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## NOTICE.

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## Important Notice

As we are given to understand that Mr. S. S. Vyttilinkam who was once connected with this Paper as its Travelling Agent has left Jaffna for Straits Settlements, we would like to invite the attention of our subscribers to the Notice published by us in the September and October issues of our Paper last year about the discontinuance of his services as travelling agent of the Hindu Organ.

Our subscribers are warned not to make any payments to him but to remit all money directly to the Manager.

No receipts signed by him will be accepted by us.

THE MANAGER  
HINDU ORGAN.



## THE HINDU ORGAN.

JAFFNA, WEDNESDAY, DECEMBER 28, 1904.

### THE JAFFNA AGRICULTURAL SOCIETY.

This Society was established in Jaffna on the 21st Instant under the happiest auspices. The Government Agent deserves the thanks of the Jaffna public for having convened the meeting and formed the Society. We have no doubt that it will be the means of doing great good to the District by introducing reforms in agriculture and the cultivation of new products. The mere formation of the Society will not answer the expectations of the public. It must be, to make it a success, worked persistently and enthusiastically. Under the guidance of the Government Agent, co-operated by the Managing Committee, we have every hope that this Society will become a permanent and very successful institution in Jaffna.

Jaffna is essentially an agricultural District, and the industry and intelligence of its cultivators are proverbial. But for want of proper guidance and knowledge of modern agricultural science, they cultivate the same products which they have cultivated from time immemorial, and apply the same methods of cultivation which have been in vogue for centuries. It cannot be denied that Jaffna is very badly in need of agricultural reforms, to make the country more prosperous.

We have times without number pointed out in these columns the necessity of teaching the Jaffna cultivators improved method of curing tobacco, the staple



product of this District, to suit European Markets, as the existing markets for this product are glutted with rivals from other parts of the Island and India. To do this not only an expert is required but also finer varieties of tobacco are to be introduced and cultivated under improved methods. If this cannot be successfully done, some new products which would be more paying than tobacco should take the place of the latter in Jaffna. The Society, we doubt not, will, in the first instance, bestow its serious attention on the improvement and development of tobacco cultivation which is now the mainstay of the people here.

There have been for some time past rumours of an Experimental Farm being established in Jaffna. It is now the duty of the Agricultural Society to move in the matter and see that the Farm is established in a suitable locality. It is also the duty, among others, of this Society to organize annual Agricultural Shows, as it is done in other parts of this Island, with the object of encouraging agriculture.

Considering that the movement in regard to the establishment of these Agricultural Societies has originated from His Excellency the Governor and has his strong support and sympathy, it will not, we make bold to say, end in failure, as similar movements in the past had failed.

## Our Subscribers in Arrears.

Will kindly note that the XVth Volume of our paper has closed and it is more than 5 months since the XVIth Volume commenced. Still we regret to note that many of those subscribers who are in arrears, have not yet made up their minds to settle their accounts. Although we waited for a sufficiently long time, expecting settlement, we were sadly disappointed much against our wish. We had therefore to hand over our accounts to our Proctors, who have commenced to issue "Letters of Demand" to our defaulting subscribers. Steps have also been taken to sue some of our very bad pay masters.

Our local and outstation subscribers are, therefore, requested to take note of the above and promptly pay up their arrears, and thus save us from the unpleasantness of taking legal steps against them.

THE MANAGER  
HINDU ORGAN.

## LOCAL & GENERAL

The Weather—Continues to be fine. The rains of last week, though not heavy in the Town and its suburbs, were very copious in all other parts of the District. There is some improvement in the condition of the paddy crop. More rains are, however, wanted.

The Jaffna Agricultural Company.—We invite the special attention of our readers to the very weighty article on this subject which we quote elsewhere from our esteemed contemporary of the "Observer." We are glad that our article defending the Tamils of Jaffna from the charge of ingratitude in connection with the Northern Railway has been the means of justice being done to them by our contemporary and excellent advice given to the Company as to how they should act in the future.

The Jaffna Kacheheri.—Mr. John Scott who has been attached to the Colonial Secretary's Office, Colombo for the last two months has returned here on a visit to this place.

Jaffna Markets.—The rent of the Grand Bazaar Jaffna for 1905 was sold at the Jaffna Kacheheri on the 22nd Instant for Rs2300, the purchaser being Mr. A. Chelliah of Kandarmadam. The amount hitherto collected by the Headmen was about Rs800 annually.

A New Cadet—Mr. L. S. Woolf, one of the two new Cadets who have recently arrived in Ceylon, has been appointed as Cadet attached for duty to the Jaffna Kacheheri.

