

Hindu Organ

(THE CHEAPEST WEEKLY IN CEYLON)

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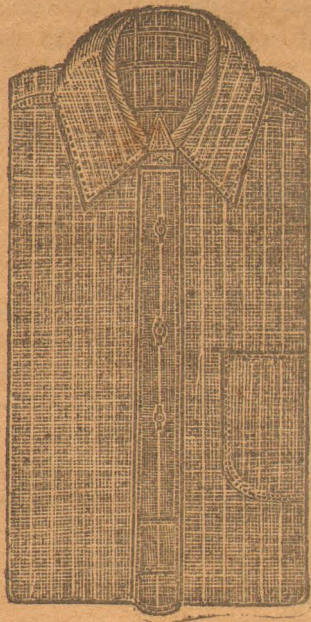
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NOTICE.

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI

Testamentary }
Jurisdiction } No. 1467
Class II.

In the Matter of the Estate of the late Murukesar Suntharampillai of Vaddukkodai Deceased.
Swaminather Kathiravelu of Vaddukkodai West Petitioner

Vs.

Murugesar Thamocharampillai of Vaddukkodai Respondent

This matter of the Petition of Swaminather Kathiravelu of Vaddukkodai West praying for Letters of Administration to the estate of the abovenamed deceased Murukesar Suntharampillai of Vaddukkodai West coming on for disposal before W. R. B. Sanders Esqr. District Judge, on the 9th day of February 1904 in the presence of Messrs. Casippillai & Cathiravelu Proctors on the part of the Petitioner and the affidavit of the Petitioner dated the 9th day of February 1904 having been read, it is declared that the Petitioner is the grand father of the heir of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondent or any other person shall on or, before the 1st day of March 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 9th day of February 1904

Sigd. W. R. B. SANDERS
District Judge

IN THE DISTRICT COURT OF JAFFNA.

ORDER NISI.

Testamentary }
Jurisdiction } No. 1470
Class I.

In the matter of the estate of the late Sivakamippillai daughter of Yanamoorthy of Vannarponnai East

Deceased.

Sinnaatampi Yanamoorthy of Vannarponnai East Petitioner

Vs

Thamocharar Thampar of Vannarponnai East Respondent

This matter of the Petition of Sinnattamby Yanamoorthy of Vannarponnai East praying for letters of Administration to the estate of the abovenamed deceased Sivakamippillai daughter of Yanamoorthy coming on for disposal before W. R. B. Sanders Esqr. District Judge, on the 18th day of February 1904, in the presence of Messrs. Casippillai & Cathiravelu Proctors on the part of the Petitioner and the affidavit of the Petitioner dated the 18th day of February 1904 having been read, it is declared that the Petitioner is the father of the heir of the said intestate and is entitled to have Letters of Administration to the estate of the said Intestate issued to him unless the Respondent or any other person shall on or, before the 21st day of March 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 18th day of February 1904

Signed. W. R. B. SANDERS
District Judge.

NOTICE.

SALE OF PEARL OYSTER SHELLS.

The Pearl Oyster shells now lying at Marichchukaddy will be sold by auction at the sale bungalow at Marichchukaddy on Tuesday March 1st at 3. p. m., by the Assistant Government Agent, Mannar. For any further information required, application should be made to the Assistant Government Agent Mannar.

W. A. Weeracoon
for Government Agent
N. P.

The Kachcheri
Jaffna, 2nd February 1904.

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THE HINDU ORGAN.

JAFFNA, WEDNESDAY, FEBRUARY 24, 1904.

INDIA AND CEYLON:
A CONTRAST.

It is not many Ceylonese that are acquainted with, or take any interest in, the affairs of India. Though politically Ceylon is separate from India, and it is a question if it has benefited by its separateness, there is much that is common to both countries socially, commercially, and otherwise. Particularly the people of North and East Ceylon and a large and growing population in most other parts of the Island have their manners and customs, language and institutions, religion and literature, in common with their Indian neighbours. Those who have read Sir John Phear's *Aryan Village in Bengal* would have noted that even between Bengal and North Ceylon, which are racially different, the similarity in other respects is very marked.

