

Hindu Organ

(THE CHEAPEST WEEKLY IN CEYLON)

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JAFFNA: WEDNESDAY JANUARY; 27TH 1904

} NO. 30

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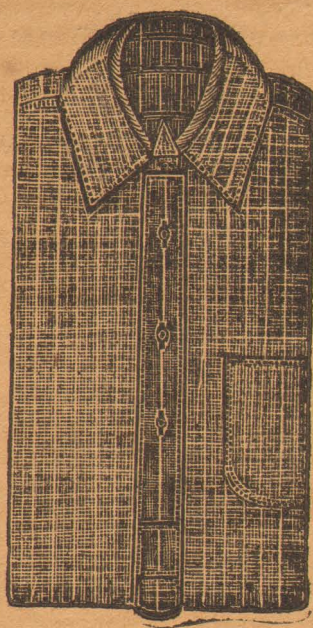
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SURVEYING AND LEVELLING EXAMINATION.

The Examination for the Surveyor General's License in Surveying and Levelling (Ordinance No 8 of 1897) will be held at the Ceylon Technical College Beginning Monday February 8th 1904 at 10 O'clock a. m.

Candidates other than students of the Technical College in Surveying and Levelling must pay the fees (Rs. 35-00) to the Surveyor General before that date.

The subjects of the Examination are:—

Mathematics Algebra up to quadratic equations, plane trigonometry and the Mensuration of surfaces and solids.

Drawing Setting out, plotting, tracing and office work including a report on a survey.

Field work Chain Surveying, Theodolite Surveying and Levelling, including the adjustment of the Theodolite and Level and setting, out curves.

All candidates must provide their own instruments, poles, pickets, coolies, drawing boards and materials &c., and no assistance in providing any requirements will be given at the College.

E. Human
Superintendent

Ceylon Technical College,
Colombo, 19th January 1904.

NOTICE.

IN THE DISTRICT COURT OF COLOMBO.
ORDER NISI DECLARING WILL PROVED.

Testamentary } No. 2030.

Jurisdiction }

In the matter of the Estate of the late Suppramaniam Arumugam Ponnambalam deceased, of Vadducoddai East Jaffna and of Colombo.

This matter coming on for disposal before Joseph Grenier Esqr. District Judge of Colombo on the 16th day of December 1903 in the presence of Messrs. Perumalpillai and Chelliah on the part of the Petitioner Valupillai Sellachippillai and the affidavit of the Petitioner dated 14th December 1903 having been read,

It is ordered that the aforesaid petitioner be declared entitled to have Letters of Administration to the Estate of Suppramaniam Arumugam Ponnambalam issued to her as his wedded unless Sinnathangam wife of Valupillai Sittambaiaam 2 Valupillai Sittambalam 3 Parupillai wife of Valupillai Thambiah and 4 Valupillai Thambiah all of Vadducoddai East Jaffna shall on or before the 4th day of February 1904 show sufficient cause to the satisfaction of this Court to the contrary.
Sgd. JOSEPH GRENIER
District Judge.

The 16th day of December 1903.

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APPLY TO

THE MANAGER
HINDU ORGAN
JAFFNA.



THE HINDU ORGAN.

JAFFNA, WEDNESDAY, JANUARY 27, 1904.

THE TINNAVELLY MISSIONARY CASE.

The "Morning Star" of the 21st Instant contains an editorial article on the above case, in which an one-sided version of that case is given by our contemporary. The Missionary Editor also shows great animus and spite against the "Tamil Judge" of Tinnavelly who is accused by the "Morning Star" to have contemptuously refused Police protection to the Missionaries on their way home from Court with the kidnapped girl, and refers also contemptuously to the "Brahmin Judges" of the High Court who set aside the conviction of the girl's father and two of his witnesses on a charge of perjury by the English Sessions Judge of Tinnavelly. Our Missionary Editor is rather excited that "the two Brahmin Judges rejected in toto as absolutely false the evidence of three European witnesses, one of whom had no connection with the Zonana home", and hopes that "the outrageously partial and unjust judgment will be reviewed and corrected by a higher court". He also says that "bigotry seems to have completely blinded the Brahmin Justices to the common principles of law." We little thought before reading that article that the Editor of the "Star" is such a proficient in law as to dictate "the common principles" of law to such eminent lawyers as Sir S. Subramania Iyer, the acting Chief Justice of Madras and Justice Sir V. Bashyam Iengar. A perusal of the "Morning Star" article would show any unbiased reader that the Editor is actuated not only by religious bigotry but is also influenced by racial feeling such as prevails in his own country. He seems to think that the "Brahmin Justices" who he says have disbelieved the evidence of Missionaries and acquitted three innocent "natives", belong to that class of natives of America whom the Americans keep out of high offices in the State and lynch with impunity under the slightest provocation. If our contemporary can have his own way, he will make a clean sweep of "Tamil Judges" and "Brahmin Justices" in India. Fortunately for them India is a British Dependency where the Indians not only occupy some of the highest offices under the Government but are also protected as far as possible from the domination of Missionaries and the oppression of irresponsible Europeans.

