is to safeguard native interests and to foster national aspirations and undertakings.

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THE MANAGER.

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(SYLLABUS OF SUBJECTS FOR THE ENGLISH UNIVERSITY SCHOLARSHIP EXAMINATION FOR THE YEAR 1901.

1. The English Language

2. English History—Special period A D 1760—A. D 1837; questions on the General History of England

3 English Leterature—Special period A D 1560—A. D 1620; Shakespeare King Lear, Merchant of Venice, and Richard II; Milton: L'allegro ,1'1 Penseroso, Lycidas, and Comus, Macaulay's Essay on Boswell's Life of Johnson; Boswell's Journal of a Tour in the Hebrides.

4 Latin—Unprepared passages for translation into English; Latin Prose Grammar (including questions on Syntax)

5. Greek—Unprepared passages for translation into English' Grammar (including questions, on Syntax); translation of English Sentences into Greek.

6 Questions on the General History of Greece down to 323 B C, and of Rome down to 31 B. C

J. HARWARD,
Acting Director of Public Instruction.

Office of the Director Public Instruction
Colombo, June 29, 1899.

THE SAIVA PARIPALANA SABHAI JAFFNA.

ESTABLISTHED JULY, 1888.

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in the different centres of Hindu population in the Island, and by such other means as would bring about the desired object

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(Proctor,, Supreme Court.)
PRINCIPAL:—N. SELVADURAI ESQ: B. A.

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THE MANAGER.

NOTICE.

Is hereby given that it is proposed to buy and send from Jafina specimens of gold and silver jewellery and brass work for the Paris Exhibition of 1900. Persons willing to dispose of such articles are requested to bring them to the Kachcheri on every Tuesday and Thursday at 2 P. M.

No specimens will be bought after the 30th September next.

J. H. LEAK
For Govt. Agent.

Jaffna Kachcheri
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TO OUR SUBSCRIBERS.

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We are sending both the English and Tamil issues to all our Subscribers in the hope that they would willingly subscribe for both.

Any gentleman who may not like this arrangement, will kindly let us know his wish, by a Post Card, without putting us to unnecessary expense and trouble.

OUR SUBSCRIBERS IN ARREARS

Should also settle up their accounts without delay. It is rather hard on their part to expect us to continue supplying them with the paper without their paying for it.

We **CANNOT** *bring ourselves to believe that most of them are* **NOT ABLE** *to remit the small sums that appear against their names as arrears.*

THE MANAGER,

The Hindu Organ.

JAFFNA, WEDNESDAY, JULY 26, 1899

The Law of Defamation.

The Hon: A. De A. Seneviratne, representative of the Low Country Singhalese in the Legislative Council, has given notice of his intention to introduce, at an early date, an Ordinance amending section 480 of the Ceylon Penal Code, according to which the punishment prescribed for defamation is simple imprisonment for two years or fine or both. Mr. Seneviratne proposes to add rigorous imprisonment to the punishment already provided for We believe it is to be left to the discretion of the judge to award simple or rigorous imprisonment as the justice of the case may require. The offence of defamation is at present triable only by the Supreme Court, and the Judges of that Court may be trusted to exercise the discretion vested in them, with a due regard to the ends of justice. So far, there is no fear of the freedom of the press being curtailed. But it may be that in future, District Courts and Police Courts may be empowered to try the offence of defamation, as is the case in India we believe. The other day one of the Presidency Magistrates of Madras tried the Editor of the *Madras Standard* for defaming the Hon: V. Bashyam Iyengar, and sentenced him to pay a fine of five hundred rupees In any future amendment of the Penal Code, if jurisdiction should be given to District Courts and Police Courts to try cases of defamation, the proposed amendment would prove detrimental to the interests of honest journalism. But we hope that cases of defamation will continne to be sent up for trial before the higher court —before a Judge and Jury—and that Jurisdiction will never be given to inferior courts to try that offence.

We cannot bring ourselves to believe that Mr. Seneviratne will be a party to any abridgment of the liberty of the press unless he sees the necessity for it. He is an Unofficial Member enjoying the confidence of all classes of Ceylonese, and we have reason to believe that the proposed legislation is necessary to put down the slanders and calumnies published by a section of the journalists of Ceylon. That hundreds of gentlemen—Europeans. Burghers, Singhalese, and Tamils—have been persistently reviled by these members of the Fourth Estate goes without saying, and if it is thought that simple imprisonment will not put a stop to their misdoings legislation on the lines proposed by Mr. Seneviratne is imperative. In this view the proposed amendment must be welcomed and not deprecated