Time was when British Ceylon was far ahead of British India in its laws and polity, but while Ceylon has been stationary, if not retrograded, our huge neighbour has been improving her polity and the machinery of Government so much so that her Legislative Councils are now constituted on a partially elective basis and her people are given the highest appointments in the gift of the Crown save those carrying seats in the Councils of the Executive Government, even for which the Indians are clamouring. There are and there have been a good number of Indian Collectors of Districts and Commissioners of Divisions. A Commissioner of a Division has several Collectors and Sub-Collectors under him, and there is no office in Ceylon corresponding to that of a Commissioner in India. A Collector more or less answers to a Government Agent in Ceylon, but a Collectorate is a larger division than a Ceylon Agency and its duties are more important. In the Ceylon Civil Service proper there are only two natives—Mr. P. Arunachalam and Mr. P. Pieris—as against scores in India, and no native has ever been a Government Agent. If Indian models are followed, a Civil Servant possessing the energy, ability, versatility, and administrative genius of Mr. Arunachalam would have been appointed to a leading Agency long ago. But after being allowed to vegetate in the quasi-judicial office of Registrar-General for years (in Ceylon judicial offices are less paid and accounted less important than revenue offices), Mr. Arunachalam has been relegated to the District

Judgeship of Kurunegalla. If the present policy is to be continued, no native of Ceylon will ever be placed in charge of a Kacheri.

It has also to be remembered that Colonial or Ceylon-born Europeans, Eurasians, and their descendants are not Ceylonese proper, and any preferment given to them is not to be regarded as a recognition of the claims of the Ceylonese. In India, resident Anglo-Indians and Eurasians, though born and bred in the country, are not classified with or regarded as Indians either by the Government or the people.

The manner in which the Lower Civil Service in Ceylon—which answers to the Provincial (formerly Statutory) Civil Service in India—is at present recruited leaves much to be desired. Whereas in India the admission into the Provincial Service is by means of a competitive examination (the competitive test is not always a sure test, but is the best test yet known), in Ceylon, for the most part, only those who have the ears of the Governor or a leading official get admission into the Subordinate Civil Service. One is amused to hear, now and then, of this man from the Colonial Secretary's Office or that man from the Audit Office or an ex-Private Secretary, all with scanty qualifications, being drafted into the Lower Civil Service; and it is small wonder that they are often found unequal to the duties of their new office. If the members of the Uncovenanted Civil Service in India which in most respects corresponds to the Clerical Service of Ceylon are appointed magistrates and judges of inferior Courts, it is because they are possessed of high educational qualifications, almost all of them being B. A.'s and B. L.'s. Though it cannot be denied that our Clerical Service counts in its ranks many able and intelligent gentlemen, it cannot as a whole lay claim to the possession of the qualifications requisite for criminal or civil judges, and those who are foisted into the Civil Service are not always the best men in the Clerical Service.

Coming to the Departments the offices of which are open to the legal profession, the little said the better. In India it is obligatory on the Government to appoint at least one Indian judge to each of the High Courts. In Calcutta there are three judges, in Bombay two, and in Madras there were two till January last and a second Indian is likely to be appointed when Sir James Davies retires. Allahabad and Lahore has each got one judge. All this is in addition to numerous Indian District Judges doing duty as Sessions Judges. But in Ceylon not one of the four judges is a Singhalese or Tamil though competent men can be found among Singhalese and Tamils to fill up at least one judgeship. Not only there is no rule in force in Ceylon making it obligatory on the Government to appoint a Singhalese or Tamil judge to the Supreme Court, but the aspirations of qualified Singhalese and Tamils are kept down by the machinations of interested cliques composed generally of Colonial or Ceylon-born Europeans who pose as Ceylonese, play into the hands of the Singhalese and Tamils, and delude the Government into the belief that they are part and parcel of the Ceylonese communities. It is not that we object to any preferment being given to them; let them by all means get their share of the loaves and fishes of office. But the objection is to any appointment made from among them being regarded in the light of an appointment made from among the sons of the soil.

