

# Hindu Organ

(THE CHEAPEST WEEKLY IN CEYLON)

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JAFFNA: WEDNESDAY MARCH 9TH 1904

NO. 35

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Jaffna.

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Jaffna.

## NOTICE.

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

Thamotharar 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 & Cathiravalu 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.

IN THE DISTRICT COURT OF JAFFNA.  
ORDER NISI

Testamentary }  
Jurisdiction } No. 1473

In the Matter of the Estate of the late Vairavanatar Iragunatar of Uduvil

Deceased

Chinnachechi widow of Vairavanatar Iragunatar of Uduvil

Petitioner

Vs

1. Chitamparanatar Chuppiramanar of Mantuvil
2. Chinnattamby Annachalam of Uduvil and
3. Murugappan Aruppillai of do

Respondents

This matter of the Petition of Chinnachechi widow of Vairavanatar Iragunatar of Uduvil praying for Letters of Administration to the estate of the abovenamed deceased Vairavanatar Iragunatar of Uduvil coming on for disposal before W. R. B. Sanders Esquire District Judge, on the 22nd day of February 1904 in the presence of Mr. T. O. Changarapillai, Proctor on the part of the Petitioner, and the affidavit of the Petitioner dated the 22nd day of February 1904 having been read, it is declared that the Petitioner is the widow of the said intestate and as such 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 21st day of March 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Signed this 22nd day of February 1904

Sigd. W. R. B. SANDERS.

District Judge.

IN THE DISTRICT COURT OF COLOMBO.  
ORDER NISI declaring will proved etc.

Testamentary }  
Jurisdiction } No. 2080

In the matter of the Last Will and Testament of Kanagasabapathy Satkuna Letchimy deceased of New Chetty Street, Colombo.

This matter coming on for disposal before Joseph Grenier Esqr. District Judge of Colombo on the 22nd day of February 1904 in the presence of Messrs. Perumalpillai and Chelliah on the part of the Petitioner Thiliambalam Kanagasabapathy and the affidavit of the petitioner dated 12th February 1904 having been read. It is ordered that the Will of Kanagasabapathy Satkuna Letchimy deceased dated 9th February 1900 be and the same is hereby declared proved, unless any person interested shall on or before the 10th day of March 1904 show sufficient cause to the satisfaction of this Court to the contrary.

It is further declared that the said Thiliambalam Kanagasabapathy is the Executor named in the said Will and that he is entitled to have Probate of the same issued to him accordingly unless any person interested shall on or before the 10th day of March 1904 show sufficient cause to the satisfaction of this Court to the contrary.

Sigd. Joseph Grenier  
District Judge.

The 22nd day of February 1904.



## THE HINDU ORGAN.

JAFFNA, WEDNESDAY, MARCH 9, 1904.

### A SEQUEL TO THE TINNEVELLY CONVERSION CASE.

The facts of the Tinnevelly Conversion Case and the mistaken attitude of the Missionaries with reference to it are too well-known to need repetition at our hands. The well-informed and the better sort of Missionaries were of opinion that under the circumstances disclosed in the case, the judgment of the High Court was not to be condemned. There was no evidence put forward, they said, to prove that the girl had been under Christian instruction, that two of her friends had become Christians, and that the Missionaries, to whose Home she was said to have gone voluntarily, was known to her. In short, as there was no evidence to prove that she even once heard the name of Christ, the fair-minded among the Missionaries had no fault to find with the High Court for the acquittal of her father and uncles. But in this mundane world good men are few and bad men are many, and as might have been expected, from the past history of Missionary enterprise in the East—witness the utterances of the late Lord Salisbury with reference to China and the writings of a host of Englishmen including Lord Curzon with reference to India—the ignorant, fanatical, bigoted, and unreasoning section of the so-called apostles of Christ took to calumniating the High Court. Tamils of whom a goodly number are the Missionaries' own co-religionists were maligned, at any rate, indirectly, and Hindus, who by no means form an insignificant portion of the subjects of the British Crown, were, on grounds which strike at the root of all religious toleration, held incompetent to try cases in which the con-

duct of would-be-converts comes directly or indirectly in issue. And particularly, two of the foremost Hindus of the day—Sir S. Subramania Aiyar, K. C. I. E., and Sir V. Bashyam Aiyangar, Kt., C. I. E., honoured both by their Sovereign and the country, were charged with having been guilty of "outrageous partiality and injustice" on the Bench. In no period in the history of British rule in the East has such a charge been preferred against any Asiatic judge of a High Court, and never stronger language employed. It is needless to add that the *Jaffna Morning Star* was the missionary organ that was guilty of this libel, this "outrage". If the *Star* was calumniating Tamil judges and Brahman justices from the South, a missionary magazine known as the *Harvest Field* was printing and publishing similar, but not stronger, calumny from the North—the territories of the Maha Raja of Mysore—the European British subjects of which are amenable to the jurisdiction of the High Court of Madras.