We quote elsewhere an article from the "Amrita Bazaar Patrika" of Calcutta, on this same case, as it is presented from an impartial stand point. In our next issue we shall deal with the case at greater

length. It is not true that the High Court disbelieved the Missionary evidence. That tribunal only held that there was no proof that the accused preferred a false complaint knowing it to be false. The High Court Judgment is entirely free from the bias of colour or creed which the "Star" is not.

THE INDIAN NATIONAL CONGRESS.

Elsewhere we reproduce an article from the pen of the late Sir Richard Garth, Chief Justice of Bengal, on the Indian National Congress, published in the "Law Magazine and Review" for February 1895. It will be seen that "India" the organ of the Congress in England, has given publicity to this article, in its issue of 25th December 1903, in view of the nineteenth session that was lately held in Madras, and with the object of clearing the misunderstanding that exists in England as to the aims of this body. Undoubtedly vast changes have taken place in India in regard to it since Sir Richard's article was written. The Government no longer treats this body with insolence as it did in the beginning of its existence. The Anglo-Indian press also is not so hostile to it now as it was at one time, as the very favourable review of the Presidential Address at the last Congress by almost all the Anglo-Indian papers would show. The "Times of Ceylon" has shown great ignorance, as regards the Congress, and we hope that the article of the late Chief Justice of Bengal will have the effect of enlightening our contemporary as to what it is and what its aims are.

THE SANITARY CONDITION OF JAFFNA.

(communicated.)

The Sanitary condition of Jaffna at present is far from satisfactory. Fever prevails to a great extent and many have fallen victims to it. The misery and hardships which the poor people undergo in some remote villages where there is no proper medical aid are very great indeed. We see many people coming from a distance of four or five miles to the town to get medical help. It is very necessary to start dispensaries temporarily in remote villages where there is none so that the people there may easily get their medicines. Kockivil which is about three miles from Jaffna is a very large village and it is a pity that people from this place have to come to the town for getting medical help. There are neither proper medical practitioners at this place nor any dispensary. Similarly there are many other villages in Jaffna which suffer for want of proper dispensaries to which people can easily resort for medical help. It is therefore incumbent on our paternal Government to find out the places where medical aid is now necessary and to start dispensaries till at least the fever now prevailing subsides.

Jaffna was once noted as a healthy station. Some fifteen or twenty years back malarial fever was very scarce in Jaffna. But now it has become a hot bed of malaria. How this change has been brought about it is not easy to say. We find that whenever rain falls heavily in Jaffna during winter season fever also breaks out. This leads us to think that rain water allowed to stagnate in low grounds is the cause of this fever. After the heavy rain that fell lately we see in so many places rain water stagnating without any outlet for it to go into the sea. In former days, that is during the time of the late Mr. Dyke, and during the administration of Sir William Twynam also the drains were kept in good order and rain water without stopping anywhere found its way into the sea. But now our Government do not seem to care about

drains. We sometimes see some Pariah men carrying mammotties with them and scratching the surface of the drains simply to remove the grass on them and that too after the rains have ceased. If the drains are so badly neglected how can the health of Jaffna be otherwise than it is at present?

To make matters worse the Government has left many pits dug along the Railway line still unfilled even adjacent to dwelling compounds. They are now filled with water which is allowed to stand and stagnate in them. There is not a house along the line which is free from fever. We hope the Government will give its serious consideration to the present insanitary state of Jaffna and adopt such measures as will improve the sanitary condition of Jaffna.