The late Sir Henry Dias was the only native that was elevated to the Supreme Court Bench during a century of British rule, and it is doubtful that even he would have got the appointment if not for the

pro-Ceylonese Governor Sir William Gregory. Mr. P. Ramanathan, the Solicitor-General, who has thrice acted as Attorney-General, is the only Tamil who has ever been raised to a position of eminence in the Legal Department. His appointment was again due to a pro-native Governor Sir Arthur Havelock. So, a century of British rule in Ceylon has seen only two natives appointed to high legal offices (Mr. F. R. Dias is still Crown Counsel), as against scores in India. Even these two appointments were not due to any settled policy of the Government which any Governor is bound to carry out, but to the fortuitous circumstance of two pro-native Governors having been at the helm of affairs when vacancies arose. Even when a fourth Judge of the Supreme Court was constituted recently, the people of Ceylon had not brass enough to ask the Government to reserve it for a native. The backward state of things in Ceylon is perhaps due to a spirit of narrow-mindedness which does not bear to see one gentleman rise above another gentleman, one community above another community, and one section of one community against another section of the same community. This is a state of things particularly noticeable in Colombo where one would expect that the people would bury their petty differences for the common good.

It is passing strange that while concerted action is possible in India where there are so many nationalities, the only two leading races inhabiting Ceylon—Singhalese and Tamils—have not been able to come together and press on the attention of the Government their wants and aspirations. Owing to the want of a University or other causes, the number of highly educated men in Ceylon is limited, though men with Europeanized manners are numerous. Putting on the veneer of a Western civilization is generally taken to be the be-all and end-all of one's existence in Ceylon. In India, however, almost all men of light and leading adhere to their national habits and customs. The Indian judges, for example, who hold their own with the best intellects that England can send to India, wear only cloth and sit barefoot on the Bench, the Indian etiquette requiring sandals to be removed as a mark of respect. Instead of copying the externals of English life, Ceylon will do better to copy the virtues which have made England what it is.

There are no political leaders in Ceylon, and there is no political organization which commands the confidence of the country. Not to speak of the great *Indian National Congress*, there is not a single association in Ceylon answering to the *Maha Jana Sabai* of Madras. And it is no wonder that the rights of the natives have not received at the hands of the Government a recognition commensurate with the progress of the age.

LOCAL & GENERAL

The Chief Justice at Kaits—The Chief Justice after closing the Supreme Court Sessions to-day left for Kaits accompanied by Lady Layard and his Private Secretary.

A Notary for Delft—We are glad to hear that Mr. Vairavanather Visuvalingam of Vannarpounai a brother of Mr. V. Sarmugam, Head Clerk, Police Office, Jaffna, has been appointed a Notary Public in the Islands Division of the Jaffna District holding office at Delft and to practise as such in the Tamil language.

The Hon'ble Dr. Rockwood—The Hon'ble Dr. Rockwood, the Tamil Member of the Legislative Council, who came here a few days ago is staying with his son-in-law Mr. Advocate Tirunavukarasu.

A Marriage—Mr. Kanniah Watson, the brother-in-law of Mr. Selvadurai Pillai, B. A., Principal of the Hindu College, Jaffna, was married to-day to Miss Hoole, the eldest daughter of the late Mr. Samuel Hoole. We wish the newly married couple long life, health, wealth, and prosperity.

Obituary—We regret to chronicle the death of Mr. S. Duraisamy, the Maniagar of Valligam East, which took place at his residence at Udupidy on the 22nd Instant. He was an able and conscientious officer and was much respected both by the people and the Government. He belonged to an ancient and respectable family at Udupidy. Mr. C. W. Cathiravelupillai the retired Police Magistrate of Kaitis is his father's brother. We tender our heartfelt sympathy to the bereaved relations and others who bemoan his loss.

Mr. R. W. Ievers—Mr. R. W. Ievers, Government Agent, Northern Province, who was travelling in Australia is now gone to America. His health, we are sorry to hear, has not very much improved.

Acknowledgements—We acknowledge with thanks the receipt of the second number of the *Christian Review* and the fourth number of the *Ceylon Law Review* Vol. III., both edited by Mr. Isaac Tambyah Advocate, and the Report of the Central College in Colombo published by the Principal Mr. S. C. K. Rutnam, M. A., and also the "Rules and Proceedings of the Proposed Law Society of Ceylon". We shall notice these publications in our future issues. The *Christian Review* is the first of the kind published in Ceylon and affords interesting and instructive reading both to the Christian and the Hindu.