The learned Chairman of the Racquet Court meeting held lately, embraced that opportunity to protest against the proposed amendment of the law of defamation. Broadly speaking, we must agree with him in thinking that the amendment is not desirable in the interests of the freedom of the press But we cannot bring ourselves to believe as he does, that it is uncalled for or intended to suppress criticism and gag public opinion in Ceylon. No man with any self-respect or stake in the country can view with equanimity or unconcern the slanders and calumnies that are sown broadcast in the country againist gentlemen of unimpeachable honour and integrity, not excluding even His Excellency the Governor, by persons who are callous to all sense of shame and honor and on whom the punishment prescribed by the present law cannot have a deterrent effect. The alteration of the law has therefore, become necessary in the interests of public morality and safety. The amendment, however, should be of such a nature as will effectually prevent the liberty conceded to the press by the existing law from being abused, without interfering with the honest and conscientious discharge of their duties by journalists.

The suggestion of the "Times of Ceylon" that rigorous imprisonment should be imposed for the offence of defamation on a second conviction only, is worthy of consideration We would make another suggestion in the hope that it will receive the serious consideration of the Government and the public. The law now demands that before the publication of a newspaper, a declaration should be made by the printer and publisher, stating the name of the place and locality where it is to be printed and published Any one can do it as the law now stands If the law be so amended as to provide that no person convicted of any infamous crime should print, publish, or edit a newspaper, the object aimed at by Mr. Seneviratne may, in our opinion, be attained. The proprietor of the paper should be a party to the declaration and it should be made an offence to make a false declaration or to employ persons convicted of infamous crimes as editors of newspapers.

MR. R. W. ALLAGAKOEN, THE POLICE MAGISTRATE OF POINTPEDRO AND CHAVAKACHCHERI.

We are extremely glad to understand that the abovenamed gentleman has creditably passed the examination prescribed by the minute of 12th December 1898 for gentlemen, being non-lawyers, who have been appointed as Cadets and Magistrates otherwise than by the channel of competition. Mr. Allagakoen has passed his examination in the Penal and Procedure Codes and the Law of Evidence.

In this connection we cannot but observe that it does not at all savour of statesmanship to appoint a gentleman as magistrate and enquire into his qualifications months and years afterwards. In the case of Mr. Allagakoen, we have been always perfectly confident that he would come out successful in the examination. But, what becomes of those who do not pass it? To turn them out from the high pedestal on which they have been placed by Government will be making them the laughing stock of the people. A man of even average prudence will put the horse before the cart and not the cart before the horse. Cannot the Government manage governmental affairs with as much prudence as an average man of business among the people?

In the case of Mr Allagakoen, a non-professional judge though he is, we have been always of opinion that a qualifying examination prescribed by the minute is unnecessary. We have watched his career at Point Pedro and Chavakachcheri, and have always found him to acquit himself in the discharge of his duties as creditably as any magistrate belonging to the regular Civil Service. Indeed, in the grasp of points of law or mastery of facts his professional predecessor was no superior to him. Mr Allagakoen's industry, sound common sense, knowledge of the customs, habits, and feelings of the people, and the patience displayed in the hearing of cases, added to the shrewdness and intelligence characteristic of the family to which he belongs, have stood him in good stead and rendered the discharge of his duties eminently satisfactory. We wish him a long and prosperous career in the Civil Service.

LOCAL & GENERAL.

THE SAIVITE SCHOOL AT VANNARPONNAI—The annual prize-giving at this institution took place on the 19th Instant, Sri Mat Soma Sundrakkurukkal of Neervely presiding. The school is now under the management of Mr. T. Kailasapillai who spares no pains to improve the status of the school as the premier Saiva Prakasa Vidya Salai in Jaffna. Several prominent gentlemen of Jaffna were present at the function, among whom were Mr Advocate Kanagasabai and Messrs Changarappillai and Casippillai, Proctors

OUR CONTEMPORARY OF THE 'CEYLON PATRIOT' REFERS TO US IN THE FOLLOWING TERMS:—Our contemporary of the *Hindu Organ* which was published partly in English and partly in Tamil, is now, we are glad to announce, given entirely in English with a view, no doubt, to enhance its usefulness so as to suit the present advanced state of learning and civilization. We need hardly say that it is the duty of Natives in general and of the Saivites in particular to come forward and lend a helping hand to the editor or editors of the *Organ* who work without expecting any remuneration for their trouble, the difficult and responsible nature of which none but editors only know. We are very glad to welcome the journal in its present more acceptable form, and wish it all success

THE SUPREME COURT—It is believed that Mr. Joseph Grenier will be appointed Commissioner of Assize to preside over the Sessions that will commence here on the 14th proximo.

PERSONAL—Mr. R. W. Allegakoen, Police Magsitrate Point Pedro and Chavakacheri returns to Jaffna by the "Lady Gordon" tomorrow.