"No Marks No Process" Case.—We publish in another column the proceedings in the Civil case instituted by Mr. T. Namasivayam against Mr. T. S. Thorpe. The acting District Judge of Colombo awards a damage of Rs 25 and costs in the Court of Requests class. We will publish the Judgment in our next issue.

Obituary.—It is with the deepest regret we have to record the death of Mr. K. Arumugam, Salt Store-keeper, Thondaimanar, which occurred at his residence in Vannarponnai on the 25th instant after a short illness. He was a son-in-law of the late Mr. A. Eliatamby, Head Clerk of the Jaffna Kacheheri and a cousin of the late Mr. Advocate Nagalingam.

Mr. W. N. S. Aserappa—His Excellency the Governor has been pleased to appoint this gentleman to be Commissioner of Requests and Police Magistrate of Negombo with effect from 1st January 1905, subject to the approval of the Secretary of State for the Colonies. We congratulate him on his appointment to his high and responsible office.

The Solution of Religions.—We have to acknowledge with thanks the receipt of Part III of this work on Mohammedanism and Christianity, by Mr. C. Thamotharam Pillai. It critically examines the principles and doctrines of these religions, and this is done impartially and dispassionately. Mr. Thamotharam Pillai has certainly bestowed much pains and studied the doctrines of all the principal religions of the world to write this work. We commend it to the public.

Personal.—Mr. C. Sivacolumdu of Manipal who is employed in the Accountant's Office, C. G. R., Colombo, is on a brief visit to his friends and relations, having come down on a holiday by the last trip of the "Lady Gordon".—Cor.

Mr. T. Namasivayam of Ansicotta, who was the subject of sympathy as the aggrieved in the Thorpe-Assault case and who has successfully piloted his cause through the District Court of Colombo was another arrival by the same steamer.—Cor.

The Temperance movement.—The total number of Temperance Societies registered in Colombo up to 20th Instant was 538.

Pilgrims to Anuradhapura.—In consequence of the facilities afforded by the cheap railway excursion tickets, an enormous number of Buddhists has proceeded to Anuradhapura from Colombo. It is estimated that last week over 3000 persons travelled by train from the Metropolis.

## THE JAFFNA AGRICULTURAL SOCIETY.

Pursuant to notice issued by Mr. J. P. Lewis, Government Agent, a meeting of the Chief Headmen of the District and others interested in the cause of agriculture in Jaffna was held in the Jaffna Kacheheri on Wednesday the 21st Instant at 2 p. m. to consider the desirability of forming an Agricultural Society in Jaffna on the lines of the Agricultural Board established in Colombo under the patronage of His Excellency the Governor. Mr. Lewis presided. There were present among others, Sir William Twynam, Mr. A. Mailvaganam J. P. and U. P. M., Advocates A. Kanagasabai and Tirunavukarasu, Proctors Changarapillai J. P., Casipillai, Visuvalingam, Santiagupillai, T. S. Cooke, and Valupillai, Messrs. S. Sabaretua Mudaliyar, M. Caralasingam, W. Mather, S. K. Lawton, S. Manuelpillai, Philips, T. Nagalinga Mudaliyar, A. Saravanamuttu, A. M. Chittambalam, A. Sa-

papathy and all the Maniagars of the District except the Maniagar of Delft. It was resolved to form a Society called the Jaffna Agricultural Society, as a branch of the Central Society already established in Colombo. All the gentlemen who were present then became members of the local society, and the annual subscription was fixed at Re. 1.

The Office-bearers were then appointed, viz, the Government Agent President, Sir William Twynam vice-President, the Office Assistant to the Government Agent Secretary the Chief Mudaliyar Assistant Secretary, and the Shroff Mudaliyar of the Kacheheri Treasurer. A managing Committee consisting of the office bearers, all the Maniagars, and a large numbers of representative gentlemen was elected, and a sub-Committee was appointed to draft the rules of the Society. The meeting came to a close at 3 p. m., with a vote of thanks to the Chairman.

## BATTICALOA.

Medical Changes.—Dr. A. Chinniah Sub. Assistant Colonial Surgeon, attached to the civil Hospital Batticaloa is under orders to proceed to Kaimunsi in the place of Dr. Philips who goes to Mahaoya. The appointment of Dr. E. De. Kretser, Assistant Colonial Surgeon stationed at Lindula in the place of Dr. Chinniah is now cancelled, a protest having been made arguing the necessity of appointing a Tamil man. Dr. P. Vathacan of Anuradhapura is now appointed in the place of Dr. Chinniah.

Small-pox.—A suspected case of small-pox having been reported from Karthan Rudi Dr. H. A. Moraes, the Colonial Surgeon, proceeded to the spot and took all precautionary steps by isolating the man and vaccinating many men, women, and children in the surroundings.