Another Death—We regret to record the death of Mrs. J. P. Cooke, the mother of Mr. Tambiah S. Cooke, the well-known Proctor, which took place at her residence at Batticottai on the 19th Instant. She leaves behind a large circle of friends and relations to bemoan her loss.

The Advocates' Preliminary Examination—This Examination will be held in Colombo on the 29th Inst. The Rev. H. Highfield will be the examiner.

THE SUPREME COURT.

The first criminal Sessions of the Supreme Court was held in Jaffna on the 18th Instant and the following days and closed to-day. The Chief Justice presided. Mr. Maartensz acted as Crown Counsel, Mr. Nelson as Registrar, and Mr. Ramalingam as Interpreter.

Case No. 1. in which the accused was charged with abduction was withdrawn by the Crown Counsel as the accused had married the abducted girl. Case No. 7. was then taken up in which the accused was charged with robbery. After a few minutes' hearing this case was also withdrawn. On the 19th, case No. 2. was taken up in which the accused was charged with rape. The jury brought in a verdict of not guilty and the accused was discharged. Case No. 5. was afterwards taken up in which the accused Kandar Ramanather was charged with robbery. The accused was bound over to keep the peace on a security of Rs. 250 for six months. Then Case No. 10. was taken up in which the accused were charged with abduction. The jury found them guilty and the accused were sentenced to a fine of Rs. 50. each.

On Monday case No. 3. was taken up in which one Marian Madattin of Pt. Pedro was charged with murder. As the accused was found to be of an unsound mind, the case was kept over. Case No. 8. was then taken up in which the accused was charged with murder. He was found to have been guilty of causing hurt and was sentenced to pay a fine of Rs. 10. The next case was No. 9. in which the accused was charged with rape. The jury found him not guilty and he was acquitted. Case No. 11. in which three people were charged with using a forged currency note was kept over for the next Sessions. On Tuesday case No. 6. was taken up in which one Sapapathy Tambimuttu of Anaicottai was charged with murder. This was the *casus celebre* of the sessions. Mr. E. Chelliah was the foreman. After a full day's trial the case was postponed for the next day the 23rd when the accused pleaded guilty of culpable homicide and was sentenced to 15 years' rigorous imprisonment.

The last case taken up was case No. 4. in which the accused was charged with culpable homicide not amounting to murder. The accused pleaded guilty and he was sentenced to 11 years' rigorous imprisonment.

The Judge on closing the Sessions highly complimented the jury and said that they were intelligent, honest, and patient.

COLOMB.

The People's Governor—H. E. really bids fair to become the people's Governor. It was only the other day that H. E. issued a special circular to the Government Agents of the Colony to the effect that the people should not be compelled to decorate pandals put up during H. E.'s official tours. This is indeed a right move in the right direction. The abuse grew to such immense proportions during Sir West Ridgeway's administration that a stranger visiting Ceylon was unable to make out whether an honor paid to a Governor or a Government Agent in the name of the people was spontaneous or brought about by officials. Every visit of the Government Agent which he is expected to make by virtue of his office, was made an occasion of so much pomp and glory. The Government Agents had to yield to the whims and fancies of the Governor, the headmen had to obey the orders of the Government Agents, and the poor villagers had to submit to the tyrannous exactions of the headmen. The above applies chiefly to the Singalese districts. The

Tamil headmen are not so cruel as their Singalese brethren, and nothing on earth would induce the Tamils as a body to pay an honour to a man who is unworthy of it.

Personel—Mr P RamaNathan, J M G. K C has resumed his duties after three months' privilege leave.

Mr. H Thiruvilangam. M M C and Proctor S C has left, with his family for the Pulni Hills in South India for the benefit of health.

Muhammadans English School—The prize distribution at this institution at Maradana came off on the 31st ultimo with Mr. H L M Abdul Majeed Effendi the Turkish Consul in the chair. There were present about 800 people on the occasion. The principal speakers were Messrs. Abdul cader B A, Z Y Mantara (Proctor) Wappachi Marikar and a few others. Among those invited was Mr. V A HariChandra, who in a stirring speech dwelt on the past glory of the Moorish race and their present indifference to the study of the English language.

"The Morning Star"—About the Tinnevely Kidnapping case, the *Morning Star* gives one version, and the other papers of Jaffna and India give a version different in some respects to that of the *Morning Star*. Kidnapping is an offence not unknown to the Christian Padres. One may mention the Mathanapally case in which a Brahman boy was kidnapped, taken down to Jaffna, and was concealed there for months together. Again the kidnapping of an estate cooly girl by another Padre may be mentioned as the most recent one.