If the missionary editors honestly thought that there had been a failure of justice, it was open to them to have expressed their views in sober and unimpassioned language, in language which would prove them to be worthy followers of the gentle Jesus. But in utter defiance of all that is fair and decent in journalism, they were hurling calumnies from the North and South, and though the calumnies of the *Star* escaped the attention of the Madras Bar (the *Star* is, also, published beyond the jurisdiction of the Madras Court), those in the *Harvest Field* published by the Rev. Mr. Spencer and the Rev. Mr. Fruwell were taken notice of with the result that Mr. Eardley Norton drew the attention of a Divisional Bench of the High Court composed of Sir S. Subramania Aiyar, Acting Chief Justice, and Mr. Justice Benson to the "scurrilous and scandalous" attacks made on the High Court by the Editors of the "Harvest Field." Though the Chief Justice had every right to deal with the matter of the application alone, or to constitute a Bench with himself as one of the members, he showed great magnanimity and referred Mr. Norton's application to a Bench of four judges composed of Sir James Davies, Mr. Justice Boddam, Mr. Justice Benson, and Mr. Justice Moore, all of whom save Mr. Boddam are members of the Covenanted Civil Service of India and thoroughly acquainted with the conditions of missionary work in that country. They heard Mr. Norton's application and came to the following unanimous conclusion:—

"We have considered the articles in the *Harvest Field* which were brought to our notice by Mr. Norton. We have no hesitation in holding that they contained grossly scandalous and false imputations on the impartiality of two learned judges of this Court—one of whom is the Officiating Chief Justice, and the other lately retired. We have no doubt that the statements constitute a contempt of Court and the offenders are amenable to our jurisdiction. The power, however, to commit for contempt of Court is a weapon to be used sparingly and always with reference to the necessity of the administration of justice laid down in I Privy Council Cases. Considering the comparative insignificance of the publication in which the aspersions appear and that it is printed and issued outside the limits of the Presidency, it is difficult to suppose that the reflection cast on the two learned judges would have any appreciable effect upon the administration of justice of this Court. We have consulted the Officiating Chief Justice and he agrees with us in thinking that it is unnecessary to take any action in the matter."

The reasons given for this decision are eminently sound and attest the wisdom of the learned judges who are certainly neither Tamils nor Brahmans. The British Government is not conducted on missionary principles nor does the foundation of British justice rest on ignorant fanaticism or unreasoning bigotry. The majority of British officials in the East have been always careful to see that the fountain of justice is kept pure and intact, and that the Indian officials are not over-awed by Eu-

ropeans or Americans into doing anything wrong or illegal. If the British judges of the High Court had evaded sitting in judgment on their countrymen, the impression would have gained ground that they were averse to their being brought to task. But their prompt action has saved their own honour and the honour of the Indian judges.

If the Rev. Mr. Spencer and the Rev. Mr. Fruwell had been fined or sent to jail, they would have, in their stolid ignorance, considered themselves as martyrs in the cause of "Christianity", and the ignorant among their countrymen in India would have taken up cudgels against the European and Christian judges of the High Court. But as the matter ended, the honour of the Indian judges has been vindicated, the dignity of the High Court upheld, and the conduct of the Missionaries condemned *in toto* without any scope being given to the display of racial or religious feelings. All that Mr. Norton required was that the High Court should express its sense of the conduct of the Missionaries, and that tribunal has in the most unmistakable terms held that the imputations in the *Harvest Field* (and, therefore, those in the *Morning Star*) were "grossly scandalous and false" and amounted to "a contempt of Court".

The Anglo-Indian papers which had anything to say on the Tinnevely case have also characterized the attitude of the Missionaries as unjustifiable. For instance, the *Pioneer*, which is as much influential in Anglo-India as the *Times* of London is in England, has most unsparingly expressed its disapproval of the Missionaries' conduct, and most pointedly given emphasis to the undeniable fact that the Indian judges have been always free from religious or political bias. The *Pioneer* calls in question the charity of Christian Missionaries, and states that their action is not calculated to inspire Indians with confidence in their mission. We quote as follows from the "Pioneer":—

"The Madras High Court doubtless consulted its own dignity recently in refusing to take cognisance of the gross contempt committed by the "reverend" gentlemen in an obscure missionary magazine published in Mysore. Those individuals traded on their insignificance and remoteness from the head quarters of justice in Southern India, after the manner of the Arab with a policeman. But it is hoped that the leniency of the High Court will not encourage similarly minded persons to repeat an offence so gross and scandalous. It may be possible to impugn the legal knowledge and judicial acumen of our High Court Benches, but all fair-minded men acknowledge that the administration of justice in the Indian High Courts is as far above suspicion as that of any judicial authority in the world, and that the Indian members of the Bench are by no means least conspicuous in the maintenance of a high code of honour and the exclusion from their work of any trace of religious or political bias. The article in the Mysore Magazine, for which the Rev. Mr. Spencer and the Rev. W. S. Fruwell as editors were responsible, seems to have been an impertinent libel upon high-minded and able judicial officers, and the offence was the more rank by reason of the profession of the libellers. It displayed a narrowness and bias which is unfortunately not as rare as one could wish in Missionary circles though we are glad to think it is rarely expressed in such objectionable and improper language. The reverend gentlemen may not improperly be asked to consider what sort of impression their utterly unjustifiable attack is likely to make upon countrymen of the High Court Judges, about whose "conversions" they are presumably concerned. It can hardly be expected to commend them to the large-minded charity of that religion of which Messrs. Spencer and Fruwell are professed exponents."