AN EGYPTIAN EXILE—Mohamed Samy Pasha one of the exiles has been pardoned by the Khedive. He is making preparations to leave Ceylon for Egypt

AN INSPECTOR OF DUTCH RECORDS—Mr R. G Anthonisz, Assistant Registrar-General has been appointed Inspector of Dutch Records, Mr N W Morgappah acts for him as Assistant Registrar-General

ST. JOHN'S COLLEGE, JAFFNA—The Rev R. W. Ryde, Vice-principal of Trinity College, Kandy, becomes Principal of St. John's College, Chundicully, vice the Rev. J Carter who proceeds to England.

AN OFFICIAL SEAT IN THE LEGISLATIVE COUNCIL—Major L. F. Knollys, C. M G., Inspector-General of Prisons has been appointed an official member of the Legislative Council in succession to the Hon: F. A. Cooper, Director of Public Works who has proceeded home on leave.

—THERE was a time when Europeans poohpoohed the notion that Indians had any system of medicine of their own. But what a change! The other day, Dr W. J Simpson, at a meeting in London in which an important medical subject was discussed, made quotations from *Susruta* and called him "the great Indian physician,"

AN IMPORTANT JUDGMENT OF THE DISTRICT COURT OF JAFFNA.

The Law of Pre-emption held not obsolete—the Ord: No. 4 of 1895 abolishing publication and schedule held not to affect the Law of Pre-emption.

1. Iragunatha Mudaliyar Tillainather and his wife
2. Chellachchi and
3. Parupathippillai widow of Thamotharampillai all of Vannarponnai Plaintiffs.

No. 1684.

Vs.

1. Lena Pena Ramasamy Chetty by his attorney Lena Pena Alagappa Chetty and
2. Velauthar Sangarapillai both of Vannarponnai Defendants.

Messrs Advocates Allagakoen, Vanniasinghe, and Sandrasegara instructed by Mr. C. Stranterbergh, Proctor, for Plaintiffs

Messrs Advocates Kanagasabai and Tirunavukarasu instructed by Messrs Casippillai and Cathiravelu, Proctors, for 2nd Defendant.

The following Judgment pronounced by the learned District Judge (Mr C. Eardley-Wilmot) on the 21st July 1899, explains the facts of the case:—

1st Defendant was the proprietor of a certain land called Puliyadi in the District of Jaffna.

He sold it to 2nd Defendant for Rs. 12000—00 by deed dated 12th February 1899 (attested 13th February 1899) filed.

2nd and 3rd Plaintiffs are adjacent land owners, 1st Plaintiff is husband of 2nd Plaintiff. They claim a right of pre-emption to the land. They filed Plaint on 6th March 1899 and deposited Rs. 12000—00 on 7th March 1899

1st Defendant has not filed answer, 2nd Defendant the purchaser disputes the claim.

The issues are whether the law of Pre-emption is still in force in Jaffna, whether Plaintiffs had the option of buying the land and whether they are entitled to exercise the right of pre-emption, if the law is still in force, and if they had no notice previous to the sale.

2nd and 3rd Plaintiffs have not given evidence. 1st Plaintiff states that he first heard of the proposed sale on night of 11th February and that he went to see 1st Defendant that night, but only saw his Kanakkappillai. He states that on 12th February which was a Sunday he saw the Defendants and that they both refused to sell the land. 1st Plaintiff states that at that time he had Rs. 12000—00 in his iron safe at home and was prepared to pay cash for the land.

It appears however that 1st Plaintiff telegraphed to his son-in-law Murukesu in Singapore to send Rs.15000—00 and that he received the Rs.15000—00 from Singapore a few days before the case was instituted. He declares however that he did not deposit the Rs. 12000—00 out of that Rs.15000—00 but out of other moneys which he had in cash by him. If so, it is difficult to understand why he did not institute this case earlier. Moreover he is unble to explain how he came to have Rs.12000—00 in cash. He says that he lent money out on Pro notes and that the Rs.12000—00 is part of the repayments on that amount. But he says that he keeps no books and he is unable to give the names of the persons who paid the money. I am of opinion that he paid the Rs. 12000—00 out of the Rs, 15000—00 which he received from Singapore and that he had not got the money on 12th February last.

2nd Defendant states that he had paid Rs. 3000—00 to 1st Defendant as earnest money on 11th February, and that on 12th February 1st Plaintiff asked him to re-transfer the land to him- This was before the deed was executed. 2nd Defendant replied that he was willing to do so if 1st Plaintiff would repay him the Rs. 3000 —00 earnest money already paid by him. 1st Plaintiff said he was unable to do that at once as he must write to Singapore and get money. 2nd Defendant replied "do as you like." Defendants then went to the Notary's Office and got the deed executed. 1st Plaintiff did not accompany them.