Temperance.—A mass temperance meeting was held in the District Court House on Tuesday 18th Inst. at 5 P. M. under the presidency of Mr. A. De Senevratna, District Judge. The prime movers of Temperance meetings in Galle also were present.

Cor.

## THE LATE MR. S. SEENITAMBY VANNIAH

It is with profound regret we have to record the untimely death of Mr. S. Seenitamby, the premier Vanniah Modr of Maunnaipattu North, which sad event took place on Tuesday the 18th Inst. at about 2 P. M. He was attacked with pneumonia on the night of Tuesday last, just a week prior to his death; and in spite of the able medical attendance of Dr. A. Chinniah, he breathed his last, surrounded by a large circle of relations, at the premature age of 46. He was a gentle and an unassuming gentleman possessed of the noble qualities for which he was always held in high esteem both by the public and Government. He served the Government most loyally and faithfully for the last 10 years, as Udaiyar of the Town, and as Vanniah since 1901. The deceased Vanniah who belonged to a respectable Hindu family had an ardent love in lending a helping hand to all Hindu movements. When he was in Jaffna last in July 1904 as witness in the Supreme Court, we are given to understand, he promised to send timber to the value of Rs. 1000 towards the building of the Jaffna Hindu College. It is a pity he has been called away before he was able to fulfil his promise. The Batticaloa Sivite School, and the Pillaiyar Temple were under his management. He worked a good deal for the propagation of the religion which he professed. The funeral which took place the following day was largely attended showing the great popularity of the Vanniah among all communities.

Very deep sympathy is expressed for the bereaved young widow and the young children who bemoan his loss.

—Cor.

## THE WAR.

London, December, 14.—A Daily Telegraph message from Chifu says, that a message from Dainy states that another Japanese warship, larger than the "Saiyen" which was lost, was also sunk on the 30th ult. off Port Arthur by torpedo boats. The Japanese cruisers sunk two Russian torpedoers off Port Arthur on the 25th ult.

Captain Klado's outspokenness, in criticising the inaction of the Admiralty regarding the reinforcement of the Baltic squadron, and his punishment for the same, has excited an extraordinary degree of public sympathy and he is being made a popular hero by all classes in St. Petersburg.

London, December, 16.—Reuter at Chifu states that seven Russians with despatches have arrived in a sailing boat from Port Arthur. They hastened on arrival to the Russian Consulate. They assert that the Japanese have lost three torpedo-boats by mines in the past month. They are confident the fortress can hold out for many months.

Reuter at Tokio says the Government has reduced the land tax, decreasing the budget estimates by 14 million yen. The deficit is now 10 million yen.

London, December, 18.—The Russian Admiralty, apparently in deference to the popular agitation, has begun preparations to fit out a third Baltic Squadron.



consisting of four battleships and one cruiser. All vessels are of comparatively small tonnage and nearly obsolete.

A Russian officer, who has arrived with despatches at Ohifu, gives a graphic account of the capture of 203 Metre Hill. The Japanese assaulted three times. The whole side of the hill was covered with corpses and the trenches were runnels of blood. The Japanese lighted huge wood and coal fires and the wind drove the smoke and flames in the face of the Russians, forcing them to retreat. The glare of the conflagration disclosed a ghastly scene of horror.

Admiral Wirien was slightly wounded by a shell while crossing the harbour.

The third Russian Squadron is fitting out hastily at Libau, but no attempt is being made to thoroughly overhaul the ships as the workmen are insufficient.

London, December, 19.—Admiral Birleff has been appointed to command the third Baltic Squadron.

A telegram from Tokio says that the Japanese have stormed and captured the North Fort, east of Kikwan.

Admiral Togo reports that six Russian destroyers remain at Port Arthur.

The Baltic Fleet has passed Capetown, Eastward-bound.

Bombay, December, 20.—The Japanese Consul has received the following:—The Port Arthur army reports: At 3.15 p. m. on the 18th a detachment of our army caused a great explosion in the breastworks of the North Fort on Tankikwas-shan. Thereupon we assaulted and this was followed by fierce fighting with grenades. The enemy offered.

#### THE STOUTEST RESISTANCE.

At 7 p. m. General Samojima proceeded to the caponiers and counterscarp and delivered a great assault capturing the above fort at 11 p. m. We immediately constructed defensive works and our possession was rendered firm by the morning of the 19th. We

#### CAPTURED FIVE FIELD GUNS.

two machine guns and a great quantity of ammunition. We found about forty Russian corpses within the fort. Our casualties are not ascertained but they are believed not to be heavy.