Since the above was written, the *Star* of the 3rd Instant has reached us in which we are charged with having used "billingsgate" in the discussion of the Conversion case. The *Star's* action reminds us of the old story of "No case, abuse the other side." However that may be, the position of the *Star* that "every fact stated by it stands uncontroverted by credible evidence" affords an interesting study of the obstinacy of human character in view of the opinions of fair-minded Missionaries, the Contempt proceedings had before the British judges

of the High Court, and the comments of the Indian press, all quoted in successive issues of this paper. The *Star* has also put it in black and white that "intemperate and abusive language is incompatible with respectability." Holding it to its word, we refer it to the judgment of the European judges of the High Court who characterize language even less strong than that of the *Star* as "grossly scandalous and false" and "amounting to a contempt of Court", and to the *Pioneer* which characterizes it as amounting to "so gross and scandalous an offence" and a "libel". Either the *Star* must have learned its lessons on "respectability" after it printed and published the words "outrageously partial and unjust", "spirit of prejudice", "contemptuous" &c., &c., or it must have two weights and two measures, one with which to measure the Hindu, and the other to measure the Christian. The discussion will now cease.

## LOCAL & GENERAL

The Jaffna District Court.—Mr. T. B. Russel who was Police Magistrate of Jaffna has assumed duties as District Judge of Jaffna in the place of Mr. W. R. B. Sanders who has gone home on leave.

The Jaffna Minor Courts.—Mr. John Scott who was Office Assistant at the Jaffna Katcheri has assumed duties as Police Magistrate of Jaffna in the place of Mr. T. B. Russel.

A Riot.—A riot took place between two factions of Nalaya people at Ooduvil a few days ago and some of them were seriously wounded.

The Maniagarship of Valigamo East.—Mr. A. Kanagasabai, Udaiar of Puttoor, has been appointed to act as Maniagar of Valigamo East.

The Pearl fishery.—The Pearl fishery at Marichekaddy will begin on the 14th instant Mr. Lewis, the Government Agent, left this for Marichekaddy on the 8th instant.

A Theft in the late District Judge's House.—Mr. W. R. B. Sanders, the District Judge of Jaffna, was the victim of a theft on the night of the 29th ultimo. When he returned home late in the night from a dinner he found the windows of his room left ajar. Suspecting a foul play he examined the room and found his money box missing. A further search was made and the box was found thrown outside the house after the contents had been extracted which it is stated amounted to nearly Rs 400. A servant was suspected of having committed the theft and when a search was made in his house some silver coins were found buried in the poultry yard. Mr. Sanders was to leave Jaffna the next day, and the culprit who committed the theft evidently thought that it was a good opportunity to enrich himself at his expense.

The Calcutta Entrance Examination.—This examination commenced here on Monday the 7th instant.

Pensions.—Mr. John Rudd, retired Superintendent of Police, has been allowed a pension of Rs 4008—33, and Mr. R. H. Leembruggen, Inspector of Schools, a pension of Rs 2665—66.

The Legislative Council.—We learn that Mr. Jas. VanLangenberg, Advocate, will be appointed Burgher member of the Legislative Council during the absence from the Island of Hon. F. C. Loos.

## NOTES FROM SELANGOR.

Thai Pooam in Kuala Lumpur.—This was a gala day with the Hindu population of this place. Early at about 8-30. a. m., the image of God Subramaniam decorated with costly jewels set with diamonds, rubies, and emeralds, was taken in a beautiful Car drawn by a pair of caprisoned white bulls from the Mari Amman Koil to the Batu Caves, a distance of 7 miles. The procession of the Car festival was accompanied by Tamil music, flags, etc., and passed through the main road in front of the Government Offices, and indeed the scene was a most attractive and impressive one. Having arrived near the Batu Caves the Image was removed to a pandal put up and decorated for the purpose on the banks of the clear stream that flows from the hills. The worshippers after performing their ablutions in the stream had to climb up the precipitous hills, about 700 yards in height, to enter a big Hall in the Caves, where an image is kept. It would be however better if an image is carved in the rock. Offerings were made profusely and the worshippers were well accommodated, this part of the Caves being capable of accommodating about 5,000 men and being well ventilated. About 40 *Kavadies* were taken in honour of the Deity. From the top of the Hills water is flowing in drops and it is held holy. Traces of different forms and figures are seen here and there denoting them to be either the work

of nature or of Providence. Perhaps they are intended for the secluded life which Yogis are to lead and are leading in the Hymalayan Range.