I accept 2nd Defendant's version as the true one. But I am of opinion that his answer to 1st Plaintiff "Do as you like" was purposely intended to mislead 1st Plaintiff into the idea that he would be allowed time to get the Rs. 3000—00 to repay 2nd Defendant. I think that 1st Plaintiff was not aware that Defendants intended to execute the deed that day. It is to be noted that it was a Sunday, that the notary who drew up the deed is a Christian, and that this is the only deed that he has ever drawn on a Sunday. Probably 2nd Defendant replied in this way to stop further unpleasantness. 2nd Defendant further says that on 6th February he asked 3rd Plaintiff whether she wished to buy the land and she said she did not wish to. 3rd Plaintiff has not come forward to deny this. So it must be taken to be true. It would therefore appear that 3rd Plaintiff had the option of buying the land on 6th February and that 1st plaintiff had the option of doing so on 12th February, but he had not the money at that time. It appears however that by old custom persons who have a right of pre-emption, who reside in the village where the land is, are entitled to one month's notice of the sale. See page XXIII Thesawalame Sec. VII Paragraph 1. But the main question still remains whether the law of pre-emption is obsolete. In D. C. Jaffna 19868 decided 22nd December 90, and D. C. Jaffna 22446 decided 8th December 91, the Supreme Court left the question whether the law of pre-emption is still in force to be decided hereafter by a full court and decided the cases on other grounds.

In September 93, see Supreme Court Reports Pages 103—105, Vol. II, the same question was again left open. It has been held that publication and schedule were required to protect the rights of third parties to pre-emption, see Ramanathan's Reports 1863—1868, Page 93. It is therefore urged by the counsel for defence that when publication and schedule were abolished by Ord. 4 of 1895 the right of pre-emption was impliedly also abolished. The obvious answer to this is that if the Legislature wished to abolish the Law of Pre-emption, it would have been quite simple to add a paragraph to the Ordinance to that effect. The fact that this was not done goes to show that there was no intention to interfere with the customs of the country in that respect.

Two recent Judgments of this court (in 1897 and 1898) have been submitted to me in which is held that the Law of Pre-emption is in force. On the other hand a certified copy of the Judgment of the Commissioner of Requests of Mallakam (of 1897) has been filed in which it was held that it was not in force. Some of these cases went in appeal. The opinion of the Commissioner of Requests of Mallakam would have carried great weight if he had given it as a witness, as he is a native of the country and a resident land owner. But he has not decided the case apparently on evidence as to whether the custom *does* as a matter of fact exist, but merely on the abstract question as to whether it *ought* to exist. But it appears to me that I am not called upon to decide the question whether the custom is a good or a bad one but merely whether it is the custom and unfortunately neither party has thought it necessary to lead evidence on that point. The evidence of a few really reliable natives of the country as to whether the custom has really been acted on during the last thirty years would have thrown more light on the matter than all the Judgments quoted.

But the mere fact of all these conflicting Judgments goes to show that the custom is not entirely obsolete. Because if it had been obsolete the matter would not have come into court so often. Presumably as the custom has so often been contested in court it has been frequently complied with out of court without any contest, and the evidence of 2nd Defendant himself goes in support of this view because he took the trouble to go and ask 3rd Plaintiff if she wished to buy the land on 6th February, according to his own statement. If he did not think that the custom of Pre-emption existed, why did he take the trouble to do this? The Law of Pre-emption was in force in old times as it appears from all the Judgments quoted in the Thesawaleme. It has frequently come up in the courts since, but for the last thirty years there is no authoritative decision as to whether the custom is in force or obsolete. In the absence of such an authoritative decision and in view of the fact that the existence of the custom has frequently been contested in cases during the last thirty years, I find that the Law of Pre-emption is still in force in Jaffna although the Law is an excessively inconvenient one in modern times.

With regard to the objection taken by the advocate for the defence that the neighbouring land owners must aslo be mortgagees to be entitled to pre-emption I am of opinion that in the Text of the Thesawaleme sec. VII, paragraph 1, Page XXIII, either the words "to such" have been omitted or the word "and" is a mistake for "or", otherwise the provision would be wanting in common sense. The Judgments quoted by the advocate for Plaintiffs support my opinion.

With regard to the objection that 1st Defendant is not a native of Jaffna, it is to be remarked that *he* has not raised this objection. In any case I think that he is clearly bound by the law of the country in which the land which he bought is situated.