LOCAL & GENERAL

Hindu College, Jaffna—The Principal of this College Mr. N. Selvadurai Pillai B. A., who went to India has returned and assumed duties on the 25th Instant.

A Local Board for Jaffna—We hear that the Government Agent, Mr. J. P. Lewis, has recommended a Local Board for Jaffna.

The Late Mr. S. Sanmugam—It is our painful duty to record the death of this gentleman, the retired Chief Clerk of the Fiscal's Office, Jaffna, which occurred last week at his residence at Thavadi. He was a devout Hindu, a good Tamil scholar, and an honest and trustworthy officer of Government. He died suddenly at the age of about 75 years. He was even after his retirement employed on special duty during the Criminal Sessions of the Supreme Court here. He leaves behind several children and grand children to whom we offer our heart-felt condolence.

The New Police Magistrate of Jaffna—Mr. T. B. Russell assumed duties as Police Magistrate of Jaffna on the 25th Instant.

Our Editor—Mr. A. Sapsathy, the Editor of the *Hindu Organ*, proceeds to India today on a visit to his firm at Alleppy. He will be absent from Jaffna for about a month.

The P. C. M. O.—Dr. Allan Perry has arrived here on a tour of inspection by land. He inspected the F. N. S. Hospital on the 22nd Instant.

The Late Mr. Kulaveerasingam—We deeply regret to record the death of this gentleman which took place on the 17th Instant at Point Pedro in the residence of his brother, Dr. Sinnatamby. The deceased belonged to a respectable family at Manipay and was employed in Colombo as Book-keeper at Messrs. Bois Brothers & Co. He was also Secretary of the Colombo Saiva Paripalana Sabai. He leaves behind a widow and seven children, besides a host of other relations, to whom we offer our heart-felt sympathy.

Survey Department—Mr. A. H. G. Dawson, Assistant Superintendent of Surveys, Ratnapura, is expected here shortly to relieve Mr. W. C. S. Ingles who proceeds home on leave.

THE LATE SIR RICHARD GARTH AND THE INDIAN NATIONAL CONGRESS

In view of the Nineteenth Session of the Indian National Congress which opens on Monday in Madras, under the Presidency of Mr. Lal Mohan Ghose, it may be interesting, especially for the information of our readers in the United Kingdom and in America, to recall the late Sir Richard Garth's account of the Congress.

His article appeared in the "Law Magazine and Review" for February, 1895. It is hardly necessary to add that Sir Richard Garth, M. A., K. C., etc., was a Chief Justice of Bengal, a Privy Councillor, and a sound Conservative, who, at one time, represented Guildford in the House of Commons.

A review of the Congress from the pen of a Tory lawyer who was educated at Eton and Christ Church will hardly be expected to err on the side of excessive cordiality.

Sir Richard Garth wrote:—

Of all the many acts of injustice which have marked the conduct of the Government of India of late years, there is none in my opinion which can at all compare with their insolent treatment of the Indian National Congress. There is no subject, I consider, upon which the English Press and the English public have been so cruelly and persistently misled by the Government party.

SIR G. CHESNEY'S ATTACK.

As an illustration of the sort of spirit which animates them against the Congress, I would refer to an article written by Sir George Chesney, K. C. B., in the "Nineteenth Century" for June last.

Sir George Chesney, I need hardly say, is an Indian officer of high position. He has spent

the better part of his life in the service of the Government, and he was a member of the Viceregal Council from 1886 to 1891.

He is, moreover, well known as the author of a work styled "Indian Polity", which has just gone through a third edition in the press. He is a staunch supporter of the Government of India, and we may, therefore, I presume, accept what he says in the article to which I have alluded as being substantially in accordance with the Government views and principles.

ITS "SPIRIT OF INTOLERANCE."

If any of my readers have not seen that article, I invite them to read it. It illustrates very forcibly the spirit of intolerance to which I have alluded, and I can hardly conceive anything more calculated to wound the feelings and excite the disaffection of a people keenly sensitive to ridicule and insult, than the tone and language in which they are spoken of in that article.

He describes the Indian people generally as absolutely unfit for free institutions; and if I understand him rightly, he would wish to deprive them, if he could, of those three great blessings which we are taught to regard as the very elements of freedom—a free Press, a free Bar, and the right of publicly discussing their political views and opinions.