(We have not heard of the above instances of "kidnapping" and publish them for what they are worth. The missionaries should not be wantonly attacked or abused. Ed. H. O.)

CORRESPONDENCE.

CASTE SYSTEM IN JAFFNA.

The "Star's" Clamour for Reform.

To the Editor, "Hindu Organ".

Sir,

When the whole of Jaffna is being flooded with the persuasive arguments of the various correspondents to that "Star", that "Morning Star" which poses, as the champion of the lower castes, including the perhaps-reformed "Hindu Vellala", it is my firm belief that a feeble echoing of the sentiments prevailing on this subject, in Jaffnese circles here, at any rate among a majority of Jaffnese who intend to make Jaffna their permanent home when relieved of the worries of office and placed on the Pension List of these States, will not fail to have its fair share in the agitation, which if successful (an unlikely contingency) is sure to land Jaffna in inconceivable chaos.

Those who have imbibed that crude notion of caste abolition in Jaffna cannot be called as patriotic sons of the soil; in as much as it is a move in the wrong direction, having due regard to the advancement, social position, wealth, and material welfare of the Tamils as they are, in and out of Jaffna. I do not propose now to wage war against that agitation; but it is my desire that I should write in your columns my views on the pros and cons of the subject in as exhaustive a manner as my knowledge will allow.

For one moment let us consider that caste system has been abolished in Jaffna now? and what will be the result; society will be up-set; the Courts will be troubled with criminal cases; people will desert their legitimate occupations; every one will be driven to the extremity of providing for himself all the necessaries; including for instance the climbing up of tries, and, above all, harmony in society will have to receive its final "good-bye"; and Jaffna will be nothing better than a hot-bed of riots and disturbances.

"Imitation" has been the curse of Jaffna; and the introduction of western civilization, with all the defects and irregularities which attend imitation without discrimination, has contributed much towards the caste riots rampant in Jaffna now. That "imitation" has been disastrous to Jaffna and her well-being goes without saying. In almost all the European countries from whence this civilization has wended its way towards a region where people were living in social harmony all honest work is considered honourable, whether it be that of a barber, a dhoby, or a shoe-maker. But in our place, with how much truth I am not prepared to say now, some occupations are supposed to be high, while others are classed as menial; and as long as this idea remains firmly rooted in the Jaffna mind, an agitation for the abolition of caste will only be a wrong step and subject Jaffna to a conflagration of riots. If Jaffna has fully realised the importance of all occupations; if her sons are sufficiently "civilized" to view things in their proper light; if the sons of Jaffna are one and all endowed with the capacity of providing their necessaries for themselves; if they are sufficiently advanced, by education and otherwise to accept social equalization, then, it may be possible, at least there will be a shadow of reason, to agitate for reformation real or fancied, but I cannot view the present move as one calculated to benefit Jaffna; and the idea seems to be nothing but the manufacture of an idle brain.

True that Mr. Chamberlain might have sprung up from the screw-making class of Birmingham, but what of that in Jaffna? Certainly it will be within the personal knowledge of many that many a Jaffna man of very low

social origin, by his ability, learning, and enlightenment occupies the foremost place in society and elsewhere; but it is another question whether the masses of Jaffna are so educated and so advanced. If so, well and good.

If caste is to be abolished now, I can safely predict that the lowest Pariah will sue for the hand of the highest Vellala's daughter, because in his opinion such a demand is considered "honourable"; whereas the training of the Vellala's daughter does not deserve to be subjected to such an alliance.

Knowledge and advancement of a high order cannot be claimed for the masses of Jaffna, and what the correspondents in the "Star" are anxious to bring about will be disgraceful to Jaffna and her patriotic sons. They will be only proclaiming to the four corners of the world the intense ignorance, and the low social position of the lower classes of Jaffna; and it looks that this is a consummation devoutly wished for by the *Star*.

I appeal to every right-minded son of Jaffna to endeavour to do away with the evil effects of the alarming sermons of the "Star" and to maintain the unity of the community by preserving the bonds of caste.