This part of the religious programme being over, several took the opportunity of going on an excursion into the pitch-dark caves, which extend for miles, with hurricane lamps and torches. No-one has ever found out the end of the caves, however persevering he may have been. The greatest distance one can pass in the Caves is about half-a mile. There have been several explorers but all have had little or no success, and the story is told of a fresh water lake with lotus flowers and a huge snake to be found at the far end, but I am not in a position to verify the statement. The Caves ought to have some significance though we are unable to say what it is. Chinese Buddhist priests appear to dwell there. The Peaks of the Batu Caves are about 5,500 feet above the mean sea-level. About 10,000 men attended the festival and the temple authorities and other charitable persons offered food to all of them free of cost. The Car returned to the Mari Amman Temple at about 11. p. m., the same evening in a dazzling torch light, and the scene when the procession passed through the lofty rows of up-stair buildings and the wide road lined with arecanut trees and evergreens, was very picturesque. It will not be out of place to state here that the Buddhist Chinese make offerings and worship our Gods as we do and some of them actually lead a pious Hindu life. The Chinese Temples and their ceremonies (burning incense at their altars and the Guru's recital of slokas and mantras) are no doubt signs of common origin of Hinduism and Buddhism in times gone by. Thus ended one of the most joyful of days at Kuala Lumpur.

[Buddha was a Hindu prince and Buddhism is only an offshoot of Hinduism. Ed. H. O.]

Vegetarianism increases in smart society and (says the "Daily Mirror") Lord Beresford is its latest recruit.

From 1st January to 30th November last year about 768,158 pikuls (a pikul being equal to 133½ lbs) of tin ore were exported from the Federated Malay States against 712,039 pikuls in the corresponding months of 1902. The duty collected stood at 8,785,960 dollars, an increase of 1,148,104 dollars. The average value of a pikul of tin ore is about 82 dollars. Tin ore is the chief source of revenue in the Malay Peninsula. Many thousands of Chinese coolies are daily working in tin mines and a large quantity of tin is being dug out. Hundreds of portable engines are made use of in the mines in the process of sifting, etc.. The F. M. S. which were only fertile jungles during the past decade are now abounding with magnificent buildings in the midst of lofty hills, and the town of Kuala Lumpur extends over an area of about 2 square miles. Indeed a stranger who has heard of the old state of affairs in the F. M. S. is sure to be struck with the present civilised and advanced position of these states. These Native States rank in the East as one of the wealthiest and most progressive of countries. It is on account of the vast mineral wealth buried in the soil large numbers of people from various distant countries have come down here to work and earn their livelihood in various ways especially in the production of tin. Not a few have risen from small beginnings to the position of men possessed of vast wealth.

Another great flood occurred in Kuala Lumpur and some of the streets were covered with sheets of water and the Mission school was under six feet of water. Several tin mines at Rawang and Serendah had to stop work owing to the flood and portable engines were requisitioned from Kuala Lumpur to keep it down. In view of frequent floods at the junction of of Gombak and Klang Rivers opposite the Government Offices, it is suggested that the retaining wall erected along the massive buildings at the deviation of the courses of rivers should be widened and the safety of the residents of Kuala Lumpur town ensured.

Gang robberies are now almost of daily occurrence in the suburbs of the town by armed Chinese, and owing to the approaching Chinese New Year crimes of violence are on the increase.

Ricksha Pullers' Strike at Kuala Lumpur—Owing to the introduction of a law compelling all the ricksha pullers, of whom there are over 2,500, to register themselves in the Sanitary Board Office, Kuala Lumpur, all of them struck work; but finding that the Government was not going to give in they are now pouring in large numbers for registration so that they may be in a position to earn more money during the Chinese festivities which are to take place on the 16th and 17th February. The reasons assigned for this strike are either a disinclination on the part of the pullers to wear badges on their arms or a fear that the registration will make them amenable to law. Inconvenience caused to the public by the non-plying of the ubiquitous rickshas during the strike was great and the town presented a desolate appearance.

Mr. Nambyar B. A., a distinguished lawyer of Madras arrived at Kuala Lumpur on Sunday the 7th Instant from Penang and was received by a large number of Hindu gentlemen at the Railway Station. It is said that his idea is to practise at Penang for the present.