Admiral Togo on the 18th reports the actual state of the Russian ships sunk in the inner harbour is substantially the same as previously announced and concludes they are no longer fit for action. Regarding the Sevastopol he says although there is reason to believe she is incapacitated for navigation there is no positive evidence obtainable. Six Russian destroyers at least remain. During the attack on Russian ship in the outer road on the night of the 14th one Japanese torpedo was disabled and abandoned. The survivors were saved. Another torpedo was temporarily disabled but was conveyed back. No serious damage was done to the rest. The total casualties were 10 killed and 14 wounded. Several torpedoes were distinctly observed by the Sevastopol anchored close in shore. On the renewed attack on the night of the 15th several torpedoes hit the enemy's ship and exploded. In spite of the enemy's hot fire our craft returned safe. The casualties are 3 killed and 3 wounded. The Observation Station reports a Russian destroyer aground with her masts broken.

—The Ceylon Observer.

### "THE JAFFNA AGRICULTURAL COMPANY, LTD., AND OUR GREAT NORTHERN RAILWAY."

IN THE PRESENT CEYLON GOVERNMENT NARRATIVE, ILIBERAL AND SHORT SIGHTED IN REFERENCE TO PRIVATE ENTERPRISE AND WASTE LAND DEVELOPMENT?

We have done some injustice to the Tamils of the Northern Peninsula; but the Ceylon Government would seem to be bent on doing them a much greater injustice. On the occasion of the opening of the railway to Anuradhapura we referred to the disappointment experienced in reference to the traffic on the Jaffna peninsular section, and speculated as to whether capitalists and cultivators in the North would be ready to do anything on the mainland in order to provide traffic for the through line. We had quite overlooked the fact that on the very day Sir West Ridgeway opened the Railway from Kangesanpuri to Jaffna, local capitalists, in order to show their interest in, and gratitude for, the Railway to the North, floated the Jaffna Agricultural Company with a capital of R. 100,000, for the express purpose of taking up and cultivating land at Karachi outside the peninsula and near to the line. Originally, the capital of the Company was fixed at R50,000 in 2,500 shares at R20 each; but all of these shares having been taken before a formal meeting of shareholders took place, it was resolved to issue another 2,500 shares and double the capital, and we are assured that the total amount paid up has been very considerable. The Directorate includes men of local standing, while the name of the Secretary Mr. Wm. Mather, is known and respected on grounds of business capacity and position far beyond the peninsula. It is, therefore, very surprising to learn that a voluntary movement so commendable is in danger of being entirely wrecked through the discouragement, if not obstructiveness, of the Ceylon Government. In the first place the Company applied for 3,000 acres of land near Karachi and the Railway, and sanction was readily given and a survey ordered both Governor Ridgeway and Mr. Levers taking a special interest in the proposal. Conditions were afterwards imposed as to reservations (beside an upset price of R10 an acre,) which led the Directors to ask that 1,000 in place of 3,000 acres should, in the

first place, be handed over on the terms proposed. Then came a fresh series of conditions from Government:—(1) That the products to be cultivated should be specified; (2) that all the land must be permanently planted up within two years; (3) that no firewood should be sold without the sanction of the Government Agent; and (4) that no alienation should take place of any portion of the land without the sanction of the Government. If these terms then indicate the form in which the "collective wisdom" of an Executive Council is prepared to encourage private enterprise along the Northern Railway, good reason will there be for every Tamil capitalist and cultivator in the Peninsula scotching the idea of adventuring a cent of their money or a day of their labour, in helping to develop the waste unoccupied land beyond their borders. Be it noted that the above terms were promulgated about the middle of the present year. They seem to stand in pretty sharp contrast to the new conditions issued during the present month. Apparently a change has come over the dream and thoughts of the Executive! But most people—especially land experts—believe a further big step towards liberalising red-tape conditions will have to be taken before capital experience and labour are attracted to North-Central and Northern Ceylon. But first let us mention that the Jaffna Company actually accepted, so far as we can judge, all the conditions we have specified—save the last,—but that, without proposing any compromise, the Government in July last proceeded to break off negotiations; and the Jaffna agricultural Company is now about to be wound up, and so their money must, in due course, be handed back to the shareholders. We trust, however, that before this final step is taken, the Directors will make one more attempt, backed up by public opinion, to bring the Executive Council to reason. In the first place, we consider it a most unreasonable condition that the Company should be bound to bring the whole thousand acres into cultivation within two years. Paying ten rupees an acre, of course, the Directors must be keen to utilise their land as quickly as possible; but still we should consider 200 acres a year in such a pioneering venture in new territory as very good progress. Next, it is simply absurd to say that there can be no alienation. Let the Government bind the Company to show a certain amount per acre expended, and that their capital is exhausted, before any alienation can take place and let the Government, too, have the option of taking back the land for the amount spent on it, if it so chooses; but to prohibit any realisation of assets, in case of failure, is what no Company or body of shareholders can face. We quite see the fear of the Government, judging by experience of land-grants in other directions but surely it should be understood that for any body of men to put their money in the soil within this new and vast territory and develop "experience" if nothing else, through whatever product or products may be tried, is doing a special service to the Ceylon public and its Government, whether success or failure followed the attempted cultivation? Pioneers are seldom successful. There are exceptions, of course. But, as a rule, it is after first failures that success follows. But "failures" in such cases teach invaluable lessons and their very story inevitably attracts new ventures, especially where there is a Railway. Our advice now to the Jaffna Company is to approach Government for land under the new and easier (?) conditions recently promulgated, in order to see what answer they will get; and then we would urge that the whole transaction be brought under the notice of the Legislative Council and fully discussed there. This should be done at the instance of the Tamil Representative, who, we believe, with commendable patriotism and public spirit, became a large shareholder at the very initiation of the project. If all the papers be called for—including such answer as Government may deign to give to the further application we recommend,—it would be most instructive both to our local, and to the home, authorities, to learn the opinion of each and all of the Unofficial Members on what, to a great extent may be regarded as a test case—in reference to public offers to open up land in our new and waste Northern territory.