I hope to revert to the subject once again in a detailed form.

I am yours &c.

A Tamil.

Perak,

12th February, 1904.

(We think that some misunderstanding has crept in somewhere. What the *Star* and its correspondents want is not that the trades and occupations of the different castes should be abolished, but that such low caste people as have means ought not to be prevented from rising in the social scale. Why, for instance, the *Star* asks, a low caste person should not be allowed to wear the dress, put on the jewel, use the music, &c., which his taste suggests and means permits. This is the grand problem which faces the Government and the educated leaders of the community. Why the "Star" asks a Ranade or a Gokhale has not risen in Jaffna. In our opinion in villages where the low caste people are few and the high caste people are many, peace must be preserved by such measures as will stop the few from wounding the feelings of the many. In the Indian Empire, for example, which is administered by Englishmen of great abilities and learning, a Hindu procession will not be allowed to pass a Muhammadan mosque with music, nor will a Muhammadan procession similarly equipped be allowed to pass a Hindu temple. A cow taken by the Muhammadans to be killed will not be allowed to be taken through quarters inhabited by Hindus. The Executive Government does not certainly permit the people to do everything and anything not prohibited by law. In Jaffna also, if a caste which has not hitherto enjoyed the privilege of using tom-tom, uses it when passing through a Vellala quarter, the authorities should in the interests of peace and social order stop it. Again, when the low castes receive some education or acquire a little wealth, grow so arrogant and impudent that the bolderspirits among the high castes are unable to tolerate it. As far as we have been able to judge, the caste riots in Jaffna are due chiefly to the arrogance of the low castes and a mistaken policy on the part of Government. We know of a Jaffna low caste man who rose to a high position in the Public Service and was also honoured by the Government. He was so humble and gentle that the greatest men among the Tamils condescended to visit him and shake hands with him. He was an enlightened man and knew the conditions of Tamil Society, and Tamil Society in its turn gave him his due. So the remedy for the state of things which the *Star* laments lies in the hands of the low caste people themselves. Also the caste distinction observed by the Tamils is in many respects similar to the social distinction existing in European Society. Why the Tamils of all nations should be blamed in this matter we are unable to see. Ed. H. O.)

MR. W. R. B. SANDARS, C. C. S., DISTRICT JUDGE OF JAFFNA.

Mr. Sandars, the District Judge of Jaffna has applied for and obtained leave to proceed home; the leave commencing some time in March. He has occupied the Jaffna bench for three and a half years—much longer than any of his immediate predecessors. Messrs Eardley-Wilmot, de Levera, Cameron, Neville, and Lee did, Of Mr. Sandars it may be truly said that he combines in himself, in a remarkable degree, the *fortiter in re* and the *suaviter in modo*. Having been Police Magistrate of Jaffna once, he came to Jaffna not a new man, though new to many of the younger members of the legal profession. As is the case with the members of the Civil Service who have not been called to the Bar, Mr. Sandars had no training in law, and this is a great drawback in a Judge, especially in one presiding over such an important court as that of Jaffna. In solving subtle questions of law or procedure Mr. Sandars is not very quick, but his keenness of perception and strong common sense invariably stand him in good stead and enable him to arrive at a correct decision finally, so that we seldom see him err on the law of a case even

when it involves niceties which one not trained in it cannot appreciate or easily understand.

The strongest point in Mr. Sandars as a judge is the uniform correctness of his decisions on facts. In distinguishing truth from falsehood he stands unrivalled by any of his predecessors save perhaps Mr. Worthington. The accused in a false case can go before him fully confident of his acquittal. He travels through a mass of evidence, true and false, with perfect ease and gives his decision on the facts of a case, whether Civil or Criminal, with such unerring exactness that one is tempted to think that he is acting under some inspiration. In Criminal cases he is more prone to acquit than convict, which is always a trait of a good and conscientious judge. No other District Judge in Jaffna had to try so many, so important, and so sensational cases as Mr. Sandars. And in all these his verdicts were correct and impartial and his punishments fair and adequate. Some of the leading cases that went before him were the Mannar Adigar's case, the Neervely case, and the cast riots cases. The way he sifted and weighed the evidence in the Neervely case, in which he acquitted the majority of the accused, was most admirable and the verdict he pronounced was convincing to and concurred in both by the profession and the public.