But his attacks are more particularly directed against the "Indian National Congress." He holds it up in most contemptuous language to the ridicule and obloquy of the English people. He speaks of it as "a class outside and apart from the people of India, properly so-called; a body made up of pleaders in the Law Courts, ex-students from Government Colleges, and the class which works the Native Press." He derides their proceedings, insults their chairmen, and winds up by saying: "In fact the holders of these Congresses are a set of inept blundering political charlatans. They have never made one useful or practical suggestion, but their proceedings, when not merely silly, are undoubtedly mischievous."

AS STRONG A TORY AS SIR G. CHESNEY.

Now I think I ought to say, before I proceed further, that, so far as I am personally concerned, I am at least as strong a Tory as Sir George Chesney himself. I mention this, not because I am weak enough to suppose that anybody cares at all what my political views may be, but merely to satisfy my readers, if I can, before I come to deal with the pith of my subject, that I am not at all likely to take too Radical a view of the Indian situation, or to espouse the cause of the people against the Government, except for some very good reason. I went out to India in 1875, believing, as most Englishmen do, that our Government there was a model of paternal rule, and I was most unwilling to come to any other conclusion, until the truth forced itself upon me with a weight which it was impossible to resist.

COMPOSITION AND AIMS OF THE CONGRESS.

Having said thus much, I will now deal with what seems to be the principal object of Sir George Chesney's attacks, namely, the National Congress, and I consider:

First, who the gentlemen are who compose the Congress; and,

Secondly, what have they done to deserve Sir George Chesney's obloquy and insults.

1st. The Indian National Congress is a large, influential, and important assembly of earnest and patriotic gentlemen, who, since 1885, have at the close of each year met at one or other of the large centres in India, such as Calcutta, Madras, or Bombay, to discuss their political views and opinions.

They consist of delegates from every part of India who are duly elected at a number of divisional headquarters. We are told that, at the Congress meeting in Allahabad, in the year 1888, fully three millions of men took a direct part in the election of these delegates, who themselves numbered no fewer than 1,248. The constitution of this important body was thoroughly representative; it consisted of Princes, Rajas, Nawabs, 54 members of noble families, Members of Council, honorary magistrates, chairmen and commissioners of municipalities, Fellows of Universities, members of Local Boards, and professional men, such as engineers, merchants, bankers, journalists, landed proprietors, shopkeepers, clergymen, priests, Professors of Colleges, Zemindars, and others.

I should say that they were thoroughly representative as regards religion, as well as their rank and profession.

The Hindus, of various castes,	numbered	964
The Mahometans	...	222
The Christians	...	38
The Jains	...	11

Thus we see how utterly unfounded is the statement made by Sir George Chesney that the

Congress is largely made up "of pleaders in the Law Courts, of ex-students from the Government Colleges, and the class which works the Native Press."

So far as Bengal is concerned, I know it to be untrue. I am personally acquainted with several of these gentlemen. They have often been guests at my own house. I have met them constantly in the best native society in Calcutta, at Government House Levees, and at Government House parties; and I should think that Sir George Chesney, although he may not have known them personally, must frequently have met them there himself.

ITS MEMBERS NOT "AN ISOLATED CLASS."

It is also utterly untrue that they are, as Sir George Chesney would suggest, "an isolated class." They are no more isolated than the members of the Carlton or the Reform or any other Club in London; and I may also say that I know many Native gentlemen of high rank and position who, although thoroughly favourable to its views, have been deterred from taking as direct and open a part in the Congress proceedings as they would have wished to do, by the determined jealous hostility which the Government have manifested towards the movement.

2nd. And now, secondly, let us see what these gentlemen have done to deserve Sir George Chesney's invective.

He says that they are "a set of inept blundering political charlatans; that they have never made one useful or practical suggestion; and that their proceedings, when not merely silly, are undoubtedly mischievous." This is the language in which the member for Oxford, a General in her Majesty's Army, and K. C. B., thinks fit to insult these gentlemen, who were only lately under his rule as one of the members of the Viceregal Council; and now, what have they done to deserve this choice invective?

THEIR COURAGE AND PATRIOTISM.

I will tell you what they have done. They have dared to think for themselves; and not only for themselves, but for the millions of poor ignorant people who compose our Indian Empire. They have been content to sacrifice their own interests, and to have the displeasure of Government, in order to lend a helping hand to those poor people.