"Thai Pooam" in Penang—This is the grandest of all the festivals in the whole of the Straits Settlements. Though the writer was not fortunate enough to be present at this religious gathering, the several newspaper articles appearing in the Straits Daily papers during this week give a

very detailed and glowing account of this festival. Everyone knows what it is to witness the procession of a silver Car with the image of Subramaniam in the centre through the Penang town from the temple at the water-fall; and no wonder thousands and thousands of people of different nationalities congregate along the route to witness the scene. It is stated on good authority that a sum of 50,000 dollars was spent by the Chetty community of Penang for this festival out of which 20,000 dollars was spent in fireworks at the Esplanade. The vehicular traffic was kept out of the main through-fares for three days. No doubt the Chetties do great things in the cause of Religion but it is to be regretted that they lavishly spend their money on fireworks, &c.. They should be induced to help the educational and other Institutions of public utility which they do not value at their proper worth.

Transfer of land of which I wrote in my last "notes" has taken place in the name of five Saivite trustees viz:—

Mr. V. Sinnappah (of Tellipallai) Chief Clerk, Chief Accountant & Auditor's Office, Kuala Lumpur.

Mr. V. Sanmugam (of Moolai) First Clerk, Sanitary Board, Kuala Lumpur.

Mr. C. Tambiah (of Moolay) Travelling Sorter, G. P. O., Kuala Lumpur.

Mr. V. Assapillai (of Urumpirai) 1st Clerk, G. P. O., Kuala Lumpur.

Mr. S. Chellatamby (of Trincomalie) Contractor, Kuala Lumpur.

The land cost the Association 2,350 dollars equivalent to 3,290 Rupees and its purchase has paved the way for the fulfilment of the original proposal of erecting a Hindu temple. However impracticable it may look for an Association to build a Hindu Temple, it can be foretold that there will rise a philanthropic gentleman who will carry the work through as a result of his good Karma. Such a person will carve out for himself a noble career in his future births.

(Why can't an Association build a Temple? In the multitude of councillors there is wisdom. Look at the Jaffna Hindu College built and managed by the Saiva Sabha. To prevent possible dissensions get a charter from Government. Ed. H. O.)

The price of a dollar is Rs 1-36 cents but it is hoped that ere long, the introduction of the Straits dollar will bring the desired result of increasing the price of dollar at any rate above Rs 1-50 cents.

Kuala Lumpur  
12th February 1904.

CORRESPONDENCE.

INDIAN AND CEYLONESE BISHOPS.

February 27th, 1904

The Editor of the  
Hindu Organ

Sir,

With reference to your foot-note to my communication appearing in your impression of the 3rd Instant I beg to state:—

1. That the Very Rev. Father J. Aloysius, a Tamil Priest, as a member of the Episcopal Curia (Bishop's Council) in Jaffna takes precedence of other priests, native and European, who are not in the Council.

2. The late Very Rev. Father Fernando was the Vicar-General of the Bishop of Kandy. Of course he was a Burgher gentleman.

3. The late Dr. Caitan Antony, a Goanese gentleman, rose to be the Catholic Bishop of Colombo, and you will see that a native held the position of a Bishop in our little Island also.

4. The native Bishops now in India are those of the Syro-Malabar Rite viz the Right Rev. Menacherry D. D., Bishop of Paratus and Vicar Apostolic of Trichur. The Right Rev. Mar Aloysius Parparambil D. D., Bishop of Tio and Vicar Apostolic of Ernakulam, and the Right Rev. Mathew Makil D. D., Bishop of Trallas and Vicar Apostolic of Chungana cherry.

The instances above quoted would, I trust, be sufficient to show to any one who is unwarped by religious bigotry how the Catholic Mission treats its clergy.

Yours truly  
Amicus.

AN APPEAL TO THE HINDUS OF  
BATTICALOA.

Sir,

At a time when the minds of many are busily engaged in finding out the ways and means of propagating their respective religious by establishing schools and Colleges and starting religious organizations, I humbly believe that a few lines in the form of an earnest appeal for the support and maintenance of our religious undertakings will be read by you with great pleasure. You are fully aware of the great religious reforms that have been brought about by the untiring and unceasing efforts of our late lamented Srimat Swami Vivekananda and how the principles of our religion are appreciated and read into their religion by the people of the far West, and

how Hinduism is regarded by them. It is as is a religion which gives solace and comfort to many. As a result of his labours we find that a large number of Hindu schools and colleges have sprung up in various parts of this world; religious organizations are found scattered throughout, and in short our religion which was once the most misrepresented and misunderstood of religions is now becoming conspicuous among other religions.

While matters stand thus it is indeed a matter of deep regret to observe you, with all your hoarded wealth sitting quiet with hands folded without starting any religious movement whatever for the benefit and enlightenment of your young generation. Have you any Hindu schools or colleges for them? Have you established any religious organization to prevent Hindus from going over to other religions and to put them in the right path! or have you any journals to proclaim the worth and beauties of your religion. In the absence of all these it is no wonder that your district possesses a congenial soil for the growth and maintenance of the religious seeds the missions have sown in every nook and corner of your place. You are, it is an admitted fact, in affluent circumstances, in better circumstances than your brethren in the North. You amass wealth without stretching forth your hands for any charitable purpose and die at length leaving behind your well-protected wealth to be made the subject of quarrels and disputes among the heirs. What earthly or heavenly bliss you enjoy nobody knows! If you continue to live a life of this sort without taking the slightest concern about your religion surely you cannot expect for a moment to enjoy any happiness. Everything will taste ill, bitter, and sour.