Mr. Sandars is subject to occasional fits of temper, but he soon forgets the cause for them and regrets that he gave vent to them. Even these occasional outbursts are not without good reason or their use. It is only when he comes across prevaricating or false witnesses these outbursts take place.

To the bar he is most courteous, and treats juniors and seniors alike. Not that he does not give to the seniors the preference to which their age and experience justly entitle them, but he pays due attention to what the juniors have to urge and encourages them. The junior bar is very much indebted to Mr. Sandars for the patient hearing he gives them and the courtesy accorded to them which, we are sorry to say, was not the case with one or two of his predecessors who shall be nameless. In short the relation between Mr. Sandars and the different sections of the bar are most cordial, and the bar as well as the public will very much regret to lose him though, we hope, it may be only for a short period.

In the hearing of cases Mr. Sandars is most patient and does not bully or brow-beat witnesses. His judgments are fair and give due weight to the evidence on both sides. One-sidedness is a thing unknown to him. And one looks in vain in Mr. Sandars's judgments for any harsh word uttered against a witness or party. In short taking everything into consideration Mr. Sandars has made one of the best judges Jaffna ever had and we hope the bar and the public will mark their appreciation of Mr. Sandars's work in some shape or other.

We have also to observe that the bar and the public are a little inconvenienced by his attending Court a little later than the time fixed for commencing court work. But he makes up for this by sitting till late in the evening.

As a citizen also Mr. Sandars is polite and affable though we have reason to believe that he labours under an erroneous idea, conscientiously though it may be, that Tamils are much inferior to the white races in all or most matters that go to make up what is known as civilization. Mr. Sandars being apparently an imperialist in politics and not having much experience of the lower classes in England who, we think, are not in any way superior to the class of Tamils that generally resort to litigation, we may pardon him for any erroneous judgment formed about the Tamils. —The Vivekananda

THE ANGLO-JAPANESE ALLIANCE.

THE TEXT OF THE TREATY.

We reproduce below the text of the Anglo-Japanese Agreement, which is certainly the most important international document to which any British Minister has affixed his signature in our generation.

Agreement between Great Britain and Japan signed at London January 30, 1902.

The Governments of Great Britain and Japan actuated solely by a desire to maintain the *status quo* and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Corea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:—

Article I.—The High Contracting Parties, having mutually recognised the independence of China and of Corea, declare themselves to be

entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China is interested in a peculiar degree politically as well as commercially and industrially, in Corea, the High Contracting Parties recognise that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other Power, or by disturbances arising in China or Corea, and necessitating the intervention of either of the High Contracting Parties for the protection of the lives and property of its subjects.

Article II.—If either Great Britain or Japan in the defence of their respective interests as above described, should become involved in war with another Power, the other High Contracting Party will maintain a strict neutrality, and use its efforts to prevent other Powers from joining in hostilities against its ally.

Article III.—If in the above event any other Power or Powers should join in hostilities against that ally, the other High Contracting Party will come to its assistance and will conduct the war in common, and make peace in mutual agreement with it.

Article IV.—The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the interests above described.

Article V.—Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

Article VI.—The present Agreement shall come into effect immediately after the date of the signature, and remain in force for five years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said five years, the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if when the date fixed for its expiration arrives either ally is actually engaged in war the alliance shall, *ipso facto*, continue until peace is concluded.

—The Hindu.

THE CONTEMPT OF COURT CASE.