The question remains whether Plaintiffs were given sufficient (legal) notice of the sale. Originally by Thesawaleme the adjacent land owners were entitled to one month's notice. Subsequently this was replaced by the three weeks' notice with Udaiyar's publication and schedule.

The custom of publication and schedule was repealed by Ord: 4 of 1895. It is therefore urged that no notice at all is now necessary.

But if a law exists there must also exist some means to enforce that law. It would be obviously absurd to expect a man (at least in this country) to pay down a large sum of money at a moment's notice. Men do not carry thousands of rupees about with them. Therefore a reasonable notice must be given and the effect of the abolition of publication and schedule would seem to be that the original one month's notice is revived. As a matter of fact notice was given to 3rd Plaintiff on 6th February and she refused to buy the land. Her refusal binds her but it does not bind 2nd Plaintiff.

The notice to 3rd Plaintiff was not given by the owner of the land but by the purchaser 2nd Defendant It is doubtful whether such a notice is valid. In any case 1st and 2nd Plaintiffs are not bound thereby, The first legal notice that they received was on 12th February when both Defendants were present, on the very day of the sale, and that notice was in my opinion not sufficient legally.

The first issue should have been—had the Plaintiffs the option of buying the land and sufficient legal notice of the sale?

I find that the Plaintiffs had the option of buying the land and that 3rd Plaintiff refused to buy it. I find further that no sufficient legal notice of the sale was given to 1st and 2nd Plaintiffs and that they are therefore entitled to exercise the right of pre-emption.

As against 3rd Plaintiff the Defendants would have been entitled to costs and there can be no reasonable doubt that 3rd Plaintiff informed 1st and 2nd Plaintiffs of the proposed sale. They should therefore have taken steps earlier in the matter. I do not think that they are entitled to costs.

I give Judgment to 1st and 2nd Plaintiffs only as prayed for against 2nd Defendant. Parties to bear their own costs of their contention. As regards 1st Defendant I find that he appeared on 13th March 99 and took time to file answer. He has failed to file answer. He should pay 1st and 2nd Plaintiffs (uncontested) costs of action but it will be necessary to enter Decree Nisi and serve it on him in order to obtain an effective decree against him. Enter Decree Nisi against 1st Defendant.

Sig/ C. EARDLEY WILMOT
21st July 1899. D. J.

SELECTIONS.

THE LADDER OF LEARNING.

(The Spectator)

A remarkable and unique event has happened at the Mathematical Tripos at Cambridge this year. Not only is the Senior Wranglership bracketed between two students, but these students represent the *nouvelles couches sociales* whose presence at our Universities is transforming, and, as we hope and think, tranforming for the better, the character of our seats of learning. One of the Senior Wranglers, Mr. George Britwistle, began life as a poor boy at Burnley, his father having died when he was young, and his mother having to support her young children The boy went to a Wesleyan day-school where he acquired the rudiments of learning, and then secured a scholarship at the Burnley Grammar School, where his career was of a remarkable kind He won two exhibitions which enabled him to go to Owens College, Manchester, where he took a degree in science, and then he won an entrance scholarship at Pembroke College, Cambridge. And now at the age of twenty-two the poor Burnley youth finds himself at the head of the learned and promising young men of England, of the present year His colleague in the Senior Wranglership, Raghunath Paranjbye, in a Hindoo, educated at Poona and at the University of Bombay, where he secured a Government scholarship, and afterwards went to St John's College, Cambridge, as a Foundation Scholar His subtle Hindoo intellect combined with hard work, has enabled him to become Senior Wrangler, and we are glad to note that when the lists were read out in the Senate House this Hindoo triumph was greeted with enthusiasm We think we are right in saying that this double event constitutes a very important fact.

The career of Mr. George Birtwistle is the best illustration that could be found of the educational ladder leading from the primary school to the University, on the necessity for which we have so often insisted. Backward as England unhappily still is in comparison with Scotland, Germany or Switzerland as regards eductional methods, it is gratifying to find that such an ideal as the educational reformer has in his mind can be realised in the case of Mr George Birtwistle. The small Wesleyan day school, Burnley Grammar School, Owens College, Cambridge University constitute a great educational chain, the links of which fit in with one another even better than one might expect. They correspond roughly with the primary school the *gymnasium* the *realschule* and the University of Germany. That culture of the mind by classical literature on which Mr. Bryce has very wisely insisted, and which a merely utilitarian ideal would ignore, is conveyed both through the grammar school, whose foundation culture is properly classical, and through the University, which still, with equal propriety, insists on a certain minimum of classical learning in all her pupils. The mind thus broadened and elevated is all the better fitted to grasp the problems of physics and pure mathematics studied both at Owens College and at Cambridge.

.....