They have had the courage and the patriotism to denounce abuses which have disgraced our Indian rule for years past; which have been condemned by public opinion in India and in England, and to which the Indian Government appear to cling with a tenacity which seems utterly inexplicable. They have dared to propose reforms which, despite the resistance of the Government, have been approved by Parliament, and to endeavour to stay that fearful amount of extravagance which has been going on in India for years past, and has been the means, as some of our best and wisest counsellors consider, of bringing our Eastern Empire to the verge of bankruptcy.

This is what these good men have done to deserve the taunts and insults of the member for Oxford city, and the relentless persecution of the Government of India.

And now, as to their never having made one useful or practical suggestion, and as to their proceedings, when not merely silly, being undoubtedly mischievous, I am afraid Sir George Chesney must be a little oblivious.

THE INDIAN COUNCILS ACT.

What does he say to the Indian Councils Act of 1892?

That was a reform, I take leave to say, entirely due to the strenuous exertions of the Congress. It was proposed and carried at their very first meeting in 1885. They pressed it in vain upon the attention of the Government year after year, until at last Mr. Gladstone yielded to their urgent solicitations by passing the Act of 1892.

It certainly is rather amusing under these circumstances to find Sir George Chesney, in the last edition of his "Indian Polity," actually modest enough to attempt to take credit to the Government of India for passing this measure, which they had been steadily resisting as long as they could, and which they were only obliged to take in hand at last, for the purpose of defeating, as far as possible, the more liberal intentions of Parliament.

As regards the Viceregal Council I am sorry to say they have succeeded in reducing the intended reform almost to a dead letter. The Government still have entirely their own way in the Council, and their officials are forced to vote for them, whether they will or no. Only witness the lamentable scene which occurred the other day at Calcutta on the question of the cotton duties, when the whole of the non-official members voted against the Government, and some of the official members would have done the same, had they

not been forced, like so many dummies, to obey the orders of the Secretary of State. What a mockery to call this a Legislative Council!

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

Look again at the resolution so strongly urged by the Congress from the very first in favour of the separation of executive and judicial functions. It is almost impossible to conceive the injustice that has been worked in India by uniting these powers in the same official. The Government know this perfectly well; the Courts of Justice have urged it over and over again; the whole of the non-official community in India abhors the present system; and I am happy to say that after a long struggle on the part of the Congress, two successive Secretaries of State (Lord Cross and Lord Kimberley) have, in the House of Lords, admitted its iniquity. But the Government still clings to the abuse.

Then, again, look at the following resolutions of Congress:—

1. Against the enormously increasing military expenditure, which Sir Auckland Colvin considers, in common with thousands of other good men, as the main cause of India's distress.

2. In favour of reform in the Police Administration, which, indeed, is most sorely needed.

3. In favour of a Legislative Council for the Punjab.

4. In favour of allowing prisoners in warrant cases to be tried (if they wish) at the Sessions.

5. In favour of Lord Northbrook's motion in the House of Lords for a strict enquiry into the Home charges.

6. In favour of appointing barristers instead of civilians to some of the district judgeships.

7. In favour of the establishment of military colleges in India; a resolution which, we were given to understand, was favourably considered by the Duke of Connaught.

I do not enlarge upon these resolutions, because the English public would hardly understand their merits; but speaking for myself, I entirely approve them; and they have also been approved by thousands of well-informed, educated gentlemen, who, I take leave to say, with all respect to Sir George Chesney, know quite as much about their merits as Government officers.

I quite admit that there are other resolutions with which I disagree as strongly as Sir George Chesney; as, for instance, the one in favour of simultaneous examinations in England and India for the Civil Service. If that were carried out, the English element in the service would be inevitably swamped in a very few years, and it would be absolutely impossible to carry on British rule in India without a competent staff of British officials to work it. But at the same time it seems hardly respectful to call the Congress leaders a set of "inept political charlatans," merely because they pass a resolution which the majority in the House of Commons think proper to approve.

THE POVERTY OF THE MASSES.