Since Mr. Lewis Maclver of the Salem riots fame accused the High Court of a proneness to play to the gallery, there has never been an occasion in this Presidency when a charge of impartiality was laid at the door of our High Court Judges. But the happy monotony was broken by a Missionary journal called the *Harvest Field* which is published in the province of Mysore under the editorship of two reverend gentlemen. The decision of the High Court in what is called the Tinnivelly Conversion Case apparently proved too much for the temper and prudence of the conductors of that journal; and they published what was rightly characterised as a scandalous and scurrilous attack on the Officiating Chief Justice and Justice Sir Bhashyam Iyengar who were responsible for the decision with which these Missionary gentlemen were dissatisfied. It appears the editors of the *Harvest Field* sent copies containing the attack on the High Court Judges to certain gentlemen in Madras, one of them being the Hon'ble Mr. Sankaran Nayar; and we saw a deprecatory notice of the article in a Bombay journal. The Missionary gentlemen concerned had evidently endeavoured to give as much publicity to their attack as they conveniently could; and although it is several days since the article began to be talked about in private circles in Madras, the Vakil's Association seem to have taken time to consider the matter. As the result of their deliberation, they advised Mr. Eardley Norton to move the High Court for the commitment of the editors for contempt of Court; and yesterday accordingly Mr. Norton made the motion the particulars and result of which are printed elsewhere. The Officiating Chief Justice could have, if he liked, himself heard the motion and passed such orders as he thought fit. But with a scrupulous regard for fairness, he constituted a full Bench, of which he was not one, to hear Mr. Norton's motion. After reading the article their Lordships had "no hesitation in holding that it contained grossly scandalous representations on the impartiality of two learned Judges of this Court" and that "the statements constituted grave contempt of Court." They, however, considered it unnecessary to take any further action in the matter in view of "the comparative

insignificance" of the journal in which the article appeared, and in this view the Officiating Chief Justice himself agreed.

Their Lordships say that the power to punish contempt of court is a weapon to be used sparingly by the Court, and generally speaking, we think, this view is eminently sound. The power vested in the High Courts in this behalf has its parallel only in that possessed by the British Parliament which can summarily deal with any person who has published anything outside reflecting on its character or dignity. It is arbitrary, and is not subject to appeal; and, what is more, the offended body itself determines the punishment. It is obvious that such a power should be exercised very rarely, and with great forbearance. Whether in this particular case the limit of forbearance was not somewhat exceeded, there is bound to be difference of opinion. The character of the libel, the deliberate way in which it was written and published, the defiant spirit in which it was sent to individual gentlemen, did not seem to justify the belief that the High Court would be content merely to express their opinion of the attack complained of. Many would have expected at least a commitment order, an apology, and a lenient punishment. It is true that the *Harvest Field* is an insignificant publication; but it professes to be an organ of Missionaries, and Missionaries are not an insignificant body. The accused people themselves are Missionaries, supposed to know the significance and effect of what they write. Men of their position, education and attainments ought to show greater respect for the highest Court of Judicature. It is not always that we agree with the decision of the High Court; and while we have every right to indicate our difference from them, and to criticise their decisions freely, we should consider it inconsistent with our respect for law and authority to impugn the impartiality of the Judges and to attack them in the manner the Missionary journal has done without the least justification or excuse. The case which the High Court had decided was one in which the Missionaries were admittedly the aggressors. It was not a case of their being punished, but of their opponents escaping from the vindictive proceedings they had taken against them. It was not an instance of injured innocence in their case, but of a failure of vindictiveness against their enemies. In the former case there would have been some excuse for men losing their head and indulging in violence of feeling and language. But here even that excuse is wanting.

Nor are we able to accord our unqualified assent to the proposition that the insignificance of a publication should be a ground of exemption from penalty. It would mean that the penalty is for prominence and distinction, and not for the offence. Indeed, the effect of a publication in a prominent journal would be greater than that in a comparatively obscure journal like the *Harvest Field*. But that does not affect the character of the offence. Even the meanest subject of the King should not, because he is an obscure individual, offend the majesty of the High Court and defy its authority. The journal in question did both, and yet has not provoked even so much as a warning. Nor should it be forgotten that the editors of the *Harvest Field* are not the only people who have criticised certain features of the case with an insolence of language hardly to be expected in respectable controversy. Bishop Morley began with a most unjustifiable attack on the honesty and integrity of a judicial officer who had nothing to do with the criminal case; and he most unwarrantably cast aspersions on the truthfulness of the people of this country. A complacent Government published these libels to the world without a word of protest. Then came a letter from a well-known, reverend gentleman who did his utmost to calumniate the "Brahmin" Judges. And lastly, the virulent attack in the *Harvest Field*. No doubt, all these were not before their Lordships yesterday. But the public who are aware of these things will not be disposed to dismiss the matter from their minds with the same unconcern and magnanimity which their Lordships have been pleased to show. We can only hope that the opinion expressed by their Lordships as to the character of the publication in the *Harvest Field* will ensure a more respectful treatment of our High Court Judges by Missionaries who are disposed to be more militant than Christian.

The Hindu.