We cannot doubt that the presence of what we have termed "new social strata" at Oxford and Cambridge will in every way benefit those institutions. Not to speak of the distant days when Oxford rightly earned the scorn of Gibbon and Adam Smith by her indolence

and corruption, it is not so long ago when our Universities were looked on askance as being merely expensive finishing schools for the aristocracy and gentry, and the suspicion was more or less correct. That charge cannot be brought against them now, for they have been steadily democratised in fact and in tone during the last generation. A sign of the change is that you do not find to-day, say in the big court at Trinity Cambridge, the gold braid and velvet cap of the nobleman as was the case about a quarter of a century ago. The Peer's son enters as an ordinary undergraduate, and finds himself sitting at table with a youth who began life in a Board-school. The expenses of dining have been cut down, extravagant entertainments have declined, and altogether a much simpler tone has been introduced. Into such a society as that of to-day, with its wider outlook and more varied reading, the introduction of the picked young men of the poorer classes and of the best minds from India, the United States, and the British Colonies is a fact the beneficent importance of which can scarcely be overestimated. The University is broadened, is rendered more human, and it approximates far more nearly to the great ideal of the mediæval University as it was understood at Paris Bologna, and Oxford. That ideal was not a mere national class institution, far less a "cramming" institution, where capacity for getting up facts was to be tested. It was a place where, as Matthew Arnold said, the best that had been thought and known was to be studied, where a generous enthusiasm for ideas and for the conduct of life was to be generated, where not mere learned machines but high-souled men were to be produced. It is true that Oxford and Cambridge have never encouraged the idea of mere pedantic learning for its own sake; perhaps they have erred too much the other way. But they have been narrow, they have been affected by class bias and by ecclesiastical prejudice. Now they are humanised and broadened by the inclusion of new classes and the devotion to wider ideals, and the ladder of learning, from elementary school to Unsversity, is proving a powerful means of effecting this desirable end.

THE PROSPECTS OF CHRISTIANITY IN INDIA.

It is a very desirable kind of optimism, under certain circumstances, which can make us hope against hope; or be hopeful for the future in the face of facts and experiences. But it is doubtful whether it will go any way towards making Christianity more of a success than it has been hitherto in this country.' The local CHRISTIAN PATRIOT believes that a glorious future is in store for Christianity in India. And its reasons for its faith are many. Only some of them are wrong facts, while others are facts which, we could scarcely have thought, testified to the growing power of Christianity. Statistics are not a very reliable test of the progress of a religion, says our contemporary. But they are not altogether valueless as a test. And judged by it, how does Christianity stand to-day? The Christians who numbered "only a few thousands" at the beginning of the century are now "nearly 900,000" strong. We may accept the statement. But does the growth in numbers represent the growth of the Indian Christian community purely? According to census returns 250,000 of these 900,000 are European Christians. Apart from this, has the PATRIOT made due allowance for the natural growth of the population? Again, how many famines have there been since the beginning of the century? and how many converts did each of these famines yield? Further, how many missionaries have been at work during the century—and at what enormous cost to pious souls at home? Considering the efforts put forward to convert the Hindu heathen, are the results adequate or satisfactory? After all, it may be said, the strength of the Indian Christian community cannot be the full measure of Christian influence in this land. We admit it. And we are prepared to look even outside of that community for evidences of its power? But where are they? Abbe Dubois despaired of converting the higher castes. But to-day, says the PATRIOT triumphantly, there are, among the leaders of the Native Christian community in the different provinces, some Brahmin converts. SOME! Do they make even a round hundred? How many decades did it take to produce them? And how many Missionaries claim credit for the extraordinary feat? This is the CHRISTIAN PATRIOT'S evidence No. 1. No. 2. is, that "once within the fold of Christianity, the cruel, man-made distinctions of caste have had no meaning" to "the depressed classes." Is it indeed so? Roman Catholics form the greater part of the Indian Christian population. In this Presidency they make more than two-thirds of the community. And they are, except where they happen to be PANCHAMAS for the most part, great sticklers for caste. There are whole villages of caste-Christians in Southern India. And these Christians are in all matters, excepting their faith the Hindus they were before their conversion. Our special correspondent at Tinnevelly mentioned the fact, only the other day, that between Christian Shanars and Hindu Shanars there was no difference whatsoever except that of religion. Over and above this, we cannot be quite certain that there is no caste in the Protestant section of the community. A Brahmin convert seldom courts, or approves of, alliances with non-Brahmin converts. In this respect Brahmos, we fancy, have been far more progressive than the Christians. And this brings us to the most important of the PATRIOT'S evidence in proof of the wide-spread influence of Christianity. "The sublime high standard of morality of Christianity is the standard by which even political measures are weighed by Hindu newspaper editors. The existence of Brahmoism is another instance in point; for the leader of this movement himself regarded Brahmoism as the outcome of the wedlock of Christianity with the ancient religions of India. The neo Hindu movement is also a testimony to the quickening power of Christianity." More misstatements could not have been packed into such a short compass. In fact, every statement of this quotation is incorrect. If we judge the "political measures" of a Christian Government by the Christian standard of morality, in the newspapers, it is for the very good and obvious reason that we expect our rulers to act up to the principles they profess or avow. It is not because the Hindu standard of morality is lower than the Christian. The Hindu Standard is at least as sublime as the Christian. And the fact is proclaimed in the pages of every Western student of Indian religious literature. Further who said that Brahmoism was in any sense a suggestion of Christian influences? The PATRIOT has evidently read a meaning of its own into some of Keshub Chunder Sen's extatic utterances. But it must not forget that Keshub placed Jesus on no higher pedestal than Buddha, or Mahommet. Brahmoism is merely the pure Hinduism of the the Vedas. And it is on this ground that an attempt is being made in Northern India to amalgamate the Brahmo Samaj and the Arya Samaj. As for the last statement in the above quotation: the credit that is due to Christianity for the "neo-Hindu movement," is the sort of credit that a ne'er do-well may take to himself for having inspired the industry of a neighbour by the very sight of his miseries. As well, too, might a fallen foe claim credit for the glory of his victor. —The Hindu.