Sir George also, I see, finds fault with the Congress because in dealing with the poverty of the masses he imagines that they have lost sight of the fact that the Government has spent upwards of thirty millions of money during the last few years in trying to cope with this difficulty. But here again he is mistaken. The Congress are only too mindful of these facts, and well they may be, because "it is their money and the money of their fellow-countrymen" which has been spent in this way; and they think, and so, I believe, do the great mass of intelligent people in India, that a large proportion of it has been utterly wasted, and that it might have been far more profitably applied in other ways if the people (through the Provincial Councils or otherwise) could have had some voice in its application.

CONFIDENCE AND CO-OPERATION V. DESPOTIC INTOLERANCE.

Now I wish to say further, in conclusion, with regard to the Congress, that I defy any man to find fault with the perfect loyalty and respect to her Majesty and the Ruling Power, with which its proceedings are conducted. I have studied them from time to time very carefully; I have never seen a single instance of any disloyal sentiment or expression; and I invite Sir George Chesney or any one else to point out anything of the kind.

It seems to me that, so far from being in any way objectionable the Congress affords an open, honest, and loyal means for making the views and wishes of the most intelligent section of the Indian people known to the Government. We want no secret societies, no Nihilists or Socialists either here or in India; and I firmly believe that, if the Congress or any similar institution had existed in India in the year 1857, we should never have experienced the horrors of the Indian Mutiny.

If our rulers in India, instead of trying to balance themselves on a dangerous pinnacle of despotic intolerance, would only descend to a safer level, and invite the confidence and co-operation of the people, I believe that they would find the task of government far easier in India than Lord Rosebery and his colleagues find it in the United Kingdom. —India.

THE SENSATIONAL MISSIONARY KIDNAPPING CASE OF MADRAS.

How the servants of Christ spread the religion of their Master in India, and how some British Judges, now and then, hold the balance even when the "native" has a complaint against Europeans or their proteges, will appear from the case of a Hindu shepherd versus the Missionaries of Tinnevely. The facts are as follow: A shepherd, by name M. Subbaya Kone, complained to the District Magistrate on the 3rd December, 1902, that on the previous Sunday evening, one Mrs. Kohloff had taken away his daughter from his house to the Mission premises, which was close by. He further charged Miss Max and Miss Kember with wrongfully detaining her. His complaint briefly was to the effect that, at about 6 p. m., Mrs. Kohloff, who was a native Christian, called at his house for milk; that he left the house having told her that his daughter Avudai, who was a minor, would give her the milk; and that when he returned about an hour later, he found Avudai missing, and learned from some of her neighbours that the girl had gone with Mrs. Kohloff. He then proceeded to the Mission premises, found the door locked and was told by the servants to get away.

Early next morning, he, with his people, proceeded to the Mission house and tried to get possession of his daughter, but had to leave the place as he was told that otherwise he would be sent to the police station. He prayed to the Magistrate that his daughter might be restored to him. He also instituted civil proceedings against the Missionaries, pending which the girl returned to her father's charge.

The Magistrate, on receiving the complaint, put Mrs. Kohloff alias Kolammal as well as Miss Max and Miss Kember on their trial, the former for kidnapping the shepherd's daughter, and the latter for wrongfully detaining her. The complaint was, however, not only dismissed by the trying Magistrate, but the latter sanctioned the prosecution of the shepherd for having made false statements, and his two witnesses for having perjured themselves. The tables were thus turned upon the injured father of the girl; and he and his two witnesses were convicted by the Sessions Judge of the Tinnevely Division. The first was sentenced to nine, and the second and third to six months' rigorous imprisonment each.

The situation was then this. It was not denied either by the District Magistrate or the Sessions Judge that the girl was a minor, and that she was really found in the Zenana Mission house where the three accused Missionaries lived. It was also admitted that when the father and his people demanded the possession of the girl, they were driven away. There was also no dispute about the fact that, it was an offence to give shelter to a girl who was yet in her minority and who apparently was detained at the Mission house against her will. Yet the Magistrate found it possible to dismiss the complaint of the shepherd against the Missionary ladies, and the Sessions Judge had no hesitation in dealing with the father and his witnesses as if they were felons, simply because Mrs. Kohloff denied having gone to the place of the shepherd to fetch milk, and Miss Max and Miss Kember said that they did not detain the girl. The Sessions Judge also found some so-called contradictory statements in the evidence of the father of the girl before the Magistrate.