The Ceylon Observer.

### NAMASIVAYAM VS. THORPE.

CIVIL ACTION FOR RS. 1,000.

#### TRIAL IN THE DISTRICT COURT YESTERDAY.

The case in which Mr. T. Namasivayam sues Mr. T. S. Thorpe of Messrs. Walker Sons & Co., Ltd., for Rs. 1,000 damages, consequent upon the assault committed upon him in September last, came up for trial, yesterday, before His Honour Judge Weinman. Mr. Advocate B. W. Bawa, (Mr. Advocate Wadsworth with him) appeared for the plaintiff, while the defendant was represented by Mr. Advocate Walter Pereira, Mr. Advocate Canagasabay with him.

Mr. Bawa opened the case for the plaintiff, and addressed the Court at some length. The plaintiff was a young man of twenty-one, the son of a landed proprietor of Jaffna, and a Hindu

OF THE VELLALA CASTE.

On the 15th September last, when the acts complained of were committed, plaintiff was employed at Messrs. Walker Sons & Co's Engineering Works, in the Fort. He had been there about two years and was looking forward to an increase of salary next year. In fact he had been promised one. He was in the Store Department, his immediate superior being a Mr. Lewis. The defendant was in the Engineering Department—a totally distinct department, divided into two branches, one being the store managed by Mr. Lewis, in which plaintiff was a clerk; the other

being the work-shop, in which the defendant, Mr. Thorpe was employed. Mr. Bawa then went into the circumstances of the assault (which are now familiar to all our readers); dwelt on the proceedings in the Police and Appeal Courts, and went on to submit that

AS A GENERAL RULE,

when redress was afforded to a complainant in the Police Court the matter ended there, but in the present case the plaintiff was obliged to come to a Civil Court and demand damages which he might very well have foregone had Mr. Thorpe met with the punishment which his unwarranted and aggressive conduct had merited.

His Honour: You say that if that Police Court case had been inquired into and adjudicated upon it would have ended there?

Mr. Bawa: Yes, Sir. This is a matter which no self-respecting man could pass over. Had Mr. Thorpe come and tendered us an unqualified apology, it is possible that the plaintiff would have over-looked the matter, in view of

MR. THORPE'S UNGOVERNABLE TEMPER.

But, Counsel went on to submit, he had done nothing of the sort. An answer had been submitted which seemed to be absolutely impertinent. (Counsel here read 4th paragraph of the answer.) But there been any real disposition on the part of the defendant to make amends it was for him to say so, and not for the plaintiff to ask it. Or, if the defendant did not wish to do so privately, he could have brought adequate compensation into Court and asked the Court to decree that that was sufficient. But he said instead that the action was

FRIVOLOUS AND VEXATIOUS,

showing clearly that he took an unduly light view of his conduct in the matter. There was no doubt that Mr. Thorpe had been presuming on the fact that his services were of greater value to the firm than the plaintiffs. Possibly he was relying upon the fact of his being an Englishman, and that no person of this country ought to resent any violence on his part. It was necessary, therefore, that he should be taught a lesson, which would be an example to him and to others like him. It would appear from the evidence that would be led that Mr. Thorpe was a person of a very violent temper, and that that was not the first time he had

ALLOWED HIS TEMPER

to get the better of him. Both plaintiff and defendant were employees of Walker's firm. He did not ask the Court to decide the action on race or class lines, but either to consider that they were both Europeans or both natives. Plaintiff had asked for very moderate damages. He might have asked for a great deal more. Before an English jury he might have got much more. But he did not wish to be vindictive. He only wanted to recover such a sum as would teach defendant not to behave like that in future, and would enable others to continue in the employment of offices in the Fort.