I therefore most humbly make this appeal to you, to bind yourselves with the bond of union and to stand firm without allowing yourselves to be influenced by other religious bodies. Establish schools of your own and try to infuse into the minds of your young generation, on whom you depend for material and spiritual help and comfort in the after part of your lives, a love for religion! Look at what your brethren in the north are doing! Try to send up your boys to the Jaffna Hindu College or Victoria College for higher education along with religious instruction. What if you unloose the strings of your purse towards the permanent fund of the Hindu College or under take to complete the part of the building remaining unfinished. Amalgamate all your religious undertakings with those of your brethren in the North. These are the few points, I wish to suggest to you and I hope that this appeal will be read by you with great concern.

Yours truly  
A Batticaloanian.

Batticaloa  
19th February 1904.

MR. JUSTICE GOORU DASS BANERJEE.

(Calcutta Weekly notes, Feb. 1)

The retirement of Mr. Justice Banerjee to-day causes a vacancy which will not easily be filled up. He is a great and good man, and was a learned and upright Judge. The story of his life is the story of the triumph of an honest upright and brilliant career unblemished by a single dark spot either in public or private life, and of success resulting from the constant domination of higher over lower springs of action. Mr. Banerjee is a self-made man and that is a type which the modern man always admires. Such admiration changes into reverence when one finds, that in the storm and stress of the modern struggle for existence, there are men who can in their actions harmonise the two distinct and often opposed interests of self-advancement and the advancement of the community to which they belong.

Gooru Dass Banerjee was born on the 26th of January, 1844, at Narkeldanga in the suburbs of Calcutta, of a poor but respectable Brahmin family. His father, Babu Ram Chandra Banerjee, was head clerk in the firm of Messrs. Karr and Tagor which afterwards was incorporated with that of Messrs. Gordon Stewart and Co. A highly religious man was Babu Ram Chandra, and though not learned in Western science or literature he could lay claim to Sanskrit culture and had great regard for the divine doctrines of the *Bhagavad Gita*. Rigid, austere and pious, he was of the same stamp as Carlyle's father, and at his death he left his impress on the household where a noble nature was to be moulded. It is related that during Gooru Dass's childhood his father would often take him on his lap and recite the sacred verses from the *Gita*, and it was not long before the little child learnt to lip the sacred numbers. In that simple household there could be no sweeter music than the baby voice chanting Sanskrit verses. The father, however, died when Gooru Dass was only 3 years of age, and the credit of his future success belongs solely to the admirable tact and care of his mother. People who are not conversant with the Hindu household can hardly appreciate the part played by the ruling goddess of a Hindu home in guiding and regulating the ordinary affairs of daily

life which, a great English statesman used to say, is a far more arduous task than managing the affairs of a vast Empire. The tact, the strong commonsense, the unrivalled capacity for work, the silent heroism and the unbounded self-sacrifice that a Hindu woman often displays in her seclusion can seldom be surpassed by her forward sisters in other parts of the world. The death of Gooru Dass's father left the family in straitened circumstances, and the poor widow often deprived herself of the bare necessities of life to provide for the future education of her child. Western romance and imagination have conjured up an utterly untrue picture of the *purdanashin* woman. She is represented as being the most unhappy and oppressed of her sex. But if we consider the life of such women as Gooru Dass's mother—a good daughter, a devoted wife and a perfect mother the real *purdanashin* stands revealed before us. His mother not only kept before her son high ideals of virtue and piety but her daily actions were living examples of a pure, pious and disinterested existence. Gooru Dass never forgets the debt he owed to his mother's loving care and guidance, and it was a source of great joy to him to adore her as a household goddess which a good Hindu mother always is in the eyes of her dutiful children. Her death in 1889 gave such a shock to Mr. Banerjee that it brought on physical prostration from which it took him long to recover.

Over Mr. Banerjee's school and college career we need not pause long. It was a story of honest industry rewarded by deserving success. He received his early education at the Hare School and stood first in all the class examinations and secured a scholarship on matriculating. Then he entered the Presidency College and successfully passed the F. A. and B. A. examinations heading the list in the University in both. In 1865 he took the M. A. degree in Mathematics and secured the University gold medal. This practically terminated his student career and soon after he was appointed Assistant Lecturer in Mathematics at the Presidency College. Next year he headed the list in the B. L. Examination and was enrolled as a Vakil of the Calcutta High Court in the same year; but on getting an offer of the post of Law Lecturer of the Berhampur College with permission to practise in the local Courts, he accepted the offer and went to Berhampur to join the District Bar. He remained there for nearly six years till the end of 1872. By his earnest and fair advocacy and legal learning he soon got into an extensive practice, and became the retained Vakil of the leading families in the district such as the Nawab Nazim of Murshidabad and the late Maharani Saruomovee of Cossimbazar.