Thus, in going to rescue her minor daughter from the Mission house, the poor shepherd was not only tilted from Court to Court, but found himself, with two of his neighbours, in jail. The case dragged on its course for about a year, when an appeal was preferred before the Criminal Bench of the Madras High Court, composed of the Officiating Chief Justice and Mr. Justice Russell. The version of the Missionary ladies was that, the girl, who was an uneducated Hindu, only 14 years old, was suddenly seized with the fit of embracing Christianity, though, according to their evidence, she knew not a word of Bible or anything of the Christian religion, and ran to the Mission house for her conversion. Strangely enough, this version was accepted by the Sessions Judge, who felt no scruple in sending the father and his two witnesses to jail in a case like this.

On the 21st November last, the officiating Chief Justice and Mr. Justice Russell delivered their respective judgments. In the opinion of the former, the appellants, shepherd and his witnesses, were wrongly convicted and sentenced, and their conviction and sentence should be at once set aside. His Lordship remarked that the first question for consideration was whether the Missionaries had satisfactorily made out that the complaint of kidnapping the girl, Avudai, was false; and, if so, whether Subbaya Kone had preferred that complaint without just and lawful cause. The Chief Justice had no hesitation in arriving at the conclusion that the prosecution had failed to establish both the points. As to the first His Lordship would at once observe that the complaint had not merely not been shown to be false, but that His Lordship believed it to be true.

His Lordship was of opinion that there must have been some preconcerted plan, otherwise the presence

of the girl in the Mission house could not be explained. It was absurd to suppose, said His Lordship, that the girl was seized with an irresistible impulse to change her religion and to embrace Christianity and it was equally absurd to suppose that such an impulse induced her to suddenly leave her parental roof and seek shelter with those who were in every way perfect strangers to her, and those who subjected her, according to the evidence, to a certain amount of restraint. If there was not some truth about the appellant's complaint, it would be impossible to believe that an uninitiated and uninstructed girl like Avudai would leave her father's protection and seek shelter among the Zenana Missionaries. Great allurements must have been held out to her. If it were true, as the Missionaries said, that the girl came to the Mission house uninvited, the inmates would have behaved very differently from what they did. They would have, instead of detaining her, at once made her over to her natural guardian. His Lordship had thus no hesitation in saying that it was Mrs. Kohloff who had taken the girl away.

Mr. Justice Russell delivered a separate judgment in which he held a diametrically opposite view from that of the Chief Justice. He refused to believe that Mrs. Kohloff had gone to the shepherd's house to get milk. He agreed with the Sessions Judge in holding that Mrs. Kohloff did not take the girl away. In his opinion the girl went to the Mission house voluntarily. Something must have operated on her mind at the time, but, what that something was, His Lordship was not in a position to say. And yet he not only found his way to confirm the conviction and sentence of the Sessions Court, but was pleased to remark that the appellant was "properly found guilty" by the Sessions Judge, and the sentence of nine months' rigorous imprisonment was "not too severe." We wish we could see how Mr. Russell would behave if his minor girl were found in the custody of some Hindu priests. It is the decisions of Judges like Mr. Justice Russell which bring the administration of justice into contempt in this country.

There being a difference of opinion between the officiating Chief Justice and Mr. Justice Russell, the case was referred to a third Judge, Mr. Justice Sir Bhashyam Iyenger. From his judgment, which is published elsewhere, it will be seen that, not only has he agreed with the Chief Justice in every point, but he says in effect that, it would have been a scandal if the poor shepherd and his two witnesses had been sent to jail, considering all the circumstances. He observes that the case rests solely upon the credit to be given to the evidence of Mrs. Kohloff; but "a personal of her evidence," says His Lordship, "convinces me that she is not a truthful witness and that it will be quite unsafe to act upon her evidence in the matter." And yet, upon the evidence of this Missionary lady, the poor father and two other men were sent to jail with hard labour, for nine and six months respectively, by the Sessions Judge, and his decision was confirmed by one of the High Court Judges!

In short, a minor Hindu girl was kidnapped by the Missionaries and the punishment fell, not upon the kidnappers but upon the father who had not only to dance attendance from one Court to another but was fined and imprisoned. He, however, managed to carry the matter, not only before the High Court, but a Judge like Sir Bhashyam Iyenger, and thus at last succeeded in securing his liberty. —A. B. Patrika.

NOTICE.

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI

Testamentary }
Jurisdiction } No. 1450
Class I.