His Honour: He left that afternoon and did not go back?

Mr. Bawa: No; he did not know what would be the result, if Mr. Thorpe lost his temper again,

HE MIGHT REPEAT THE ASSAULT.

The Roman Dutch Law, Counsel went on to say, took rather a serious view of assaults of that kind. (Read pages 68 and 69, Villiers.) There could be no doubt that when a man was kicked and slapped as plaintiff had been, he was submitted to a great deal of humiliation and disgrace, and the person who committed such an assault without adequate excuse or provocation should receive exemplary punishment. Plaintiff had been unable to get satisfaction from a Criminal Court, and he therefore came to that Court for relief.

THE EVIDENCE.

Tillampalam Namasivayam, the plaintiff, was then called, and affirmed. He stated as follows:—I am twenty-one or twenty-two years old and am a native of Jaffna. My father is a landed proprietor, and of the Vellala caste. I was educated at the Hindu College, Jaffna. He joined Walker Sons & Co. Ltd. in March 1902 as store-keeper's clerk on a salary of R20 a month. His superior was Mr. Lewis—chief store-keeper in charge of the store. The Engineering Department was divided into two branches—the store and the workshop. Mr. Lewis was in charge of the stores, the store was divided into several branches. He (witness) was in charge of one of them.

THE TOOL DEPARTMENT.

The defendant was engineer of the workshop Department—quite a different part of the building. On the 15th September the defendant came in and asked for a big spanner—a 6½ inch size. I called his coolies and told them to look for one. He also looked and said there were none. Defendant said "Damn it, go and look for



them," and gave him a slap on his cheek. As he slapped him he pointed to a certain spot, and he (witness) turned to go and look, there when defendant kicked him. He looked there, and turned and said again "none in stock." Defendant then went and Mr. Lewis came in and looked for a spanner. The defendant went away. He (witness) complained to Mr. Lewis, and the latter said: "If you like you had better go and charge him." He

ALSO COMPLAINED TO MR. MICHIE, the head of the engineering Department. The assault was committed about 10.30 a.m. There were two coolies working under him in the store, when he was kicked. Both slap and kick hurt him, and the pain lasted about half an hour. He felt very much ashamed when he was kicked. He had no relations whatever with Mr. Thorpe.

Mr. Bawa: I should like that down, Sir because when these things go to a higher Court, we don't know what view may be taken.

His Honour: Oh yes, I'll put it down.

Mr. Bawa: It is really irrelevant, but,

IT MAY BECOME RELEVANT

by and by.

Witness, continuing, said he gave notice to leave that very day, as he was said to continue there any longer. But at 1 o'clock he left the place, and never went back. He lodged a plaint in the Police Court on the 1st September before Mr. Thorpe, who took his case and referred him to Mr. Bellings. Bellings did not examine him. He asked him to show marks. He said he had none. Mr. Bellings refused process and told him to go away. He had been to considerable expense to get Mr. Thorpe punished. Mr. Thorpe had offered him no apology, nor made any offers of compensation.

Cross-Examined by Mr. Pereira, witness stated: He was not satisfied with the ruling of the Supreme Court. He was ashamed of it. The damages he claimed were very small.

—VERY INADEQUATE.

He was never found fault with at Walkers for being lazy and slow. He was fined once or twice, but he could not remember the amounts. There was a vacancy once at the Colombo Commercial Company and he asked Mr. Lewis to recommend him, but Mr. Lewis said the place had been filled. Mr. Lewis was his immediate superior. When tools were wanted by Mr. Thorpe, it was his duty to give him them. He was not sitting on a chair when Mr. Thorpe entered this room. Mr. Lewis, when he complained, did not say that perhaps he deserved the kicking.

Mr. Bawa (to Mr. Pereira): You have not said that he deserved the kick, in your Answer, and I don't know whether you are going to say so now. You have not justified it in any way.

His Honour: As far as I can make out this was a row, or assault committed by one man on another. Why did you not go to the head of the firm?

Witness: Mr. Lewis said he would bring it to the notice of the Manager. I asked him whether he had done so, and he said he had.

At this stage the Court adjourned for luncheon.