In 1868, during his stay at Berhampur, he presented himself at the Premchand Roychand Studentship Examination, that being the first year in which this examination was held. In this he was beaten by the late Babu Asutosh Mukherji, also a distinguished graduate of the Calcutta University. But it is not intellect alone that secures success in life. The qualities of character are often more potent in determining the greatness of a man than the mere sharpness of his intellect. It is the harmonious combination of both that has made Gooru Dass an object of pride to his people and of common regard to all communities, while after a transient academic triumph his rival's career has been wrapped in the intensity of darkness that follows a flash-light.

It was through the particular desire of his mother that Dr. Gooru Dass returned from Berhampur towards the end of 1872, and joined the Calcutta High Court. In 1876 he presented himself at the Honours Examination in Law, and after passing it, he complied with the regulations of the University relating to the admission into the degree of Doctor of Laws. The chief regulations consists in requiring the candidate to write a thesis on some legal subject. The subjects chosen by him were: "The necessity of religious ceremonies in adoption" and the "Hindu Law of Endowments" on each of which he wrote a masterly and learned essay. He obtained the degree of Doctor of Laws in 1877. He was appointed Tagore Law Professor in 1878, the subject of his lectures being the "Hindu Law of Marriage and Stridhan." His lectures on this subject form a valuable contribution to the legal literature of India. A second edition of this work was published in 1896, in which cases decided since the publication of the first edition in 1879 were added.

Dr. Banerjee was made a Fellow of the Calcutta University in 1879. In the same year he was appointed an examiner in the B. L. Examination. He was elected as a representative of the Faculty of Arts in the Syndicate for 1885-86. He was four times re-elected, and thus he con-

tinued to be a member of the Syndicate for five years. In 1886 he was elected as an Honorary Presidency Magistrate of Calcutta, and in 1887 he was nominated to succeed Mr. A. M. Bose as a Member of the Bengal Legislative Council. During his time the most important Bill in the Council was the Calcutta Municipal Bill which afterwards became Act II of 1888.

While Dr. Gooru Dass was distinguishing himself at the Bar one noticeable feature in his career was that he never sold his soul to merely professional success or to an all-absorbing passion for self-preferment which often get the better of one's sense of duty. Like every right-minded man he recognised that outside the profession he owed duties to his people and his country which it would be sinful for him to neglect. He like Telang, Budaruddin Tyabji, Ranade, Chandravarkar, has always striven to do his duty as a citizen in the best interests of the people and country to which he belonged. This not only raised him considerably in public estimate but also in the estimation of the Judges and the then Chief Justice Sir Comer Petheram. It is to be little wondered, therefore, that when an opportunity presented itself, the Government acting on the suggestion of Sir Comer, was only too glad to annex the services of so good a man and so able a lawyer for the credit of the High Court Bench.

On the retirement of Cunningham, J. in 1888. Dr. Banerjee was raised to the Bench under Sec. 7 of the Charter Act (24 & 25 Victoria). The Governor-General in Council provisionally appointed him as a Judge of the High Court, and the appointment was confirmed by the Crown six months afterwards. During his sixteen years' work on the Bench, he endeared himself to everybody by his unvarying kindness, consideration and unfailing courtesy and was held by all in high regard as a Judge owing to his strong sense of justice, his great learning and the conscientious discharge of his duties. He has also during this period contributed considerably to the interpretation of law. His judgments are always very thorough and learned, and though in some instances the conscientious labour and study that he devoted to them tended to make them a little too technical yet their value as contributions to the legal literature is well recognised.