In the Matter of the Estate of the late Hedchumippillai wife of Vethavanam Ponnampalam of Chandiruppay

Deceased

Vethavanam Ponnampalam of Chankanaai
Petitioner

Vs

1. Sinnattampi Kiriddinar and wife
 2. Teyvanaippillai of Chandiruppay
 3. Aechimuttu daughter of Kiriddinar of do
- Respondents

This matter of the Petition of Vethavanam Ponnampalam of Chankanaai praying for Letters of Administration to the estate of the abovenamed deceased Hedchumippillai wife of Vethavanam Ponnampalam coming on for disposal before W. R. B. Sanders Esquire District Judge, on the 12th day of January 1904 in the presence of Messrs. Casippillai & Cathiravelu Proctors on the part of the Petitioner, and the affidavit of the Petitioner dated the 12th day of January 1904 having been read, it is declared that the Petitioner is the lawful husband of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondents or any other person shall on or, before the 11th day of February 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 12th day of January 1904

Sigd. W. R. B. SANDERS.
District Judge.

IN THE DISTRICT COURT OF

JAFFNA.

ORDER NISI

Testamentary }
Jurisdiction } No. 1456
Class I.

In the Matter of the Estate of the late Chellachippillai wife of Arunasalam Nannittampi of Alaveddy

Deceased.

Arunasalam Nannittampi of Alaveddy

Petitioner

Vs.

1. Vallipuram Chelliah of Alaveddy now at National Bank, Colombo and wife
2. Nakasantharam of Alaveddy

Respondents

This matter of the Petition of Arunasalam Nannittampi, the abovenamed Petitioner, praying for Letters of Administration to the estate of the abovenamed deceased Chellachippillai wife of Arunasalam Nannittampi coming on for disposal before W. R. B. Sanders Esqr. District Judge, on the 18th day of January 1904 in the presence of Mr. V. S. Ponnambalam Proctor on the part of the Petitioner and the affidavit of the Petitioner dated the 13th day of January 1904 having been read, it is declared that the Petitioner is the lawful husband of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondents or any other person shall on or, before the 10th day of February 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 18th day of January 1904

Sigd. W. R. B. SANDERS

District Judge

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI.

Testamentary }
Jurisdiction } No. 1443
Class I.

In the Matter of the Estate of the late Thaiyalmuttu wife of Kartigesar Nakamuttu of Chundielly

Deceased.

Veluppillai Nagalingam of Karampan

Petitioner

Vs

1. Kartigesu Annamalai of 95 Chekku Street Colombo and wife
2. Annappillai of do
3. Sivakamippillai wife of Kantaiya of Karampan and do
4. Kartigesu Nagamuttu of do

Respondents

This matter of the Petition of Veluppillai Nagalingam of Karampan praying for Letters of Administration to the estate of the abovenamed deceased Thaiyalmuttu wife of Kartigesar Nagamuttu coming on for disposal before W. R. B. Sanders Esquire District Judge, on the 22nd day of December 1903 in the presence of Messrs. Casippillai & Cathiravelu Proctors on the part of the Petitioner and the affidavit of the Petitioner dated the 22nd day of December 1903 having been read, it is declared that the Petitioner is a creditor of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondents or any other person shall on or, before the 19th day of February 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 22nd day of December 1903.

Sigd. W. R. B. SANDERS

District Judge

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI.

Testamentary }
Jurisdiction } No. 1444
Class I.

In the matter of the estate of the late Arumugam Sinnattamby of Chunnakam

Deceased.

Valliar widow of Sinnattamby of Chunnakam

Petitioner

Vs

1. Aiyattai Vairamuttu of Chunnakam and his wife
2. Tangam of do

Repondents

This matter of the Petition of Valliar widow of Chinnattamby of Chunnakam praying for letters of Administration to the estate of the abovenamed deceased Arumugam Chinnattamby coming on for disposal before W. R. B. Sanders Esqr. District Judge, on the 30th day of December 1903, in the presence of Messrs. Casippillai & Cathiravelu Proctors on the part of the Petitioner and the affidavit of the Petitioner dated the 29th day of December 1903 having been read, it is declared that the Petitioner is the lawful widow of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to her unless the Respondents or any other person shall on or, before the 8th day of February 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 30th day of December 1903

Signed. W. R. B. SANDERS

District Judge.