#### HINDOOS AND THEIR WAYS.

The next witness called was Dr. Sinnatamby, who said he was a Hindoo, and Medical Superintendent of the Lying-in home. He knew the plaintiff and his father. The family was a respectable one of the Vellala Caste, and people with whom he would not be ashamed to associate. Plaintiff's father (who was dead) owned lands in Jaffna. He was a Hindoo. He (witness) thought being kicked was a very great insult. Any form of assault involving the use of foot gear was considered a very grave insult among the Hindoos—and even more so if the person committing the assault belonged to a different race or community or caste.

Cross-Examined: Hindoos looked down upon Englishmen—if they kicked people. (Laughter.) As far as caste was concerned a Hindoo considered an Englishman lower. A Tamil Vellala, if he was a Hindoo, would consider himself greater than anybody else. Even some of the educated Hindoos thought so.

His Honour: Like the Chinamen, thinking all the outer world are barbarians.

Witness: If an orthodox Hindoo shakes hands with a European, he would certainly go and have a bath at once to purify himself. (Laughter.)

His Honour: Who—the European or the Vellala?—The Vellala. (Renewed laughter.) I know of several instances of Hindoo Schoolmasters shaking hands with the Inspector of schools or the Director of Public Instruction, and then going away as soon as possible and having a bath. They were under the impression that the bath purified them. They thought so—and perhaps it was more hygienic than anything else.

His Honour: What you mean is that origi-

nally persons of a particular caste were superior to everybody else, and they still think that contact with anybody else requires a bath to purify them?—Yes, that is what I mean.

Re-Examined by Mr. Bawa: Plaintiff was a Hindoo. There was insult in the slap but the kick was a greater insult, for the foot was the lowest part of the body.

His Honour: Generally speaking that is the opinion all the world over—not merely among Hindoos.

Witness: Yes, and especially if the aggressor happens to wear a shoe, slipper or sandal.

Mr. Bawa here closed his case.

Mr. Walter Pereira then addressed the Court submitting that the Supreme Court had held that no offence had been committed, and the Court was therefore bound by that authority, as it had nothing more before it than that upon which the Supreme Court judged. The Act was committed, moreover, under the stress of exasperation—a slight slap and a kick of a trifling nature, and the defendant was therefore,

NOT GUILTY OF ANY CRIME

against the person of the plaintiff. It was, moreover, necessary to show direct malice—and in this case there was no malice whatever. With regard to damage to reputation, malice was absolutely necessary. Even in the English law malice was absolutely necessary. Even in the English law malice was presumed. But here this was an act on the spur of the moment committed in anger and without deliberation, the only intention on the part of the defendant being to hurry on the plaintiff. Counsel then called.

Mr. T. S. Thorpe, sworn, witness stated: I went into the store with a Sinhalese man and asked for a large spanner. Plaintiff produced six or seven. He told the coolies to get them. The spanner I required was not among them. He asked me what size and I said 6½ inches, and he told the coolies to look for it. I told him to look for it. The order was quite a reasonable one. He turned round and told the coolies to look for it. I told him again to look for it. He made no attempt to do so. He was standing by me and I slapped him on the back of the head (and not on the face). My object was to move him—to hurry him up. As he went away, I kicked him. My object was to make him look for the spanner, as he did not seem to have any inclination to do so.

HE DID NOT MAKE HIMSELF "HUM."

I told him to look for it and it was for him to do so. It was part of his duty. It was certainly not *infra dig*. I had no malice against him whatever, nor did I intend to degrade him. I always found him lazy and slow. He never knew where his tools were, and I could never get anything I wanted. The spanner ought to have been in his books, and he should have been able to give me some information about it. I did not ask him to look at his books. My blows would have caused very slight pain—for two minutes or so.

His Honour: You do not kick a man in a workshop in England, do you?—No.

Cross-examined by Mr. Bawa: I was in workshops in England myself.

I HAVE BEEN KICKED,

in the course of my employment; not by my superior officers, but by my equals. And I kicked back. Where it was an "unwarranted familiarity" I kicked back. (Laughter.) Had Namasivayam kicked me back I should probably have returned it.

His Honour: And you would not have complained had he returned your first kick?—No, I don't think I would have taken it to Court.

Mr. Bawa: But don't you think he would have been summarily dismissed?—I don't know. Mr. Lewis had the power to dismiss him if I complained of him.

This is very important, because it may be a guide to the conduct of other employees of the firm—is a person who

OFFERS VIOLENT RETALIATION

on you, liable to be dismissed or not?—Yes, he is liable.