Among the many reported decisions associated with his name we may note *Kamini vs. Chandra* (1. L. R. 17 Cal. 373) which softened the rigour of the law as laid down by the old Full Bench case of *Kushinatha vs. Kshetramani* (9 W. R. 418) by recognising the rule that a moral obligation of an ancestor would, on a descent, ripen into a legal obligation affecting the estate in the hands of the heir; *Mandakini vs. Adinath* (1. L. R. 18 Cal. 69) which lays down an important rule relating to the divesting of estate on adoption; *Gur Baksh vs. Jawahir* (1. L. R. 20 Cal. 599) which is perhaps the first after *Mahabir vs. Macnaghten* (1. L. R. 9 Cal. 656) to lay down that the relationship of cause and effect between a proved irregularity and a proved material injury, in a case under Section 311 of the Code of Civil Procedure, may be established in any manner recognised by the Evidence Act; *Mahesh vs. Saroda* (1. L. R. 21 Cal. 433) which recognised the transferability of portions of mokarari holding; *Abdul Mohamed* (1. L. R. 21 Cal. 605) which recognised the maintainability of a suit to set aside a sale in execution of a decree on the ground of fraud in the decree; *Jogodanond vs. Amrital* (1. L. R. 22 Cal. 767) in which he delivered the judgment of the Full Court laying down the two principles relating to the retrospective operation of Statutes; *Queen Empress vs. Kader* (1. L. R. 23 Cal. 604) which contains an important pronouncement on the law relating to insanity as affecting criminal responsibility; *Ishan vs. Beni* (1. L. R. 24 Cal. 62) which may be taken to have settled the meaning of the term "representative" in Sec. 244 of the Code of Civil Procedure; *Bhiram Ali vs. Gopi* (1. L. R. 24 Cal. 344) which has an important bearing on the law relating to the saleability in execution of occupancy holdings; *Hemadri vs. Ramoni* (1. L. R. 24 Cal. 575) which recognised the right of a patnidar to have a partition as against his zemindar; *Jajannath vs. Ranjit* (1. L. R. 25 Cal. 354) which places on record the view of the Calcutta High Court regarding the application of arts 118 and 119 of Indian Limitation Act; *Rai Charan vs. Jnumud* (3 C. W. N. 409; s. c. 1. L. R. 25 Cal. 571) which has an important bearing on the doctrine relating to the concurrence of jurisdiction in connection with the law of *res judicata*; *Kadambini vs. Kali* (2 C. W. N. 687; s. c. 1. L. R. 26 Cal. 516) recognising easements arising on a severance of tenements by partition; and *Nisa*

*Chand vs. Kanchiram* (3 C. W. N. 568; s. c. 1. L. R. 26 Cal. 579) which expresses the view adopted by the Calcutta High Court on the much debated question as to whether mere previous possession for a period less than the statutory period of 12 years is a sufficient basis for a suit in ejectment. To this last he had occasion to take exception as also to his decision in *Karim Chowkidar vs. Sunder Bewa* (1. C. W. N. 89) where non-occupancy rights were held to be non-heritable.

The natural gentleness of his character and his essentially Hindu spirit of never making himself unnecessarily hurtful to others, be it his colleagues on the Bench or counsel at the Bar, have, perhaps, sometimes been mistaken for weakness. But all the same whenever any substantial question of law or justice was concerned it will be admitted by all that he never gave in to such considerations and stood firm to the call of duty. This is borne out by his dissentient judgments in Court as also by his Note of Dissent in the report of the Universities Commission.

On his elevation to the Bench Mr. Justice Banerjee continued to take an interest in the educational affairs of Bengal. He was appointed the Vice-Chancellor of the Calcutta University in 1892, and continued in that office till December, 1892 when he resigned. Many are the reforms which the University owes to his initiative and amongst them the introduction of the elective principle in the Senate deserves special mention. He has moreover laid the country under a deep obligation by his able "Note of Dissent" in the Report of the Universities Commission of which he was appointed a member in 1902.

There is one phase of Mr. Justice Banerjee's character without noticing which no sketch of his life would be complete. Throughout this transition period when everything old is regarded as superstitious, when the advent of Western civilisation has brought new ideals of religion amidst us, he has continued in the religion of his forefathers, rigidly following the ceremonials and strictly adhering to the usages of his caste. His clinging to the old religion was the inevitable outcome of an analytic mind which cannot but be sympathetic with the highly intellectual religion as expounded in the Sacred Books of the East. Philosophic Hinduism is the only religion for a highly cultured Hindu. He also realised that the clash of Western and Eastern civilisations of India was so sudden, that the new was likely to overshadow and destroy the old which was in harmony with the spiritual needs of its people and which was conceived in wisdom wedded to reason. All great religions are necessarily old religions, because philosophic contemplation can never be free in modern days when through sheer necessity the mind seeks to think more of the present world "that is too much with us" than of the future. From such a point of view the strict adherence to the rituals of the Hindu religion by such highly cultured Hindus as Dr. Gooru Dass and the late Mr. Justice Telang is, no doubt, very commendable. But the present generation of Hindus are also familiar with the ideals placed before them by such towering personalities as Ranade, the late Iswar Chandra Vidyasagar and Ram Mohan Roy. In spite of their loyalty and devotion to their ancient literature and philosophy, they recognised that the conditions of individual and social life were now totally different from what they were a century ago. They felt that the example of a pious life was not enough to free the nation from thralldom of many a custom and usage which though justifiable in the age of their origin are unmeaning and irrational under the conditions of present life. Dr. Banerjee may entertain a different view of the matter. All the same the fact that he has lived a highly moral life according to his own ideals has made him uniformly respected by people of every creed, caste and religion. His is such a simple and unassuming nature and in him the qualities of the heart and mind, character and intellect are so harmoniously blended, that any nation may feel proud of the birth and growth of such a personality amongst them. In taking farewell of him as Judge, we earnestly pray that his life and strength may yet be long spared to his people and country to serve whom he has never spared himself.