CIVILIZED AND UNCIVILIZED COMMUNITIES.

The English Mail received to-day brings us the summary of a lecture, delivered at the School of Economics, Adelphi, by Mr. JOHN MACDONELL, C. B, Master of the Supreme Court,, on the relations of civilized to uncivilized communities according to international law; and the views which he expresses, and the facts which he adduces to illustrate them, are of no small interest at a time when various civilized nations are engaged in subjugating less civilized or less powerful peoples. The late Commander in-Chief of India propounded the theory that civilization and barbarism could not exist side by side without coming into mutual conflict; and this was his justification for the frequent wars on the frontier. Elsewhere also similar notions prevail. Conquering nations have never wanted a justification or excuse for subduing, and forcing their own laws on, weaker races. The early Spanish conquerors found their justification and excuse in Christianity for their worst acts of cruelty and wrong against weaker peoples. The modern conquerors base their defence of highhanded acts on civilization and international law. The one regarded all who did not profess their religion as unworthy of Christian treatment; and the other venture to treat all who have not a form of Government akin to their own as lying outside the purview of international law. Fraud and force have alike been used in acquiring territory and depriving the people of their rights. Mr. MACDONELL, in his lecture, expressly excludes from his view such races as the Hindus, Chinese, or Japanese who have all possessed civilizations of their own, but deals with the subject solely as concerning people with primitive institutions; and it is his opinion that the higher the form of civilization the more sweeping the destruction of the weaker races which encountered it. indeed, it has been urged by the apologists of modern explorers and conquerors that in recent times the treatment of natives has been infinitely more merciful and considerate than it was at the hands of early explorers and conquerors. But, as Mr. MACDONELL contends, it is questionable whether in earlier times there was not a greater mixture of conquerors and conquered, with a consequent obliteration of prejudices, and whether large parts of native populations were not left alone. Mr. MACDONEEL even contends that modern civilization is probably more intolerant than was the civilization of the Spanish conquerors. The Spanish conqueror of Peru wrote to King PHILIP expressing regret at having taken part in the conquest, and desire to relieve his conscience for the Spaniards had destroyed a people hitherto good and well governed by their bad example. The lecturer says that he is unable to recall such a confession on the part of a modern explorer or promoter, the results of whose efforts have too often been disastrous. He adds that dominant prejudices are at work which produce great mischief in our dealings with aborigines: one is the assumption that there is one form of society to which all must conform on pain of perishing; another is the notion that the so-called uncivilised world is all of a piece. To the first prejudice must be attributted to the tendency to call all people uncivilized who do not come up to their own social and political ideal; and the second prejudice is the cause of the idea that all who do not come up to their ideal are equally bad. Lord George HAMILTON spoke of India as a savage country; because he made no difference between the frontier tribes and the enlightened inhabitants of India. That civilizations can be different and antagonistic does not appear to have been widely acknowledged. A civilization like that of India is obviously different from and antagonistic to the civilization of Europe; and as the one gains in strength the other must more or less become weak and powerless to resist the inroads of alien forces. Hence civilization is capable of destroying civilization rather than of helping its progress; and as a matter of fact, as Mr. MACDONELL observes, civilization has sometimes barred the path of progress on which the conquered were advancing, and the most degraded and degenerate specimens of the race are often to be found among the most highly civilized. That with the good things of civilization the conquerors are capable of disseminating some of the worst evils incidental thereto requires no proof. The rights of people and even their occupations are seriously affected sometimes, The question of the right of aborigines to their land, says Mr. MACDONELL, was first answered in 1823 by the Supreme Court of the United States in Johnson v. McIntosh. "The point was the nature of the rights of the Indians of America to the soil which they occupied. Grants had been made by the Indians of Illinois in 1773 and 1775. Subsequently the lands were granted by the United States Government in 1818, to other persons, and Chief Justice MARSHALL, in a judgment which had since profoundly moulded opinion, decided against the validity of the Indian grants. Discovery, said the Court, gave the dominion of the land discovered to the States of which the discoverers were the subjects. The Indians were admitted to be the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it, and to use it according to their own discretion, but their right to complete sovereignty were necessarily diminished, and their power to dispose of the soil at their own will to whomsoever they pleased was denied by the original fundamental principle that discovery gave exclusive title to those who made it. These grants have been understood by all to convey a title to the grantor, subject only to the Indian right of occupancy. "It has never been contended," the Chief Justice added, "that the Indian title amounted to nothing. Their right of possession has never been questioned. The claim of the Government extends to the complete ultimate title charged with the right of possession, and to the exclusive power of acquiring that right," The result of this is, Mr. MACDONELL says, that it permits and ensures the loss to the tribe sooner or later of its best land, the break up thereby of the tribal organizations, and in the end the creation of large masses of landless people, loose irresponsible waifs, fit subjects for a sort of economic bondage whose slavery has disappeared. Mr. MACDONNELL'S remedy for this state of things is a new chapter of international law whose principles are the recognition of the rights of aborigines to live in their own way so long as it is not hurtful to others; to avoid the craze for uniformity and the eagerness to destroy tribal usages; to provide as far as possible for economic forms of holding property, even if they should be primitive; and to make arrangements, as far as practicable, for the chiefs to remain in the old position of Judges, lawgivers, arbitrators, and councillors. These may be all desirable; only we are not very sanguine that the militant races of the world will be prepared to shape their conduct in accordance with these rules. Mr. MACDONELL'S proposals are, in any case, as practical as the Czar's peace proposals. —The Hindu.