When accused showed me all the spanners he had, I looked at them and saw for myself that there were no 6½ inch ones. The coolies are there to assist him. When I had told him to look for the spanners himself, he was not right in passing my order on to another man. His duty was to do what I told him. That duty was never prescribed to him. I never told him so. There was nothing wrong in his telling the coolies to look for the spanners, but he ought not to have done it after I had told him to look for it himself. I ordered him to look for it two or three times. I had no reason to suppose that the spanners were anywhere else except where they ought to have been. When I struck him he had already told me that he had

no 6½ inch spanners. If he was telling the truth, it was useless to look for it. I struck him on the back of the head.

HE SAID NOTHING.

I may have said "damn it, look for it." That was before I struck him. My striking him made him look for it. My striking him made him go forward. Then I kicked him. I could not say whether that accelerated his speed—it probably did. He made no complaint to me. I told Mr. Lewis, and he searched the room. I went and looked elsewhere for the spanner—in the workshop. I did not ask plaintiff to produce his book, nor did I suggest that he should look at it. I have not looked at the book since. I cannot say whether there is any record of that 6½ inch spanner. I had no malice against the plaintiff. I did not intend to hurt the plaintiff when I slapped and kicked him. Slaps and kicks are rather supposed to hurt.

THEY ARE NOT DEMONSTRATIONS OF AFFECTION.

Plaintiff is a small man—rather under the usual size—and I should think would be quite unable to cope with me if he wished to retaliate. I do not think it was cowardly of me (considering our relative positions and my superior strength), but it was perhaps thoughtless of me. I know he left Walker's after this incident. I did not offer him an apology or any compensation. Mr. Michie spoke to me about this matter, but I forget what he said. He did not reprimand me. This is not the first occasion on which I have kicked people.

You kicked a cooly from Rawlinson's once once?—He came up the stairs and I kicked him.

Mr. Pereira: This is not material.

Mr. Bawa: This is very material. It shows that this is another instance of want of control over Mr. Thorpe's temper.

Witness: I remember a man fell down the stairs once.

Did you accelerate him?—I cannot say. I did not help him down the stairs with my feet. He was not taken, as the result of my kick, to Dr. Van Geysel's, and laid up for a fortnight. It was the result of his falling down the stairs. I cannot remember striking two men called Johns and Balasingham. I do remember striking people at Walker's, in the course of my employment. Mr. Michie told me once not to do that sort of thing. I cannot say whether that was before or after I struck the plaintiff.

To His Honour: I have been at Walker's for over 7 years. I am Chief Engineer of the workshops. About three or four hundred men are employed under me.

Alfred Lewis, store-keeper of the Engineering Department, was the next witness. He had occasion to find fault with plaintiff once or twice for being lazy and slow and careless in his work. On one occasion he fined him Rs. 8, for issuing stores without orders. He gave plaintiff a certificate on leaving.

Cross-Examined. He used the word "satisfactorily" in the certificate, because he did not want to spoil plaintiff's prospects. He would not call it a false certificate. He gave it because plaintiff said he was going to Jaffna.

Mr. Bawa then addressed the Court. Were people to take the law into their own hands or to appeal to a Court of Law for redress? He asked for exemplary damages with regard to the damage for pain of body, of course a large discretion was to be left to the judge but there was the fact that the plaintiff had been obliged to give up his employment, after being kicked in the performance of his duties. He was sure the Court would give more credence to Mr. Lewis' certificate than to Mr. Lewis' evidence, because if he gave a false certificate, he was capable of shaping his evidence to suit the needs of his friend Mr. Thorpe.

His Honour delivered judgment awarding to the Plaintiff damage of Rs. 25 and costs in the Court of Requests class.

—The Ceylon Independent.

## NOTICE.

"ORDER NISI."

IN THE DISTRICT COURT OF TRINCOMALEE.

Testamentary Jurisdiction No. 215.  
In the matter of the estate of Sathupillai Alias Apiramipillai wife of Valupillai late of Nilaveli in Kaddukulamattu Trincomalee.

Arumugampillai Alcarpillai of No. 6 Div: Trincomalee

Va.

Sinnatampil Valupillai of Ynoloy West Point, Pedro

Respondent.

This matter coming on for disposal before W. L. Kindersley Esq: District Judge Trincomalee on the 7th day of December 1904 in the presence of Mr. M. M. Subramaniam, Executor on the part of the Petitioner and on reading the affidavit of the Petitioner dated 18th November 1904 and his application dated 7th December 1904 it is ordered that the petitioner is the creditor of the said Deceased and as such entitled to have letters of administration to the estate of the said deceased Sathupillai Alias Apiramipillai wife of Valupillai issued to him unless the Respondent or any other person interested in the said estate show sufficient cause to the contrary on the 22nd day of December 1904.

The 7th Day of December 1904

W. L. KINDERSLEY

District Judge.

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