CHRISTIAN CONVERSIONS.

CHRISTIAN conversion, among the lower classes in India, has gone on, on a large scale, for long decades And the fact has caused enthusiastic thankfulness among missionary circles. But we wonder if the Government of the country can always watch the process with perfect equanimity if not with satisfaction The theory, of course, is that acceptance of Christianity brings an Indian nearer a complete appreciation of the benefits conferred by a Christian Government like the British can be said to be. But in practice it causes new social aspirations, and these, in the nature of things must, sooner or later operate towards the creation of class animosities. And when they do so as they have done in Tinnevelly how is the Government to regard missionary effort among the lower order of society? We commend the following from the *Saturday Review*:— "There is one point about the disturbances recently reported from Madras which invest them with an awkward interest. One of the factions is said to consist largely of Christianised persons of low caste or no caste The adoption of Christianity by such persons in large numbers has its social or even political aspect. The inevitable tendency of adopting the 'government religion' is that they consider themselves as good as their neighbours and begin to claim an equality foreign to the structure of the society to which they belong. They refuse to discharge degrading services, such as scavenging, which have been assigned to them by immemorial usage and which persons of higher status cannot perform. The serious inconvenience thus caused to the community embitters religious animosity and leads to reprisals Any spread of this feeling throughout India would prove extremely embarrassing to Government."—*Hindu*

NOTICE.

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI.

Testamentary Jurisdiction Class I } No. 998

In the Matter of the Estate of the late Nallatampiar Veluppillai of Chempianpattu Deceased

Veluppillai Nallatampi of Chempianpattu Petitioner

Vs

Veluppillai Chinniah of Chempianpattu Respondent

This matter of the Petition of Veluppillai Nallatampi of Chempianpattu praying for Letters of Administration to the estate of the abovenamed deceased Nallatampiar Veluppillai of Chempianpattu coming on for disposal before C. Eardley Wilmot Esquire, District Judge, on the 13th day of July 1899 in the presence of Mr. K. Kanakasabhai Proctor on the part of the Petitioner and affidavit of the Petitioner dated the 10th day of July 1899 having been read, it is declared that the Petitioner is one of the heirs of the said Intestate and is entitled to have Letters of Administration to the estate of the Intestate issued to him unless the Respondent or any other person shall on or, before the 18th day of August 1899 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 13th day of July 1899

Signed/ C. EARDLEY WILMOT

District Judge

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